

ORDINANCE NO. O2025-__

AN ORDINANCE APPROVING A TEMPORARY USE PERMIT FOR TEMPORARY OFF-SITE PARKING (28W289 WARRENVILLE ROAD AND 3S580 RIVER ROAD)

WHEREAS, John Bollweg ("**Owner**") is the owner of that certain real property commonly known as 3S580 River Road, Warrenville, Illinois and legally described in **Exhibit A** attached to and made of a part of this Ordinance ("**Development Property**"); and

WHEREAS, J H Bollweg & Sons ("**Parking Property Owner**") is the owner of that certain real property known as 28W289 Warrenville Road, Warrenville, Illinois and legally described in **Exhibit A** attached to and made of a part of this Ordinance ("**Parking Property**"); and

WHEREAS, the Development Property is improved with a one-story commercial building which was formally used as a blacksmith shop ("**Blacksmith Building**") and contains no off-street parking spaces; and

WHEREAS, the Parking Property is improved with a one-story commercial building, a single-family residence, and an off-street parking area ("**Parking Lot**"); and

WHEREAS, the Owner is renovating the Blacksmith Building and intends to occupy the Blacksmith Building with a home furnishing store ("**Proposed Retail Use**"); and

WHEREAS, the Owner also intends to construct an addition to the Blacksmith Building in which the Owner plans to locate his plumbing business and an off-street parking area that provides sufficient parking for all of the uses on the Development Property ("**Proposed Future Development**"); and

WHEREAS, in order to construct the Proposed Future Development on the Development Property, the Owner must obtain approval of a variation and any other necessary zoning relief; and

WHEREAS, the Owner desires to open and operate the Proposed Retail Use in the Blacksmith Building on the Development Property prior to the construction of the Proposed Future Development; and

WHEREAS, the City of Warrenville Zoning Ordinance, as amended, is codified as Title 10 of the Warrenville City Code, as amended ("**Zoning Ordinance**"); and

WHEREAS, pursuant to Table 5E of the Zoning Ordinance the Development Property must provide at least four off-street parking spaces, including one accessible off-street parking space, for use by the Proposed Retail Use; and

WHEREAS, the Parking Lot on the Parking Property contains at least four surplus off-street parking spaces; and

WHEREAS, until the Proposed Future Development is constructed, the Owner proposes to temporarily satisfy the minimum off-street parking requirements for the Proposed Retail Use on the Development Property by reserving four off-street parking spaces in the Parking Lot on the

Parking Property for use by employees and patrons of the Proposed Retail Use (“**Proposed Temporary Off-Site Parking**”); and

WHEREAS, pursuant to Section 1.D.5 of the Zoning Ordinance, temporary use permits may be issued by the City Council; and

WHEREAS, pursuant to the applicable sections of the Zoning Ordinance and the Warrenville City Code (“**City Code**”), Owner, on behalf of, and with the consent of, the Parking Property Owner, filed a request with the City for approval of a temporary use permit to allow the Proposed Temporary Off-Site Parking in order to operate the Proposed Retail Use on the Development Property prior to the completion of the Proposed Future Development (“**Temporary Use Permit**”), subject to certain conditions and restrictions; and

WHEREAS, pursuant to the City’s powers under applicable law, including its home rule powers under the Illinois Constitution of 1970, the Mayor and the City Council have determined that it is in the best interest of the City and the public to approve the Temporary Use Permit, in accordance with, and subject to and contingent upon, the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Recitals. The recitals listed above are incorporated in this Ordinance as if fully set forth in this Ordinance.

SECTION 2: Temporary Use Permit. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in this Ordinance, including, without limitation, the conditions set forth in Section 4 of this Ordinance, the City Council approves the Temporary Use Permit to allow the Proposed Temporary Off-Site Parking on the Parking Property to allow the operation of the Proposed Retail Use on the Development Property prior to the completion of the Proposed Future Development.

SECTION 3: Conditions. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the City Code, the Zoning Ordinance, or any other rights the Owner or the Parking Property Owner may have, the approval granted in Section 2 of this Ordinance is hereby expressly subject to and contingent upon the conditions, concepts, restrictions, limitations, and provisions set forth in this Section (collectively, the “**Conditions**”).

A. **Compliance with Law and Regulations.** The development, use, operation, and maintenance of the Parking Property, the Parking Lot, the Development Property and the Blacksmith Building must comply with all applicable City codes and ordinances, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

B. **Compliance with Plans and Documents.** Except for minor changes and site work approved by the Director of Community and Economic Development in accordance with all applicable City standards, the development, use, operation, and maintenance of the Parking Property, the Parking Lot, and the Development Property must comply with the Off-Site Parking Plan, consisting of one sheet, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit B (“Parking Plan”)**.

C. Location, Striping, and Signage. The accessible parking space to be allocated as part of the Proposed Temporary Off-Site Parking must be striped and located on the Parking Property in accordance with the Parking Plan. The three other off-site parking spaces temporarily dedicated to the Proposed Retail Use must be located in the same row as the accessible parking space. All four off-site parking spaces must be clearly marked as reserved for the Proposed Retail Use.

D. Exclusive Use of Off-Site Parking Spaces. Until sufficient parking spaces are provided on the Development Property to serve the Proposed Retail Use in accordance with the Zoning Ordinance, the four off-site parking spaces to be used by the Proposed Retail Use on the Parking Property must be reserved for and available to the Proposed Retail Use at all times.

E. Expiration of Temporary Use Permit. The Temporary Use Permit granted pursuant to this Ordinance will expire (i) 18 months after the adoption of this Ordinance; or (ii) upon sufficient off-street parking spaces to meet the minimum requirements set forth in the Zoning Ordinance are provided on the Development Property for the Proposed Retail Use pursuant to a permit issued by the City, whichever is earlier to occur.

F. Temporary Extension. The Director of Community and Economic Development may extend the Temporary Use Permit for up to six months (for a total maximum duration of two years), but only if the Owner and the Parking Property Owner have complied with all other conditions set forth in Section 3 of this Ordinance, the Owner has obtained the required zoning relief for the Proposed Future Development, and the Owner is diligently pursuing the completion of the Proposed Future Development.

G. Required Action in the Event of Expiration. If it is reasonably anticipated that the Temporary Use Permit will expire pursuant to Section 3.E(i) of this Ordinance because sufficient off-street parking spaces will not have been provided on the Development Property for the Proposed Retail Use within 18 months after this Ordinance is adopted (or within two years if an extension is granted pursuant to Section 4.F of this Ordinance), the Owner must bring the Development Property into compliance with the Zoning Ordinance within 30 days of the expiration date by either (i) obtaining City Council approval of an acceptable, alternative parking arrangement; (ii) providing the required minimum off-street parking spaces in another manner that complies with the Zoning Ordinance; or (iii) ceasing the operation of the Proposed Retail Use on the Development Property until such time as sufficient parking is constructed on-site or an alternative parking arrangement is approved.

SECTION 4: Invalidation of Approvals. Upon the failure or refusal of the Owner or the Parking Property Owner to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the City, the approval granted in Section 2 of this Ordinance ("**Approval**") may, at the sole discretion of the City Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the City Council may not so revoke the Approval unless it first provides the Owner and the Parking Property Owner two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the City Council. In the event of such revocation, or in the event that the Temporary Use Permit expires without the Development Property being brought into compliance as set forth in Section 3.G of this Ordinance, the City Administrator and City Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 5: Recordation and Binding Effect. A copy of this Ordinance must be recorded in the Office of the DuPage County Recorder on the title for the Development Property and the Parking Property. This Ordinance and the privileges, obligations, and provisions contained inure to the benefit of, and are binding upon, the Applicant and Owner; provided that the obligation to provide the off-site parking spaces on the Development Property shall run with the land and be binding on the Development Property Owner and its successors, heirs, and assigns.

SECTION 6: Amendments. Any amendment to any provision of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance and the City Code, as applicable to the affected items of relief, except as otherwise specifically authorized in this Ordinance.

SECTION 7: Effective Date. This Ordinance will be effective only upon the occurrence of all of the following events:

- A. Passage by the City Council by a majority vote in the manner required by law;
- B. Publication in pamphlet form in the manner required by law; and
- C. Recordation of this Ordinance, together with such exhibits as the City Clerk deems appropriate for recordation, with the office of the Recorder of DuPage County.

PASSED THIS ____ day of _____, 2025.

AYES:
NAYS:
ABSENT:
ABSTAIN:

APPROVED THIS ____ day of _____, 2025.

MAYOR

ATTEST:

CITY CLERK

EXHIBITS

Exhibit A - Legal Description of Development Property and the Parking Property

Exhibit B – Parking Plan

EXHIBIT A

LEGAL DESCRIPTION OF THE DEVELOPMENT PROPERTY

LOT 1 IN KLEINWACHTER'S ASSESSMENT PLAT OF PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PIN: 04-35-414-013

COMMONLY KNOWN AS: 3S580 River Road

LEGAL DESCRIPTION OF THE PARKING PROPERTY

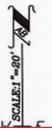
LOT 3 OF BOLLWEG SUBDIVISION, A PART OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, RECORDED December 9, 2022 as DOC. R2022-106943

PIN: 04-35-414-032

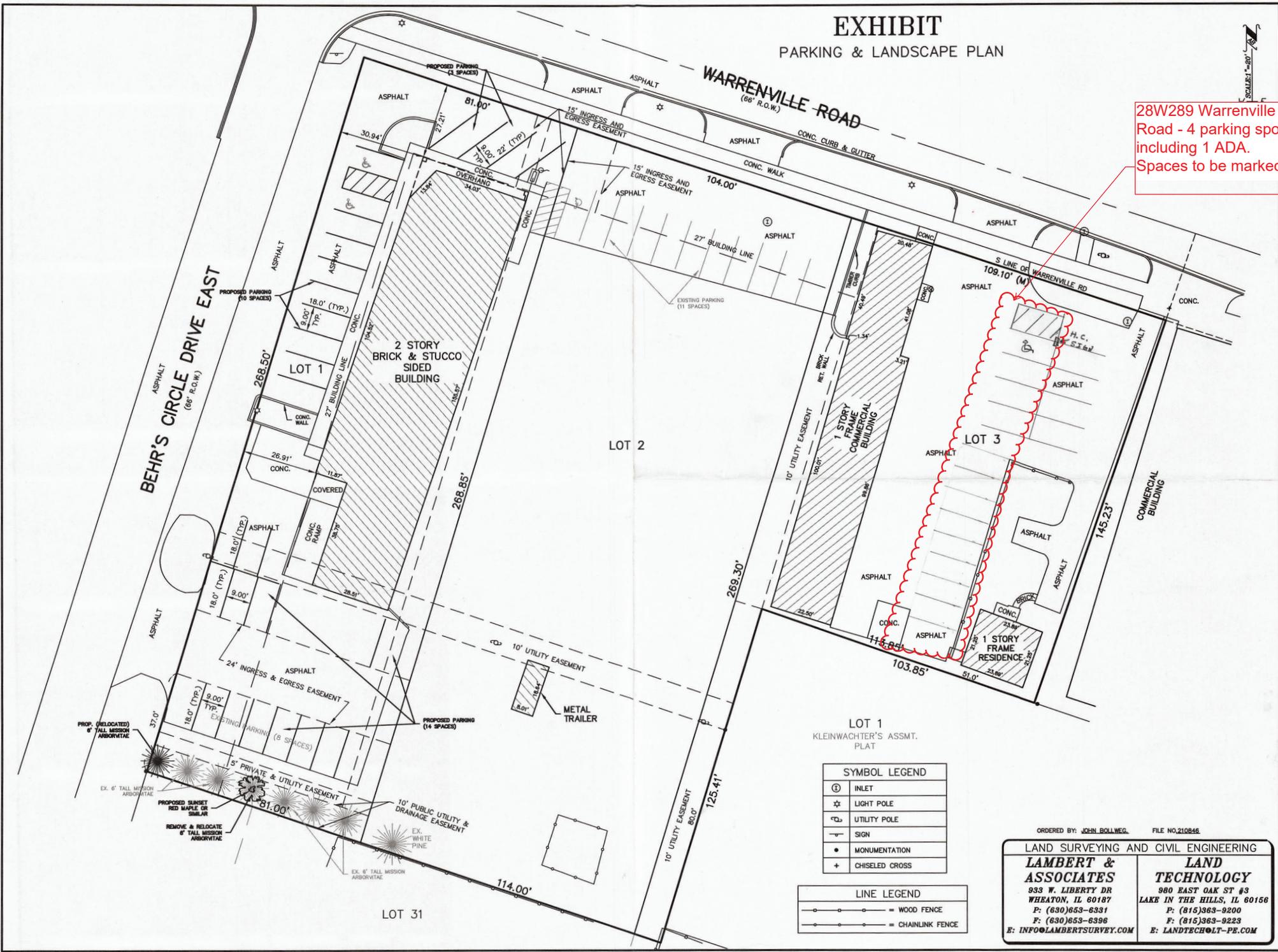
COMMONLY KNOWN AS: 28W289 Warrenville Road

EXHIBIT B
PARKING PLAN

EXHIBIT PARKING & LANDSCAPE PLAN



28W289 Warrenville Road - 4 parking spots including 1 ADA. Spaces to be marked.



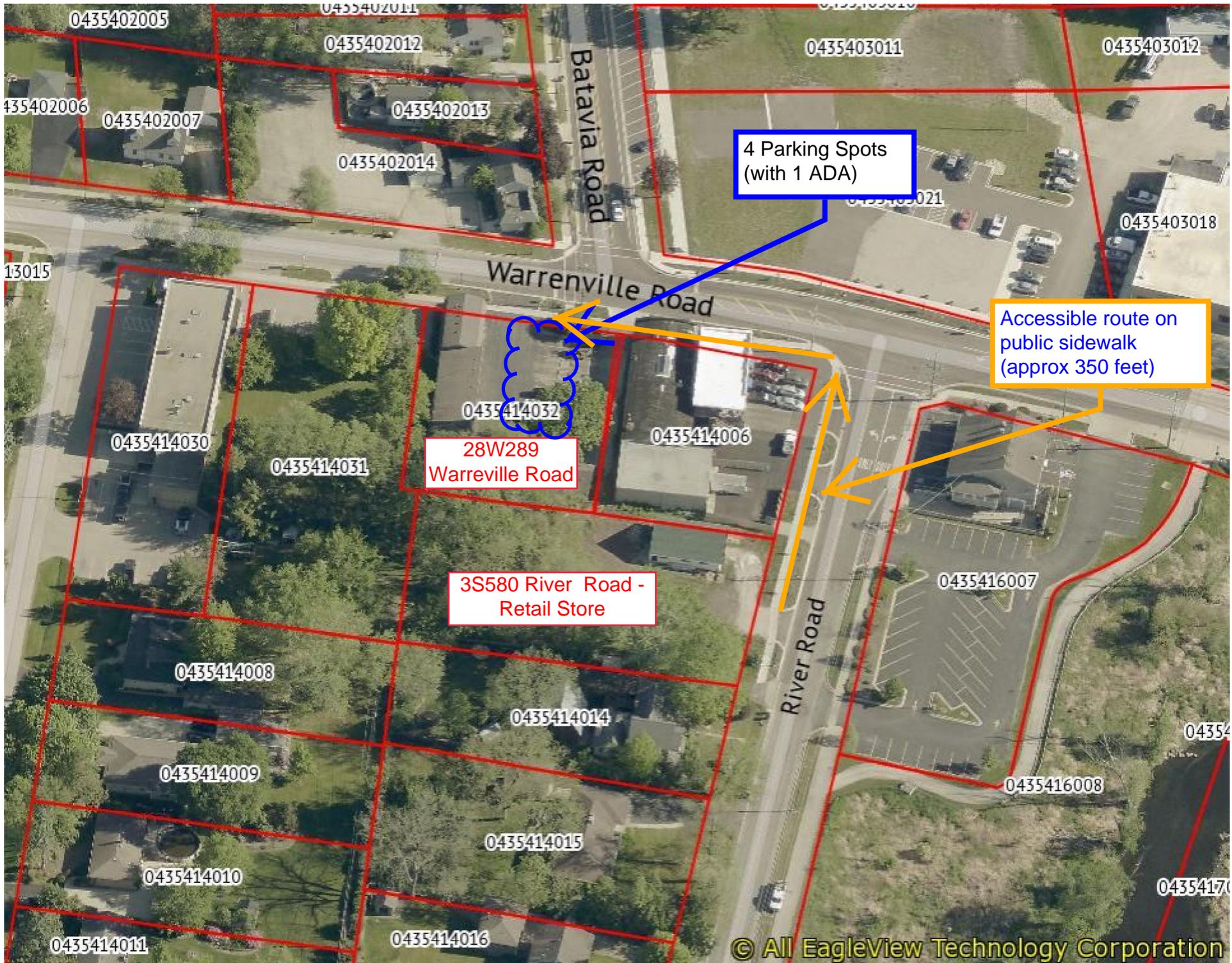
LOT 1
KLEINWACHTER'S ASSMT.
PLAT

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

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

ORDERED BY: JOHN BOLLWEG. FILE NO. 210846

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



4 Parking Spots
(with 1 ADA)

Accessible route on
public sidewalk
(approx 350 feet)

28W289
Warreville Road

3S580 River Road -
Retail Store



3S580 River Road

