

**REZONING, SUBDIVISION PLAT, SPECIAL USE AND VARIANCE REQUESTS**

November 3, 2022

**Project Number**

VAR-2022-1015

**Applicant**

John Bollweg

**Subject Property Location**

28W321 and 28W289 Warrenville Road

**Property Owner**

J.H. Bollweg Building Partnership

**Existing Zoning**

B-4 Motorist Service and R-3  
Medium Density Single Family  
Residential

**Existing Land Use**

Mixed

**Comprehensive Plan**

Commercial

**Approvals Sought**

- Rezoning one lot from R-3 to B4
- Final Plat of Subdivision
- Special Use Permit for Parking Lot as a principal use
- Variances from Parking and Landscaping Requirements
- Waiver of new public improvement requirements

**Submittals**

EXHIBIT A: List of Submitted Applications, Final Plat and Plans  
EXHIBIT B: Plat of Survey  
EXHIBIT C: Final Plat of Subdivision  
EXHIBIT D: Parking & Landscape Plan



**LOCATION MAP**

**PROJECT DESCRIPTION**

John Bollweg of J.H. Bollweg Building Partnership, the “Applicant”, is proposing to resubdivide the Subject Property’s existing five lots into three new lots and has requested approval of (i) a final plat of subdivision, (ii) waiver of new public improvement requirements, (iii) various parking related variations, (iv) relief from various landscaping requirements, and (v) a special use permit to allow a parking lot as the principal use on one of the proposed new lots. Approval of these requests would bring the subject property into compliance with current City Zoning requirements and would allow the Applicant to retain ownership of the existing building and parking improvements on the eastern 2/3<sup>rd</sup> section of the Subject Property and sell the existing building and parking areas on the western 1/3<sup>rd</sup> to a new owner.

**BACKGROUND**

The Subject Property, commonly known as 28W289 and 28W321 Warrenville Road, contains a variety of uses – plumbing and electrical contractor, tattoo shop, garage storage, rental residential, and hair salon services. The property was originally developed under DuPage County building and zoning ordinances prior to the incorporation of the City of Warrenville. As a result, many of the existing

conditions on the property are considered legal non-conforming and do not comply with the City's current Zoning Ordinance requirements.

The Plan Commission conducted a Courtesy Review on the initial version of this proposal at their February 10, 2022 meeting. At that meeting, Community Development Department staff, the majority of the Plan Commission, and Mayor Brummel expressed general support for the proposal. The Applicant subsequently revised the project plans to address the staff and Plan Commission input provided during the Courtesy Review process and then submitted formal zoning and subdivision applications based on revised plans. The Plan Commission conducted a public hearing at their October 20, 2022 meeting. A copy of the relevant section of the October 20, 2022, Plan Commission/Zoning Board of Appeals meeting minutes may be found at [www.warrenville.il.us](http://www.warrenville.il.us).

## **ANALYSIS**

The application documents listed on attached Exhibit A have been distributed to the Plan Commission/Zoning Board of Appeals with the November 10, 2022 meeting packets and have been posted on the City website at <https://www.warrenville.il.us/846/Bollweg-Rezoning-and-Subdivision-Request>.

The Applicant is seeking the following special approvals:

### **I. REZONING (Requires public hearing and a Plan Commission recommendation)**

The Applicant is requesting existing Lot 32 be rezoned from R-3 Medium Density Single Family Residential to B-4 Motorist Service (see EXHIBIT B). Rezoning Lot 32 will match the zoning of the adjacent lots that comprise the Subject Property and would be consistent with its past and current commercial use. According to Table 7B of the Zoning Ordinance, "In recommending approval or conditional approval of a map amendment (rezoning), the Plan Commission shall transmit to the City Council written findings of fact that all of the conditions below apply to the application." Community Development staff findings are reflected in italic font.

#### **1. Compatible With Use or Zoning of Environs**

The proposed use(s) or the uses permitted under the proposed zoning classification are compatible with existing uses or existing zoning of property in the environs.

*The de facto use of Lot 32 has and continues to be commercial as the subject lot holds a commercial trailer, outdoor material and equipment storage, and parking for the adjacent mixed-use commercial building. These uses have operated on this lot for many years and have not impacted the use or enjoyment of other properties in the area in a negative manner. The rezoning does not change the current use of the Subject Property; it updates the underlying zoning district to accurately reflect the current and historical use of the lot.*

#### **2. Supported by Trend of Development**

The trend of development in the general area since the original zoning of the affected property was established supports the proposed use of zoning classification.

*Since the City assigned the existing zoning to the Subject Properties, the City of Warrenville has adopted the Old Town/Civic Center Subarea Plan which reflects the future use of this lot being consistent with the mixed commercial use of the adjacent lots to the north and east. The aforementioned Subarea Plan reflects a mixed-use commercial hub at the intersection of Batavia Road and Warrenville Road that would extend to Behrs Cr. East. Rezoning existing Lot 32 to B-4 would be more consistent with the lot's current and future desired use.*

3. Consistent With Comprehensive Plan Objectives

The proposed use or zoning classification is in harmony with the objectives of the Comprehensive Plan of the City as viewed in light of any changed conditions since its adoption.

*The City of Warrenville's Comprehensive Plan, most recently amended in 2008 to incorporate the Old Town/Civic Center Subarea Plan, reflects Lot 32 being part of a larger mixed/commercial use project. Rezoning Lot 32 to the B-4 zoning district is consistent with the goals and objections reflected in the City of Warrenville's Comprehensive Plan.*

4. Further Public Interest

The proposed use or zoning classification promotes the public interest and not solely the interest of the applicant.

*Rezoning the parcel to B-4 acknowledges its past and current use, and positions the property to be more effectively incorporated into a new redevelopment project that would be consistent with the City's documented long term planning vision for this area of the community. As such, the requested rezoning would promote the public's long term goals and interests.*

**II. Final Plat of Subdivision and Public Improvement Waiver Request.** (Does not require public hearing but ultimately requires a Plan Commission Recommendation)

The Applicant is requesting approval of a final plat of subdivision, which would reconfigure the existing five lots into three lots (see Final Plat of Bollweg Subdivision, 1 page, prepared by Polena Engineering LLC, dated 10-25-22). As part of the resubdivision process, the Applicant is not proposing any new public improvements and has requested the City formally waive installation requirements for any new public improvements. Approval of the proposed plat would make it possible for each of the proposed three lots to be sold and used independent of the others. Its approval would also eliminate numerous existing zoning nonconformities.

**III. Special Use Permit** (Requires public hearing and ultimately a Plan Commission recommendation)

The requested Special Use Permit will allow for the existing parking lot located along Warrenville Road between the two existing buildings to remain in place as the only principal use on proposed new Lot 2 (see Parking & Landscape Plan, 1 page, prepared by Lambert & Associates, dated 10-31-22). According to Zoning Ordinance Table 3A, parking lots as a principal use are considered a possible special use on B-4 zoned properties. According to Table 7C of the Zoning Ordinance "In recommending or granting approval or conditional approval of a Special Use, the City Council and Plan Commission shall prepare written findings of fact that on the basis of the characteristics cited under Review of Special Uses herein -- or changes to such characteristics that conditions to which the approval is made subject require -- the proposed use will be compatible with existing uses in the area, and with Permitted Uses in the zoning district, in the following ways" (Community Development staff findings are reflected in italic font):

1. Traffic

Any adverse impact of types or volumes of traffic flow not otherwise typical in the zoning district has been minimized.

*The approval of the Special Use Permit would not change the type or volume of traffic flow on the property. The parking lot has already established its impact on the area which appears to be insignificant. Since the use of the parking lot is not changing, no new adverse impacts on the type or volume of traffic are expected in the area.*

2. Environmental Nuisance

Any adverse effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of Permitted Uses in the zoning district, have been appropriately controlled.

*The parking lot has already established its impact on the area which appears to be insignificant. Since the use of the parking lot is not changing, no new environmental nuisance impacts are expected.*

3. Neighborhood Character

The proposed use will fit harmoniously with the existing natural or man-made character of its surroundings and with Permitted Uses in the zoning district. The use will not have undue deleterious effect on the environmental quality, property values, or neighborhood character already existing in the area or normally associated with Permitted Uses in the district.

*The main objective of this Special Use Permit is to allow an existing established parking area to remain in place until the adjacent vacant area on proposed Lot 2 is redeveloped in a manner consistent with the goals and objectives of the City's Comprehensive Plan. Therefore, it is not anticipated that the passage of this Special Use Permit will have an undue deleterious impact on the use, value or character of the surrounding neighborhood.*

4. Public Services and Facilities

The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of Permitted Uses in the district, nor generate disproportionate demand for new services or facilities as compared with the Permitted Uses, in such a way as to place undue burdens upon existing development in the area.

*The parking lot has already established its impact on the area which appears to be insignificant. Allowing the parking lot to remain will not require existing facilities or services to a degree disproportionate to what is normally expected nor will it place undue burdens upon existing development in the area.*

5. Public Safety and Health

The proposed use will not be detrimental to the safety or health of the employees, patrons, or visitors associated with the use nor of the general public in the vicinity.

*The parking lot has already established its impact on the area which appears to be insignificant. As the design and use of the parking area will not be changing, staff does not believe the approval of the requested Special Use Permit would be detrimental to the health of employees, patrons, visitors, and the general public in the nearby area.*

6. Other Factors

The proposed use is in harmony with any other elements of compatibility pertinent in the judgment of the Commission or Council to the particular Special Use or its particular location."

*The existing use that would be permitted under this Special Use Permit fits harmoniously with existing elements of the Old Town District. This has been the case for many years.*

**IV. Zoning Ordinance Variations** (These requests require a public hearing and ultimately a Zoning Board of Appeals recommendation): The Applicant is requesting various parking related variations from the provisions of Chapter 11 of the Zoning Ordinance as stated below from:

1. 5.A.12 – A variance to not install parking lot lighting for the proposed new parking spaces.
2. 5.B.6 – A variance to not install wheel guards or curbs for the proposed new parking spaces.

3. 5.B Table 5B – A variance to reduce the minimum corner-side yard setback for the proposed new parking along Behrs Circle from the required 40-feet to zero feet.
4. 5.E Table 5E – A variance to reduce the number of required parking spaces on proposed Lot 1 from 39 spaces to 27 spaces.

According to Table 7A of the Zoning Ordinance, “In recommending or granting approval or conditional approval of a variance, the Board of Zoning Appeals and the City Council shall prepare written findings of fact that all of the conditions below apply to the application” (Community Development staff findings are reflected in italic font):

1. Special Circumstances

Special circumstances exist relating to the physical character of the property that are peculiar to the property and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent a nature as to make it practical to provide, in the form of an amendment to this Ordinance, a general rule to cover them.

*The historical nature of the existing parking lots, their development, and relationship with the city create special circumstances that warrant variances. The Subject Property was developed before the incorporation of the City of Warrenville, do not conform to the City’s Zoning Ordinance. These circumstances are unique to the Subject Property and not all surrounding properties.*

2. Hardship or Practical Difficulties

Because of these special circumstances, the literal application of the provisions of this Ordinance would, without a variance, result in unnecessary and undue hardship or practical difficulties for the applicant, as distinguished from mere inconvenience.

*Since the Subject Property was developed prior to the incorporation of the City of Warrenville, Staff believes the literal application of the pertinent provisions of the Zoning Ordinance would result in unnecessary and undue economic hardship for the Applicant.*

3. Not Resulting from Applicant Action

The special circumstances, practical difficulties, or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Ordinance or any applicable amendment thereto, of any party with a present interest in the property.

*Since the Subject Property was developed prior to the incorporation of the City of Warrenville, the resulting hardships have not resulted from any Applicant action subsequent to the adoption of the Zoning Ordinance.*

4. Reasonable Use and Return

Without the requested variance, the property cannot yield a reasonable return, or cannot be reasonably used consistent with the intent of the zoning district and the use of other properties therein, but the purpose of the variance is not otherwise to increase the return from the property or to confer special privileges not ordinarily enjoyed by other properties in the same district.

*Staff believes that, without the requested variances, the Applicant would face unreasonable economic and temporal hurdles to use the site consistent with the intent of the zoning district.*

5. Not Alter Local Character

The variance will not alter the essential character of the locality or substantially impair public safety or welfare or property values in the area.

*The variances requested will permit current non-conformities to remain and thus preserve the essential character of the locality. Staff believes there will be no substantial impairment to public*

*safety, welfare, or property values in the area as a result of the approval of the requested variations.*

6. Minimum Variance Needed

The variance approved is the minimum required to allow reasonable use and enjoyment of the property.”

*Staff believes the above requested variances are the minimum variances required for the reasonable use and enjoyment of the property. As stated earlier, staff believes the literal application of the Zoning Ordinance would create unnecessary economic and temporal impairments to the use and enjoyment of the property.*

**V. Landscape Relief** (These requests do not require a public hearing. The Zoning Board of Appeals makes the final decision on these requests)

The Applicant is requesting landscape relief from the following requirements:

1. 11.G.2a – Interior parking lot landscaping coverage: Relief from the 10% interior parking lot landscape parking lot coverage requirements that would eliminate the need to install new interior parking lot landscape areas in the parking lots located on each of the three proposed new lots.
2. 11.G.2b – Interior parking lot landscaping areas: Relief from interior parking lot landscaping area, spacing, and design requirements that would eliminate the need to modify the existing interior parking lot landscape areas located on each of the three proposed new lots.
3. 11.G.3a – Front/side perimeter parking lot landscaping: Relief from the required “continuous landscaping” for front and corner yards across from residential properties that would eliminate the need to modify existing or provide new perimeter parking lot landscape areas.
4. 11.G.3c – Rear/interior perimeter parking lot landscaping: Relief from all rear and interior side yard landscaping requirements that would eliminate the need to modify existing or provide new rear and interior side yard landscaping areas.
5. 11.J.2 – Perimeter Landscape Improvements: Relief from the perimeter landscape requirements that would eliminate the need to modify or provide new perimeter landscaping along the side and rear property lines that separate proposed Lots 1 and 2, 2 and 3, and Lots 1 and 2 from the residentially property to the south.

According to Table 7A of the Zoning Ordinance, in granting approval or conditional approval of a landscape relief, the Zoning Board of Appeals shall prepare written findings of fact that all of the conditions below apply to the application (Community Development staff findings are reflected in italic font):

1. Special Circumstances

Special circumstances exist relating to the physical character of the property that are peculiar to the property and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent a nature as to make it practical to provide, in the form of an amendment to this Ordinance, a general rule to cover them.

*The historical nature of the lots, their development, and relationship with the City create special circumstances that warrant the approval of landscape relief. The Subject Property, developed before the incorporation of the City of Warrenville, does not conform to many aspects of the City’s Zoning Ordinance. These circumstances are not so general or recurrent to make it practical or necessary to amend the Ordinance to cover them.*

2. Hardship or Practical Difficulties

Because of these special circumstances, the literal application of the provisions of this Ordinance would, without a variance, result in unnecessary and undue hardship or practical difficulties for the applicant, as distinguished from mere inconvenience.

*Since the properties were developed prior to the incorporation of the City of Warrenville, staff believes the literal application of the pertinent provisions of the Zoning Ordinance would result in an unnecessary and undue economic hardship for the Applicant.*

3. Not Resulting from Applicant Action

The special circumstances, practical difficulties, or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Ordinance or any applicable amendment thereto, of any party with a present interest in the property.

*Since the properties were developed prior to the incorporation of the City of Warrenville, the resulting hardships have not resulted from any Applicant action subsequent to the adoption of the Zoning Ordinance.*

4. Reasonable Use and Return

Without the requested variance, the property cannot yield a reasonable return, or cannot be reasonably used consistent with the intent of the zoning district and the use of other properties therein, but the purpose of the variance is not otherwise to increase the return from the property or to confer special privileges not ordinarily enjoyed by other properties in the same district.

*Staff believes that, without the requested variances, the Applicant would face unreasonable economic and temporal hurdles to use the site consistent with the intent of the underlying zoning district and the goals and objectives of the City's Comprehensive Plan.*

5. Not Alter Local Character

The variance will not alter the essential character of the locality or substantially impair public safety or welfare or property values in the area.

*The variances requested will permit current, long established, conditions to continue. Staff believes there will be no substantial impairment to public safety, welfare, or property values in the area if these conditions are allowed to continue.*

6. Minimum Variance Needed

The variance approved is the minimum required to allow reasonable use and enjoyment of the property.”

*Staff believes that the above requested variances are the minimum variances required for the reasonable use and enjoyment of the property. As stated previously, staff believes the literal application of the Zoning Ordinance would create unnecessary economic and temporal impairments to the use enjoyment of the property.*

**VI. CITY STAFF COMMENTS** - Staff has reviewed the submittal and offers the following staff comments and recommendations for consideration:

**Drive Aisles/Curb Cuts:** The Subject Property consists of existing conditions which include asphalt drive aisles and curb cuts on Warrenville Road that do not conform to current Zoning Code standards. They have been in existence for a long time and staff is not aware of any safety or operational issues with these conditions over the past three decades. There is no practical way to eliminate these nonconforming conditions without eliminating existing parking spaces. Staff does not see a reason why the existing configuration needs to be modified now. When someone proposes to develop the vacant area on

proposed Lot 2 at some point in the future they will definitely need various new special zoning approvals. Staff feels that would be the appropriate time to determine if and how the existing driveways should be modified.

**Concrete wall encroaching into right of way:** The Plat of Survey indicates part of the existing concrete wall located along the west lot line of Lot 35 encroaches into the Behr's Circle East right-of-way (ROW). Staff does not object to its current location. However, when the wall needs to be reconstructed in the future, it will be required to be modified so that it no longer encroaches in to the City's ROW.

**Cross Access Concerns:** City staff and the City Attorney have reviewed and feel the "Ingress and Egress Easement" provided on the proposed Final Plat of Bollweg Subdivision is sufficient from the City's perspective to provide current and future cross access permissions between Lot 1 and Lot 2.

**Temporary Use for existing commercial storage activities on proposed Lot 2:** The proposed plans indicate an existing metal trailer and a chain link fence enclosing an area measuring approximately twenty-two feet (22') by twenty-two feet (22') in the rear of existing Lot 32. These storage activities have been in existence for a long time and serve the JH Bollweg and Sons plumbing and electrical contractor business which has operated out of the multi-tenant building on existing Lot 35 for more than four decades. These are long-standing activities that the current owner desires to retain while the JH Bollweg and Son's business is still in operation. Staff recommends approval of a temporary use permit that would allow these commercial storage activities to continue on proposed Lot 2 until the earlier of (i) five years from the date of the City's approval of a temporary use permit or (ii) within 60 days from when the JH Bollweg and Son's business ceases to operate on proposed Lot 1.

## **CONCLUSION**

*Based on the information and findings outlined in this Staff Report, Staff recommends the Plan Commission and Zoning Board of Appeals pass the following motions:*

- 1. The Plan Commission recommends City Council approval of the rezoning of existing Lot 32 (PIN 04-35-414-007) from R-3 Medium Density Single Family to B-4 Motorist Service District;*
- 2. The Plan Commission recommends City Council approval of the Final Plat of Bollweg Subdivision prepared by Polena Engineering LLC, dated 10-25-22, and the waiver of new public improvement installation requirements;*
- 3. The Plan Commission recommends City Council approval of a Special Use Permit to allow off-street parking as the principal use on the proposed Lot 2;*
- 4. The Plan Commission recommends City Council approval a temporary use permit that would allow the existing commercial storage activities on proposed Lot 2 to continue until the earlier of 5 years from the date of the approval of a temporary use permit or within 60 days from when the JH Bollweg and Son's business ceases to operate on proposed Lot 1;*
- 5. The Zoning Board of Appeals recommends City Council approval of variations from the provisions of Chapter 11 of the Zoning Ordinance, including relief from the landscape requirements, parking lot setbacks, off-street parking requirements, wheel guards and lot lighting requirements, as reflected on the application and site plan documents listed on Exhibit A.*



**ATTACHMENTS:**

EXHIBIT A: List of Submitted Documents

EXHIBIT B: Plat of Survey

EXHIBIT C: Final Plat of Bollweg Subdivision, 1 page, prepared by Polena Engineering LLC, dated 10-25-22

EXHIBIT D: Parking & Landscape Plan, 1 page, prepared by Lambert & Associates, dated 10-31-22

## EXHIBIT A

**List of Submitted Applications, Final Plat and Plans**

1. General Application Information Form, 3 pages, submitted by John H. Bollweg, dated 8-25-2022
2. Zoning Ordinance Variation Application - Form A, 3 pages, submitted by John H. Bollweg, dated 8-25-2022
3. Special Use Permit Application - Form B, 3 pages, submitted by John H. Bollweg, dated 8-25-2022
4. Rezoning Application – Form C, 2 pages, submitted by John H. Bollweg, dated 8-25-2022
5. Plat of Survey – Lambert and Associates, dated May 27, 2022
6. Final Plat of Bollweg Subdivision – Polena Engineering LLC, 1 page, revised October 25, 2022
7. Parking & Landscape Plan, 1 page, prepared by Lambert & Associates, dated 10-31-22

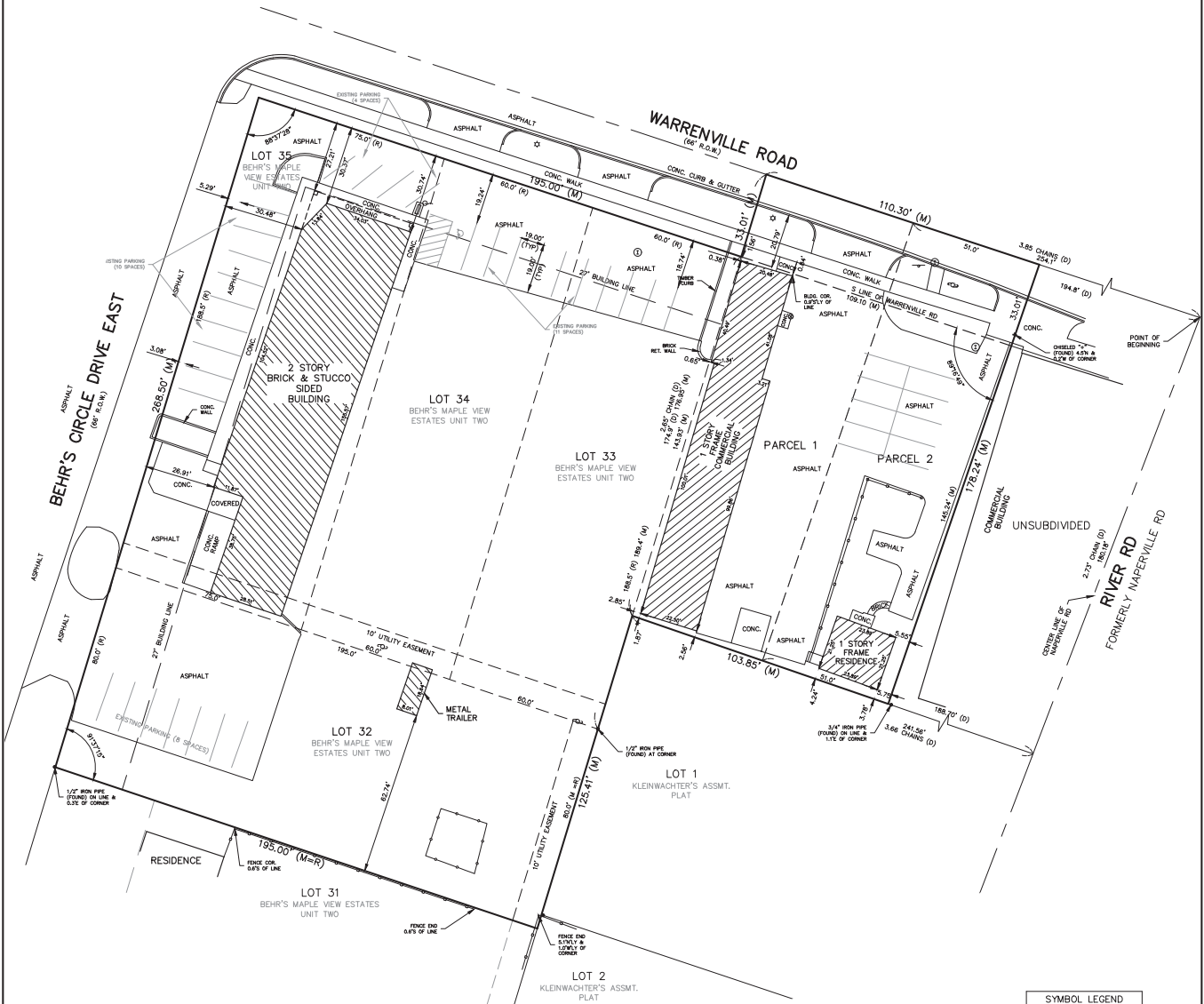
# PLAT OF SURVEY EXHIBIT B

PARCEL 1: THAT PART OF THE TRACT OF LAND HEREINAFTER DESCRIBED LYING WEST OF A LINE DRAWN FROM A POINT 194.8 FEET WEST OF THE NORTHEAST CORNER OF SAID TRACT, 188.7 FEET WEST OF THE SOUTHEAST CORNER, THEREOF, TO-WIT: THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINES OF WARRENVILLE AND BATAVIA ROAD, ALSO KNOWN AS BIG WOODS ROAD, WITH NAPERVILLE ROAD, RUNNING THENCE SOUTHWESTERLY ON THE CENTER OF THE NAPERVILLE ROAD, 2.73 CHAINS; THENCE NORTH 79 DEGREES WEST ON EZRA JONES' LINE, 3.66 CHAINS TO THOMAS WATSON'S LINE; THENCE NORTH 9 DEGREES EAST ON THOMAS WATSON'S LINE, 2.65 CHAINS CENTER OF BATAVIA ROAD, ALSO KNOWN AS WARRENVILLE AND BIG WOODS ROAD; THENCE SOUTHEASTERLY ON CENTER OF BATAVIA ROAD, 3.85 CHAINS, MORE OR LESS, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS, AND

PARCEL 2: THE WESTERLY 51 FEET OF A TRACT OF LAND HEREINAFTER DESCRIBED, LYING EAST OF A LINE DRAWN FROM A POINT, 194.8 FEET NORTHWEST FROM THE NORTHEAST CORNER OF PREMISES, HEREINAFTER DESCRIBED, MEASURED ON THE NORTH LINE THEREOF, TO A POINT ON THE SOUTH LINE, 188.7 FEET WEST OF THE SOUTHEAST CORNER THEREOF, SAID TRACT BEING DESCRIBED AS THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF WARRENVILLE AND BATAVIA ROAD WITH NAPERVILLE ROAD, (BEING ALSO KNOWN AS RIVER ROAD), RUNNING THENCE SOUTHWESTERLY ON THE CENTER OF THE NAPERVILLE ROAD, 2.73 CHAINS; THENCE NORTH 79 DEGREES WEST ON EZRA JONES' LINE, 3.66 CHAINS TO THOMAS WATSON'S LINE; THENCE NORTH 9 DEGREES EAST ON THOMAS WATSON'S LINE, 2.65 CHAINS CENTER OF BATAVIA ROAD, ALSO KNOWN AS WARRENVILLE AND BIG WOODS ROAD; THENCE SOUTHEASTERLY ON CENTER OF BATAVIA ROAD, 3.85 CHAINS, MORE OR LESS, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

LOTS 32, 33, 34 AND 35 IN BEHR'S MAPLE VIEW ESTATES UNIT TWO, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 15, 1952 AS DOCUMENT 662061, IN DUPAGE COUNTY, ILLINOIS

ADDRESS: 28W321 - 28W289 WARRENVILLE ROAD, WARRENVILLE  
 PIN: 04-35-414-029; 04-35-414-001, 04-35-414-002, 04-35-414-003 & 04-35-414-007  
 TOTAL AREA: 1.64 ACRES  
 NET AREA: 0.353 ACRES



SYMBOL LEGEND	
⊙	INLET
☆	LIGHT POLE
⊕	UTILITY POLE
+	SIGN
+	MONUMENTATION
+	CHESELED CROSS

LINE LEGEND	
—	WOOD FENCE
—	CHAINLINK FENCE

STATE OF ILLINOIS  
 COUNTY OF DU PAGE I.S.S.

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. FIELD WORK COMPLETION DATE: 05/27/2022.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY, GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS 27TH DAY OF MAY, A.D., 2022.

*Robert J. Lambert, Jr.*  
 ILLINOIS LAND SURVEYOR NO. 1863  
 EXPIRES 11/30/22  
 ILLINOIS DECOR PIN NO. 184-007280

REFER TO DEED OF GUARANTEE POLICY FOR RESTRICTIONS  
 ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.  
 COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES TO THE SURVEYOR.

ORDERED BY: JOHN BOLLMEG, FILE NO. 210846

LAND SURVEYING AND CIVIL ENGINEERING	
<b>LAMBERT &amp; ASSOCIATES</b> 888 W. LIBERTY DR WHEATON, IL 60187 P: (630) 853-6381 F: (630) 853-6388 E: INFO@LAMBERTSURVEY.COM	<b>LAND TECHNOLOGY</b> 880 EAST OAK ST #3 LAKE IN THE HILLS, IL 60150 P: (815) 382-8000 F: (815) 382-8223 E: LANDTECH@LIT-PE.COM

\* = FOUND IRON STAKE  
 ○ = SET IRON STAKE

# FINAL PLAT OF BOLLWEG SUBDIVISION

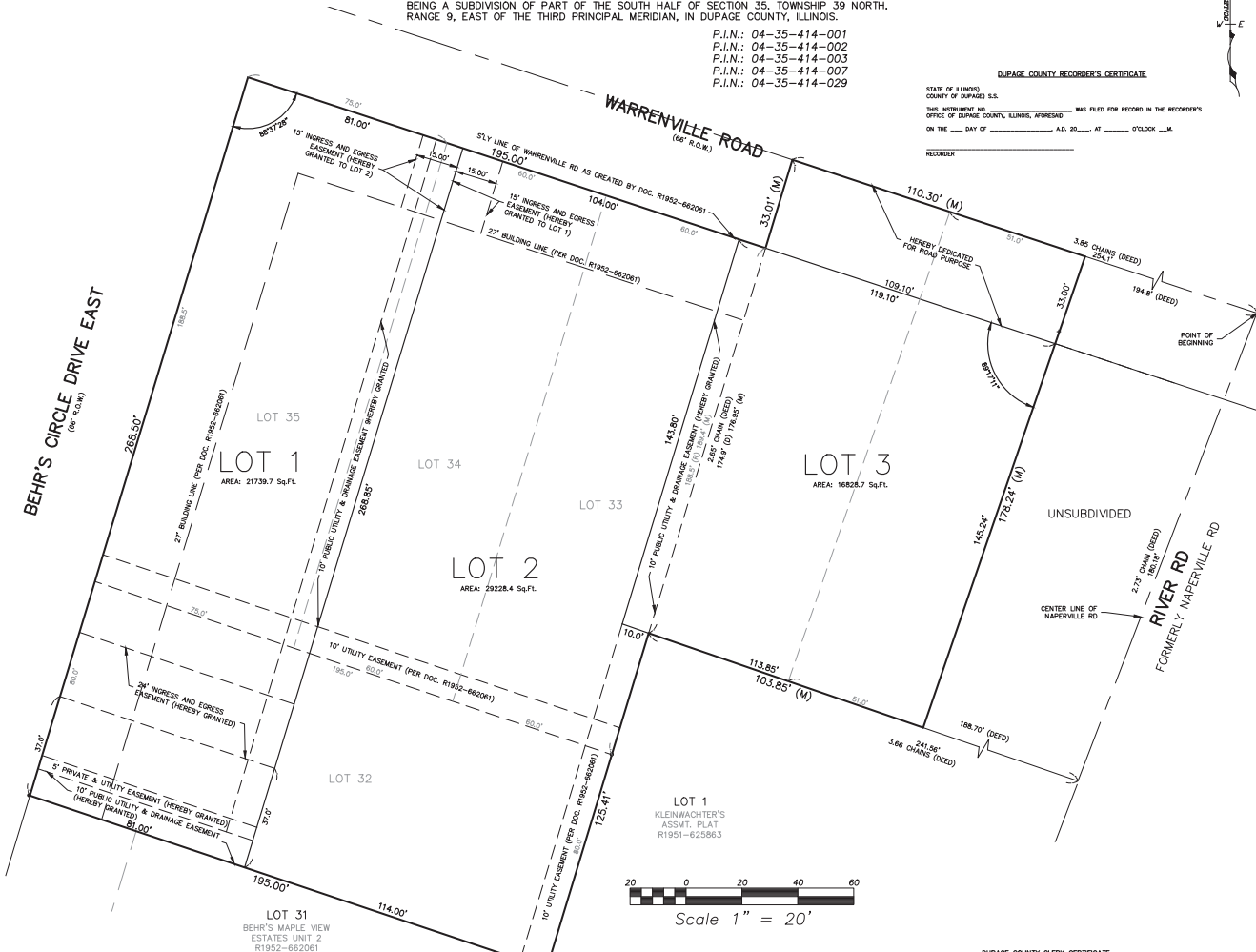
EXHIBIT c

BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 39 NORTH,  
RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 04-35-414-001  
P.I.N.: 04-35-414-002  
P.I.N.: 04-35-414-003  
P.I.N.: 04-35-414-007  
P.I.N.: 04-35-414-029

**DUPAGE COUNTY RECORDER'S CERTIFICATE**

STATE OF ILLINOIS  
COUNTY OF DUPAGE) S.S.  
THIS INSTRUMENT NO. \_\_\_\_\_ WAS FILED FOR RECORD IN THE RECORDER'S  
OFFICE OF DUPAGE COUNTY, ILLINOIS, AT \_\_\_\_\_ ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ A.M.  
RECORDER \_\_\_\_\_



**DRAINAGE CERTIFICATE**

TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF, OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, ADEQUATE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OR DRAINAGE CANALS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL NOT BE DEPOSITED ON THE PROPERTY OF ADJOINING LAND OWNERS IN SUCH CONCENTRATION AS MAY CAUSE DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATED THIS 27TH DAY OF JANUARY, A.D. 2022

OWNER OR ATTORNEY: *John A. Polena*  
DESIGN ENGINEER



**OWNER'S CERTIFICATE**

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS (ARE) THE OWNER(S) OF THE LAND DESCRIBED IN THE SUBDIVISION PLAT, AND THAT HAS/HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED, AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES (DO) HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE PLAT, AND TITLE THEREON INDICATED.

THIS IS TO CERTIFY, AS OWNER OF THE PROPERTY DESCRIBED HEREIN AND LEGALLY DESCRIBED ON THE PLAT, THAT I/WE HAVE DETERMINED TO THE BEST OF MY/OUR KNOWLEDGE AND BELIEF THAT SUBJECT LAND IS LOCATED WITHIN THE BOUNDARIES OF:

—UNITED SCHOOL DISTRICT DISTRICT 200  
—COMMUNITY COLLEGE DISTRICT COLLEGE OF DUPAGE 502

DATED THIS DATE OF \_\_\_\_\_ 20\_\_\_\_

OWNER \_\_\_\_\_

**NOTARY PUBLIC**

I, \_\_\_\_\_ NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_ PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAME ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED THE SUBDIVISION PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

THIS IS TO CERTIFY THAT I, NORBERT V. LAMBERT JR., AN ILLINOIS LAND SURVEYOR HAVE SURVEYED AND SUBDIVIDED THE PROPERTY DESCRIBED AS:

THAT PART OF THE TRACT OF LAND HERENAFTER DESCRIBED LYING WEST OF A LINE DRAWN FROM A POINT 194.8 FEET WEST OF THE NORTHEAST CORNER OF PROCEEDS, HEREINAFTER DESCRIBED, MEASURED ON THE NORTH LINE, THEREOF, TO A POINT ON THE SOUTH LINE, 186.7 FEET WEST OF THE SOUTHWEST CORNER, THEREOF, 10-1/2 METERS THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINES OF WARRENVILLE AND BATAVIA ROADS, ALSO KNOWN AS BIG WOODS ROAD, WITH NAPERVILLE ROAD; RUNNING THENCE SOUTHWESTERLY ON THE CENTER OF THE NAPERVILLE ROAD, 2.73 CHAINS; THENCE NORTH 79 DEGREES WEST ON EZRA JONES' LINE, 3.66 CHAINS TO THOMAS WATSON'S LINE; THENCE NORTH 9 DEGREES EAST ON THOMAS WATSON'S LINE, 2.65 CHAINS CENTER OF BATAVIA ROAD, ALSO KNOWN AS WARRENVILLE AND BIG WOODS ROAD; THENCE SOUTHEASTERLY ON CENTER OF BATAVIA ROAD, 3.85 CHAINS, MORE OR LESS, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS; AND

THE WESTERLY 51 FEET OF A TRACT OF LAND HERENAFTER DESCRIBED, LYING EAST OF A LINE DRAWN FROM A POINT, 194.8 FEET NORTHWEST FROM THE NORTHEAST CORNER OF PROCEEDS, HEREINAFTER DESCRIBED, MEASURED ON THE NORTH LINE, THEREOF, TO A POINT ON THE SOUTH LINE, 186.7 FEET WEST OF THE SOUTHWEST CORNER, THEREOF, SAID TRACT BEING DESCRIBED AS THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINES OF WARRENVILLE AND BATAVIA ROAD, ALSO KNOWN AS BIG WOODS ROAD, (BEING ALSO KNOWN AS RIVER ROAD), RUNNING THENCE SOUTHWESTERLY ON THE CENTER OF THE NAPERVILLE ROAD, 2.73 CHAINS; THENCE NORTH 79 DEGREES WEST ON EZRA JONES' LINE, 3.66 CHAINS TO THOMAS WATSON'S LINE; THENCE NORTH 9 DEGREES EAST ON THOMAS WATSON'S LINE, 2.65 CHAINS CENTER OF BATAVIA ROAD, ALSO KNOWN AS WARRENVILLE AND BIG WOODS ROAD; THENCE SOUTHEASTERLY ON CENTER OF BATAVIA ROAD, 3.85 CHAINS, MORE OR LESS, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS; AND

LOTS 32, 33, 34 AND 35 IN BEHR'S MAPLE VIEW ESTATES UNIT 2, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 16, 1992 AS DOCUMENT #62061, IN DUPAGE COUNTY, ILLINOIS.

AS SHOWN BY THE SUBDIVISION PLAT WHICH IS A CORRECT AND TRUE REPRESENTATION OF SAID SURVEY AND SUBDIVISION, ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

I FURTHER CERTIFY THAT, BY SCALE MEASUREMENT ONLY, PARTS OF THIS PLAT ARE WITHIN ZONE X-SHAPED (AREA OF 0.2% ANNUAL CHANGE FLOOD HAZARD), ACCORDING TO FLOOD INSURANCE RATE MAP, MAP NO. 17043-00133J WITH AN EFFECTIVE DATE OF AUGUST 1, 2019.

ALSO THIS IS TO CERTIFY THAT THE PROPERTY SHOWN ON THE PLAT HEREIN DRAIN IS SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF WARRENVILLE, WHICH HAS ADOPTED A CITY PLAN AND WHICH IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY THE DIVISION 12 OF ARTICLE 11 OF ILLINOIS MUNICIPAL CODE, IN ACCORDANCE WITH S.B. 909-9.

GIVEN UNDER MY HAND AND SEAL THIS 25TH DAY OF OCTOBER, A.D. 2022.

*Norbert V. Lambert Jr.*  
ILLINOIS REGISTERED LAND SURVEYOR (NO. 1863), LICENSE EXPIRES 11/30/22  
ILLINOIS DESIGN FIRM NO.: 184-007260

**UTILITY EASEMENT PROVISIONS**

EASEMENTS ARE RESERVED FOR, AND GRANTED TO THE CITY OF WARRENVILLE, COUNTY OF DUPAGE, AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISES FROM THE CITY, INCLUDING BUT NOT LIMITED TO: COMMONWEALTH Edison COMPANY, NUCOR GAS COMPANY, AT&T, COMCAST, AND THEIR SUCCESSORS AND ASSIGNS, OVER ALL THE AREAS MARKED AND LAYED OUT FOR PUBLIC UTILITIES ON PLAT FOR PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN, AND OPERATE VARIOUS TRANSMISSION, APPURTENANCES, AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID CITY, OVER, UPON, ALONG, UNDER AND THROUGH SAID EASEMENT, TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY WORKS AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT AREAS AS HEREBY RESERVED AND GRANTED TO THE CITY AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND SUBDIVIDED HEREIN, OVER THE ENTIRE AREA FOR INTEREST, EGRESS, AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES, INCLUDING WATER, STORM AND SANITARY SEWER SERVICE AND MAINTENANCE, (ORD. 290, 2-3-14)

**INGRESS AND EGRESS EASEMENT**

ALL EASEMENTS INDICATED AS INGRESS AND EGRESS EASEMENTS ON THIS PLAT ARE RESERVED AND GRANTED TO LOTS 1 AND 2 IN THE SUBDIVISION AND THEIR SUCCESSORS AND ASSIGNS FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO OBTAIN ACCESS THROUGH THE PRIVATE DRIVE TO INDIVIDUAL LOTS.

**DUPAGE COUNTY CLERK CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF DUPAGE) S.S.

THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES AND NO RECEIVABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THIS PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THIS PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ A.M.

COUNTY CLERK \_\_\_\_\_

**CITY COLLECTOR CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF DUPAGE) S.S.

I, \_\_\_\_\_ COLLECTOR FOR THE CITY OF WARRENVILLE, ILLINOIS, DO CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND DESCRIBED IN THIS PLAT.

DATED AT WARRENVILLE, DUPAGE COUNTY, ILLINOIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

BY \_\_\_\_\_  
CITY COLLECTOR

**PLAN COMMISSION CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF DUPAGE) S.S.

THIS IS TO CERTIFY THAT THE MEMBERS OF THE PLAN COMMISSION OF THE CITY OF WARRENVILLE, ILLINOIS, HAVE REVIEWED AND APPROVED THIS PLAT.

DATED AT WARRENVILLE, DUPAGE COUNTY, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

CHAIRMAN \_\_\_\_\_ ATTEST: \_\_\_\_\_  
SECRETARY

**CITY COUNCIL CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF DUPAGE) S.S.

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, HAS REVIEWED AND APPROVED THIS PLAT.

DATED AT WARRENVILLE, DUPAGE COUNTY, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

MAYOR \_\_\_\_\_ ATTEST: \_\_\_\_\_  
CITY CLERK

**CITY CLERK CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF DUPAGE) S.S.

I, \_\_\_\_\_ CITY CLERK OF THE CITY OF WARRENVILLE, ILLINOIS HEREBY CERTIFY THAT THE PLAT WAS PRESENTED TO AND BY ORDINANCE 2647 APPROVED BY THE CITY COUNCIL OF SAID CITY AT ITS MEETING HELD ON \_\_\_\_\_ 20\_\_\_\_, AND THAT THE REQUIRED BOND OR OTHER GUARANTEE HAS BEEN POSTED FOR THE COMPLETION OF THE IMPROVEMENTS REQUIRED BY THE REGULATIONS OF SAID CITY.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL OF THE CITY OF WARRENVILLE, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

CITY CLERK \_\_\_\_\_

**CITY ENGINEER'S CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF DUPAGE) S.S.

I, \_\_\_\_\_ CITY ENGINEER OF THE CITY OF WARRENVILLE, ILLINOIS, HEREBY CERTIFY THAT THE LAND IMPROVEMENTS DESCRIBED IN THE PLAT, AND THE PLANS AND SPECIFICATIONS THEREOF, MEET THE MINIMUM REQUIREMENTS OF SAID CITY AND HAVE BEEN APPROVED BY ALL PUBLIC AUTHORITIES HAVING JURISDICTION THEREOF.

DATED AT WARRENVILLE, DUPAGE COUNTY, ILLINOIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

CITY ENGINEER \_\_\_\_\_ REGISTRATION NUMBER \_\_\_\_\_

THIS PLAT HAS BEEN SUBMITTED FOR  
RECORDING BY AND RETURN TO:  
NAME: WARRENVILLE CITY CLERK  
ADDRESS: 35258 MANNING AVENUE  
WARRENVILLE, IL., 60555

ORDERED BY: JOHN BOLLWEG FILE NO. 212846

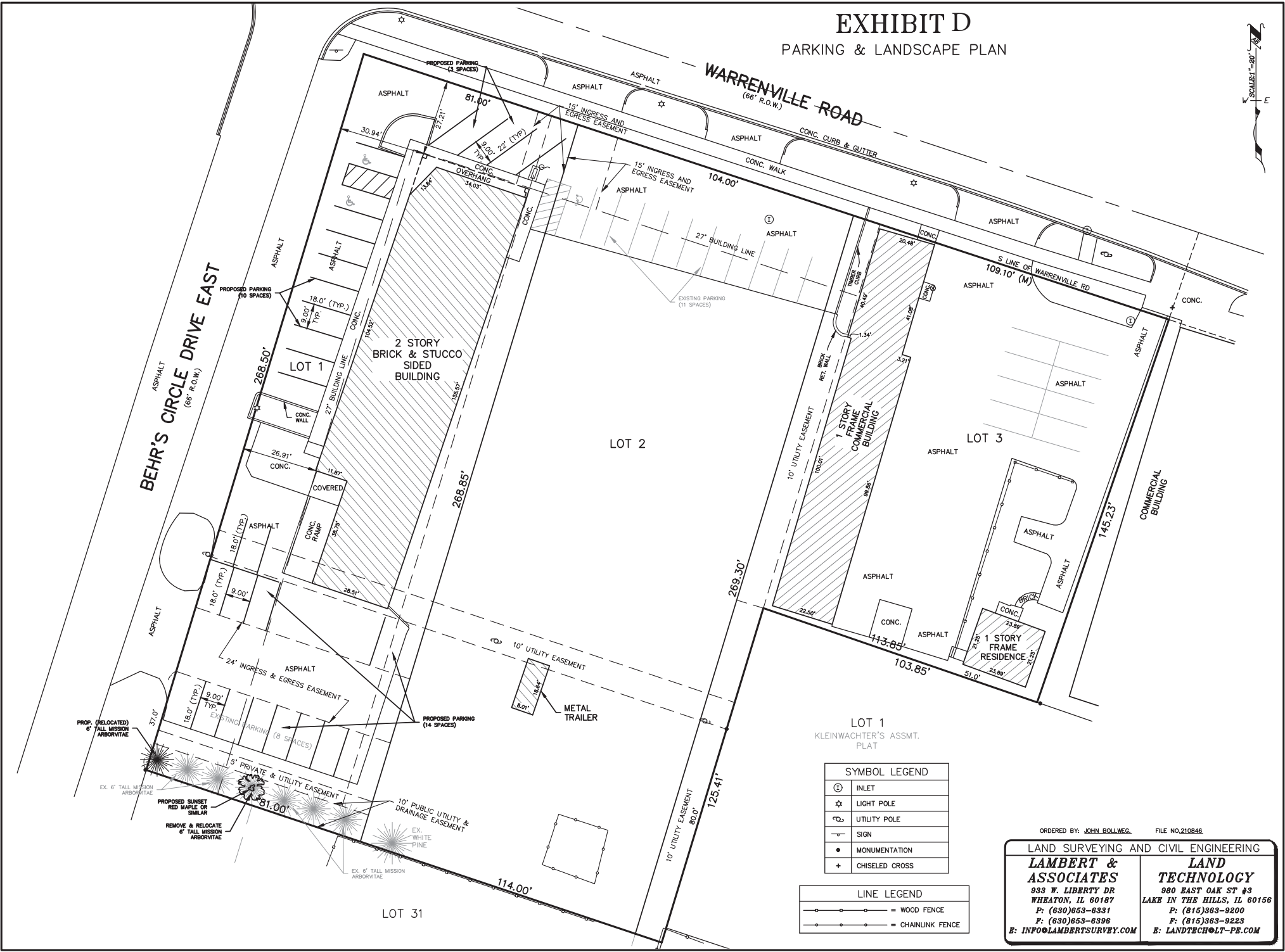
**POLENA ENGINEERING LLC**

WHEATON: 630-653-6331  
LAKE IN THE HILLS: 815-363-9200  
INFO@POLENA.COM  
WWW.POLENA.COM  
ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-007260

POLENA COMPANIES INCLUDE LAND TECHNOLOGY, LAMBERT & ASSOCIATES, AND ALAN COLLESON

# EXHIBIT D

## PARKING & LANDSCAPE PLAN



LOT 1  
KLEINWACHTER'S ASSMT.  
PLAT

SYMBOL LEGEND	
Ⓜ	INLET
☆	LIGHT POLE
Ⓢ	UTILITY POLE
—	SIGN
•	MONUMENTATION
+	CHISELED CROSS

LINE LEGEND	
—○—	WOOD FENCE
—●—	CHAINLINK FENCE

ORDERED BY: JOHN BOLLMEG. FILE NO. 210846

LAND SURVEYING AND CIVIL ENGINEERING	
<b>LAMBERT &amp; ASSOCIATES</b>	<b>LAND TECHNOLOGY</b>
933 W. LIBERTY DR WHEATON, IL 60187	980 EAST OAK ST #3 LAKE IN THE HILLS, IL 60156
P: (630)653-6331	P: (815)363-9200
F: (630)653-6396	F: (815)363-9223
E: INFO@LAMBERTSURVBY.COM	E: LANDTECH@LT-PE.COM