

ORDINANCE NO. O2025-36

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT, A FINAL PLANNED UNIT DEVELOPMENT PLAN, A PLAT OF EASEMENT AND DEDICATION, CERTAIN MODIFICATIONS FROM THE WARRENVILLE ZONING ORDINANCE, AND CERTAIN VARIATIONS FROM THE WARRENVILLE STORMWATER REGULATIONS FOR A WAREHOUSE/OFFICE DEVELOPMENT
(3S140 TALBOT AVENUE)**

WHEREAS, Wville Talbot LLC ("**Owner**") is the owner of that certain property consisting of approximately 2.53 acres, commonly known as 3S140 Talbot Avenue, Warrenville, Illinois, and legally described on **Exhibit A** attached to and made a part of this Ordinance ("**Property**"); and

WHEREAS, in 2021, the City Council adopted Ordinance No. O2021-29, which granted preliminary planned unit development approval ("**Prior Approvals**") for the development of the Property with an ambulance station, which included the construction of a 23,500-square-foot commercial building, associated off-street parking areas; landscaping and hardscaping improvements, stormwater management improvements, and public sidewalks (collectively, the "**Preliminarily Approved Development**"); and

WHEREAS, the Preliminarily Approved Development was never constructed and the Prior Approvals have lapsed; and

WHEREAS, the Property is currently vacant and unimproved and located in the M-1 Light Manufacturing District ("**M-1 District**") of the City; and

WHEREAS, TCB Management LLC ("**Developer**") desires to develop the Property with a speculative 23,500-square-foot warehouse and office building, off-street parking areas containing a total of 67 parking spaces, semi-truck loading areas, stormwater detention facilities, landscape improvements, and public sidewalk along the Calumet Avenue and Talbot Avenue frontages, and other related improvements (collectively, the "**Proposed Development**"); and

WHEREAS, pursuant to Sections 7 and 8 and Table 3A of the City of Warrenville Zoning Ordinance, as amended ("**Zoning Ordinance**"), the Developer, with the consent of the Owner, has applied to the City for approval of (i) a special use permit for a planned unit development in the M-1 District ("**Special Use Permit**"); (ii) a final planned unit development plan for the Proposed Development on the Property ("**Final PUD Plan**"); (iii) a plat of easement and right-of-way dedication ("**Plat of Easement and Dedication**"); (iv) certain deviations from the Zoning Ordinance within the planned unit development ("**Zoning Modifications**"); and (v) certain variations from the City's stormwater regulations ("**Stormwater Variations**"), which are set forth in Chapter 13 of Title 8 of the Warrenville City Code ("**Stormwater Regulations**") (collectively (i) through (v) are the "**Requested Relief**"); and

WHEREAS, a public hearing by the Plan Commission to consider the Requested Relief was duly published in the *Daily Herald* on June 4, 2025, was convened on June 19, 2025, and continued to July 24, 2025, during which hearing evidence and testimony was received by the Plan Commission; and

WHEREAS, on July 24, 2025, the Plan Commission adopted Findings of Fact, Project Number PZ2025-014, recommending that the Mayor and the City Council approve the Requested Relief; and

WHEREAS, the Mayor and the City Council have determined that, subject to and contingent upon, the conditions, restrictions, and provisions of this Ordinance, (i) the Final PUD Plan complies with the required standards for planned developments as set forth in Section 8 of the Zoning Ordinance; (ii) the Special Use Permit comply with the required standards for special uses as set forth in Section 7C of the Zoning Ordinance; and (iii) the Stormwater Variations comply with the required standards for variations as set forth in the Stormwater Regulations; and

WHEREAS, consistent with the Plan Commission recommendation, and pursuant to the City's power 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 Requested Relief, 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: Approval of Special Use Permit. Pursuant to Section 7C of the Zoning Ordinance, the Special Use Permit is hereby approved, subject to the conditions and restrictions set forth in this Ordinance.

SECTION 3: Approval of Final PUD Plan. In accordance with Section 8 of the Zoning Ordinance, and subject to, and contingent upon, the conditions, restrictions, and provisions set forth in this Ordinance, the Final PUD Plan, which consists of the documents referred to collectively as the "***Final PUD Documents***" and listed on ***Exhibit B*** attached to this Ordinance and by this reference are made part of this Ordinance, is hereby approved.

SECTION 4: Approval of Plat of Easement and Dedication.

A. **Approval of Plat of Easement and Dedication.** The Plat of Easement and Dedication titled "Grant of Easement & Right of Way Dedication", consisting of one sheet, prepared by KDC Consultants, Inc., and with a latest revision date of July 7, 2025, which contemplates the dedication to the City of a one-foot wide strip of the Property along Talbot Avenue, is hereby approved subject to revisions necessary to comply with the conditions set forth in Section 7 of this Ordinance. A copy of the Plat of Easement and Dedication is attached to and made a part of this Ordinance as ***Exhibit C***.

B. **Execution of the Plat of Easement and Dedication.** The City Council hereby authorizes and directs the Mayor and the City Clerk to execute, on behalf of the City, the final Plat of Easement and Dedication following its execution and delivery to the City Clerk by the Owner and all other required parties.

C. **Recordation of Plat of Easement and Dedication.** The City Council directs the City Clerk to record the executed Plat of Easement and Dedication with the Recorder's Office of the DuPage County Clerk upon satisfactory completion of all administrative details relating thereto.

SECTION 5: Approval of Zoning Modifications. In accordance with Section 8.C of the Zoning Ordinance, and subject to the conditions, restrictions, and provisions of this Ordinance, the following Zoning Modifications are hereby approved to:

A. Minimum Interior Side Yard Building Setback. Reduce the minimum interior side yard building setback, as set forth in Table 4C of the Zoning Ordinance, from 20 feet to 15.5 feet.

B. Parking Lot Planting Islands.

1. Eliminate the parking lot planting island requirement, as set forth in Section 11.G of the Zoning Ordinance, for the south end row of parking located along the east property line, north of the Building; and

2. Reduce the maximum spacing between parking lot planting islands, as set forth in Section 11.G of the Zoning ordinance, from every 10 spaces to every 11 spaces for the row of 11 parking spaces located along the south façade of the Building.

C. Driveway Width. Increase the maximum permitted driveway width, as set forth in Table 5G of the Zoning Ordinance, from 36 feet to 65 feet.

SECTION 6: Approval of Stormwater Variations. In accordance with Article XVI of the DuPage County Stormwater and Floodplain Ordinance and Section 8-13-1 of the Stormwater Regulations, and subject to the conditions, restrictions, and provisions of this Ordinance, the following Stormwater Variations from Section 8-13-5 of the Stormwater Regulations are hereby approved:

A. Bounce. Increase the maximum permitted “bounce” for the Detention Ponds from four feet to five feet.

B. Side Slopes. Increase the maximum side slope from 5:1 to 4:1 from the normal water level to the limits of the top of the native vegetation proposed around the perimeter of the stormwater detention areas.

C. Perimeter Berm Height. Decrease the minimum height of the berm surrounding the detention ponds, measured from the highwater line to the top of the berm, from one foot to six inches.

SECTION 7: 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 Applicant may have, the approvals granted in Sections 2, 3, 4, 5, and 6 of this Ordinance are 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 Proposed Development and the Property 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 Proposed Development and the Property must comply with the Final PUD Plan.

C. Street Name Correction. All plan sheets must be updated to change “Calumet Street” and “Calumet Drive” to “Calumet Ave W”.

D. Permitted Uses. Unless authorized pursuant to a special use permit approved by the City Council, any and all uses that occupy the Property are limited to permitted uses in the M-1 District as outlined in Table 3A of the Zoning Ordinance, as may be amended from time to time.

E. Long Term Truck Parking Prohibited. Long term semi-truck parking is not permitted on the Property.

F. Engineering Review. The Developer and the Owner must comply with the review comments and recommendations outlined in the Engineering Review Memo, consisting of three pages, and dated July 7, 2025, attached to and, by this reference, made a part of this Ordinance as **Exhibit D (“Engineering Review Memo”)**.

G. Fire Hydrant. A fire hydrant must be located within 50 feet of the Fire Department connection on the Property.

H. Plat of Easement and Dedication. The Plat of Easement and Dedication must be revised so that the dedicated right-of-way labels state “public right-of-way hereby dedicated to the City of Warrenville”.

I. Landscape Plan. The Landscape Plan must be updated to address the comments and revisions provided by City staff prior to the City issuing any building permit for the Proposed Development.

SECTION 8. Reserved.

SECTION 9: Invalidation of Approvals. Upon the failure or refusal of the Developer or the 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 approvals granted in Sections 2, 3, and 4, 5, and 6 of this Ordinance ("**Approvals**") 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 Approvals unless it first provides the Developer and the Owner with 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, the City Administrator and City Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Developer and the Owner acknowledge that public notices and hearings have been held with respect to the adoption of this Ordinance, have considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to the Developer and the Owner or their respective successors required by this Section is given.

SECTION 10: Recordation and Binding Effect. A copy of this Ordinance must be recorded in the Recorder's Office of the DuPage County Clerk. This Ordinance and the privileges, obligations, and provisions contained herein run with the Property and inure to the benefit of, and are binding upon, the Developer and the Owner, and each of their personal representatives, successors, and assigns, including, without limitation, subsequent purchasers or lessees of the Property.

SECTION 11: 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 Section 8.F(4) the Zoning Ordinance, and any other provision of the Zoning Ordinance applicable to the affected items of relief.

SECTION 12: Effective Date.

A. This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the City Council by a majority vote and approval in the manner required by law;
2. Publication in pamphlet form in the manner required by law;
3. The filing by the Developer and the Owner with the City Clerk of an Unconditional Agreement and Consent, in the form of **Exhibit E** attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the City for any claims that may arise in connection with the approval of this Ordinance;
4. Recordation of this Ordinance, together with such exhibits as the City Clerk deems appropriate for recordation, with the Recorder's Office of the DuPage County Clerk.

B. In the event that the Developer or the Owner does not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Paragraph 12.A.3 of this Ordinance within 90 days after the date of passage of this Ordinance by the Mayor and City Council, the corporate authorities shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED THIS _____ day of _____, 2025.

APPROVED THIS _____ day of _____, 2025.

VOTES: AYES _____ NAYS _____ ABSENT _____ ABSTAIN _____

MAYOR

ATTEST:

CITY CLERK

EXHIBITS

- EXHIBIT A Legal Description of Property**
- EXHIBIT B Plat of Easement and Dedication**
- EXHIBIT C Final PUD Documents**
- EXHIBIT D Engineering Review Memo**
- EXHIBIT E Unconditional Agreement and Consent**

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

LOT 1 (EXCEPT THE WESTERLY 40 FEET THEREOF AS DEDICATED FOR HIGHWAY BY R89-6453) IN ROBERT BARTLETT'S GREEN ACRES, BEING A SUBDIVISION IN THE EAST ½ OF SECTION 33 AND IN THE WEST ½ OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1943 AS DOCUMENT 454884, IN DUPAGE COUNTY, ILLINOIS.

Permanent Index Numbers: 04-33-202-013

Commonly known as: 3S140 Talbot Avenue, Warrenville, Illinois

EXHIBIT B

FINAL PUD DOCUMENTS

1. ***Plat of Easement and Dedication***, Exhibit C.
2. ***Building Plans***, consisting of six sheets, prepared by M.J. Root Architects, and dated April 23, 2025.
3. ***Engineering Plans***, consisting of ten sheets, prepared by KDC Consultants, Inc., and dated July 7, 2025
4. ***Landscape Plan***, consisting of three sheets, prepared by Hitchcock Design Group, and dated .
5. ***Decorative CMU Block Sheet***, consisting of one photo, and undated.

Copies of the Final PUD Documents are available for review from the City of Warrenville City Clerk's office and Community Development Department. All documents listed in this Exhibit B (regardless of whether the document itself is attached to this Ordinance) shall be deemed incorporated by reference, and made a part of, this Ordinance. All documents listed in this Exhibit B are subject to such further revision as may be required to conform to the conditions provided by this Ordinance

EXHIBIT C

PLAT OF EASEMENT AND DEDICATION

GRANT OF EASEMENT & RIGHT OF WAY DEDICATION

ADDRESS #3S140 TALBOT AVENUE

RIGHT OF WAY DEDICATION

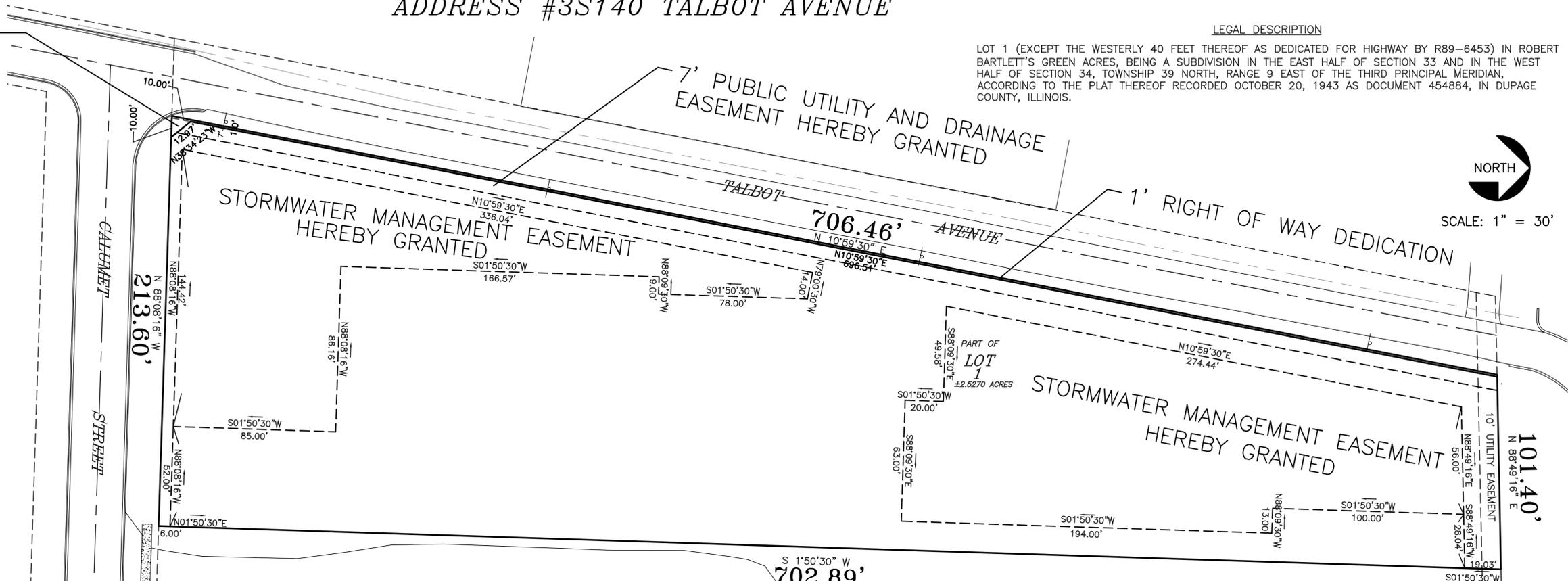
ADDRESS: 3S140 TALBOT AVENUE
WARRENVILLE
AREA: 2.64 ACRES
PIN: 04-33-202-013

LEGAL DESCRIPTION

LOT 1 (EXCEPT THE WESTERLY 40 FEET THEREOF AS DEDICATED FOR HIGHWAY BY R89-6453) IN ROBERT BARTLETT'S GREEN ACRES, BEING A SUBDIVISION IN THE EAST HALF OF SECTION 33 AND IN THE WEST HALF OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1943 AS DOCUMENT 454864, IN DUPAGE COUNTY, ILLINOIS.



SCALE: 1" = 30'



PUBLIC UTILITY & DRAINAGE EASEMENT PROVISIONS

EASEMENTS ARE RESERVED FOR AND GRANTED TO THE CITY OF WARRENVILLE AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISE FROM THE CITY, INCLUDING BUT NOT LIMITED TO, COMMONWEALTH EDISON COMPANY, NICOR GAS COMPANY, AT&T, COMCAST, AND THEIR SUCCESSORS AND ASSIGNS, OVER ALL THE AREAS MARKED "EASEMENT FOR PUBLIC UTILITIES AND DRAINAGE" ON THE PLAT FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN, AND OPERATE VARIOUS TRANSMISSION AND DISTRIBUTION SYSTEMS, AND INCLUDING STORM AND/ OR SANITARY SEWERS, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, APPLIANCES, AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID CITY, OVER, UPON, ALONG, UNDER AND THROUGH SAID INDICATED EASEMENT, TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY WORKERS 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. EASEMENTS ARE HEREBY RESERVED AND GRANTED TO THE CITY AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND SUBDIVIDED HEREBY, OVER THE ENTIRE EASEMENT AREA FOR INGRESS, EGRESS, AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES, INCLUDING WATER, STORM AND SANITARY SEWER SERVICE AND MAINTENANCE. (ORD. 2825, 2-3-14)

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF WILL) SS

I, KEVIN D. CHAFFIN, A REGISTERED ILLINOIS LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND SUBDIVIDED THE LANDS SHOWN ON THE PLAT AND DESCRIBED IN THE ABOVE CAPTION, AND THAT THE SAID PLAT, DRAWN TO A SCALE OF 100 FEET PER 1 INCH, IS A TRUE AND CORRECT REPRESENTATION OF THE SAID SURVEY AND SUBDIVISION. I DO FURTHER CERTIFY THAT I HAVE PLACED IRON STAKES AT ALL CORNERS AND AT ALL CURVE CONTROL POINTS AS PERMANENT MONUMENTS FROM WHICH FUTURE SURVEYS MAY BE MADE. ALL MEASUREMENTS ARE SHOWN IN FEET AND IN DECIMAL PARTS OF A FOOT. I FURTHER CERTIFY THAT THE ABOVE- DESCRIBED PROPERTY IS ENTIRELY WITHIN THE CORPORATE LIMITS OF THE CITY OF WARRENVILLE, ILLINOIS, WHICH HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE AS AMENDED. THIS IS TO CERTIFY THAT THE PARCELS INCLUDED IN THIS RECORD OF DEED ARE NOT LOCATED IN THE SPECIAL FLOOD HAZARD AREA IDENTIFIED FOR THE CITY OF WARRENVILLE, ILLINOIS, BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON THE FLOOD INSURANCE RATE MAP, PANEL NO. 17043C0129J, DATED AUGUST 1, 2019.

DATED AT _____, ILLINOIS, THIS DAY OF _____, A.D. 2025.

REGISTERED ILLINOIS LAND SURVEYOR

REGISTRATION NO. 3184



COMPARE LEGAL DESCRIPTION WITH DEED AND REPORT ANY DISCREPANCY IMMEDIATELY. A TITLE COMMITMENT MAY NOT HAVE BEEN FURNISHED FOR USE IN PREPARATION OF THIS SURVEY. IF A TITLE COMMITMENT WAS NOT FURNISHED, THERE MAY BE EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT SHOWN ON THIS PLAT. THIS PLAT DOES NOT SHOW BUILDING RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES. LOCAL AUTHORITIES MUST BE CONSULTED REGARDING ANY RESTRICTIONS. SUBJECT TO EASEMENTS OF RECORD.
DO NOT SCALE DIMENSIONS FROM THIS PLAT. NO EXTRAPOLATIONS SHOULD BE MADE FROM THE INFORMATION SHOWN WITHOUT THE PERMISSION OF KDC CONSULTANTS, INC.. THIS PLAT IS NOT TRANSFERABLE. ONLY PRINTS WITH AN EMBOSSED SEAL ARE OFFICIAL COPIES. © COPYRIGHT, ALL RIGHTS RESERVED.

STORMWATER MANAGEMENT EASEMENT MAINTENANCE PROVISIONS

THE OWNER, ON BEHALF OF ITSELF, ITS SUCCESSORS AND ASSIGNS, AND ALL FUTURE HOLDERS OF TITLE TO THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAT (COLLECTIVELY, THE "OWNER"), HEREBY COVENANTS AND AGREES WITH THE CITY OF WARRENVILLE (THE "CITY") AS FOLLOWS: THE OWNER SHALL MAINTAIN, OPERATE AND REPAIR THE PORTIONS OF THE PROPERTY IDENTIFIED ON THIS PLAT AS "STORMWATER MANAGEMENT EASEMENT" AT ALL TIMES IN A MANNER CONSISTENT WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE CITY (AND UPON REQUEST, FURNISH PROOF OF COMPLIANCE THEREWITH). NO PERMANENT BUILDING, OR UTILITY FACILITIES SHALL BE CONSTRUCTED ON THE STORMWATER MANAGEMENT EASEMENT AREAS BY THE OWNER, OR THE OWNER'S SUCCESSORS IN INTEREST, BUT SAID STORMWATER MANAGEMENT EASEMENT MAY BE USED FOR OTHER PURPOSES THAT DO NOT NOW OR LATER INTERFERE OR CONFLICT WITH THE AFORESAID USES OR RIGHTS OR IN ANY WAY AFFECT OR IMPEDE THE STORAGE OR FREE FLOW OF STORMWATER ON AND OVER SAID STORMWATER MANAGEMENT EASEMENT.

THE OWNER GRANTS TO THE CITY AND ITS DESIGNEES THE RIGHT OF ACCESS UPON, OVER AND ACROSS THE PROPERTY TO INSPECT THE STORMWATER MANAGEMENT EASEMENT AREA AND TO PERFORM ANY MAINTENANCE OF SAID AREAS (AND TO STORE EQUIPMENT NECESSARY THEREFORE) WHICH THE OWNER HAS FAILED TO PERFORM, IF SUCH FAILURE CONTINUES FOR THIRTY (30) DAYS AFTER WRITTEN NOTICE FROM THE CITY OF SUCH FAILURE. THE CITY MAY ENTER UPON THE PROPERTY AND PERFORM SUCH WORK AS SHOULD HAVE BEEN UNDERTAKEN BY THE OWNER, WITHOUT NOTICE TO THE OWNER, IN AN EMERGENCY (E.G. WHERE PERSONAL INJURY OR MATERIAL DAMAGE TO PROPERTY MAY BE IMMINENT). THE OWNER SHALL BE LIABLE FOR THE COST OF ANY MAINTENANCE SO PERFORMED BY THE CITY AND SHALL PROMPTLY REIMBURSE THE CITY FOR SUCH COSTS, WITH INTEREST AT A STATUTORY PREJUDGMENT RATE CALCULATED FROM THE DATE OF EXPENDITURE. UPON RECORDATION BY THE CITY OF A CLAIM FOR REIMBURSEMENT, THE CITY SHALL HAVE A FORECLOSABLE LIEN UPON THE PROPERTY TO SECURE REIMBURSEMENT.

IN ADDITION TO OTHER REMEDIES PROVIDED FOR ABOVE, UPON THE OWNER'S FAILURE TO MAINTAIN THE STORMWATER MANAGEMENT EASEMENT AREAS (AFTER NOTICE WHERE REQUIRED AS AFORESAID), THE CITY SHALL BE ENTITLED TO ALL REMEDIES AT LAW OR EQUITY TO ENFORCE THIS AGREEMENT, INCLUDING ALL REMEDIES FOR THE ABATEMENT OF A NUISANCE, WHICH REMEDIES SHALL BE CUMULATIVE AND NOT EXCLUSIVE. IF A JUDGMENT IS ENTERED AGAINST THE OWNER, THE OWNER SHALL PAY ALL REASONABLE ATTORNEYS' FEES AND COSTS OF THE CITY. THE CITY SHALL NOT BE LIABLE TO THE OWNER OR ANY PARTY CLAIMING THROUGH THE OWNER FOR ANY DAMAGE CAUSED BY IT IN THE PERFORMANCE OF ANY MAINTENANCE UNDERTAKEN PURSUANT TO THIS AGREEMENT, UNLESS SUCH DAMAGE IS CAUSED BY WANTON OR WILLFUL CONDUCT. FAILURE TO ENFORCE A RIGHT GRANTED HEREUNDER SHALL NOT BE DEEMED A WAIVER OF SUCH RIGHT OR ANY OTHER RIGHTS HEREUNDER. NO PARTY SHALL BE LIABLE FOR FAILURE TO ENFORCE THE PROVISIONS HEREOF.

THE OWNER RESERVES UNTO ITSELF ALL RIGHTS NOT MATERIALLY INCONSISTENT WITH THESE PROVISIONS, INCLUDING THE RIGHT TO IMPROVE THE PROPERTY AND TO GRANT EASEMENTS AND OTHER RIGHTS AND INTERESTS IN AND TO SAID PROPERTY.

THE OWNER'S OBLIGATIONS UNDER THESE PROVISIONS MAY BE ASSUMED BY AN OWNER'S ASSOCIATION. UPON WRITTEN NOTICE OF SUCH ASSUMPTION, ANY NOTICE BY THE CITY OF NONPERFORMANCE SHALL BE GIVEN TO SUCH OWNER'S ASSOCIATION. HOWEVER, EACH OWNER (IF THERE IS THEN MORE THAN ONE) IS AND SHALL REMAIN INDIVIDUALLY AND COLLECTIVELY LIABLE FOR ALL OF THE OBLIGATIONS OF THE OWNER HEREUNDER IF THE ASSOCIATION FAILS TO PERFORM SUCH OBLIGATIONS. IF TITLE TO ALL OR ANY PART OF THE PROPERTY IS VESTED IN A LAND TRUST, ANY BENEFICIARIES THEREOF SHALL BE PERSONALLY LIABLE FOR ALL OBLIGATIONS IMPOSED HEREBY ON THE OWNER OF SUCH PROPERTY OR PORTION THEREOF SO OWNED.

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

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 _____, 2025.

MAYOR: _____

ATTEST: _____

CITY CLERK: _____

COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE ____ DAY OF _____, A.D., 2025, AT _____ O'CLOCK ____ M. AS DOCUMENT NUMBER _____.

COUNTY RECORDER _____

CITY CLERK CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____, CITY CLERK OF THE CITY OF WARRENVILLE, ILLINOIS HEREBY CERTIFY THAT THE PLAT WAS PRESENTED TO AND BY RESOLUTION DULY 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 2025.

CITY CLERK: _____

OWNER'S CERTIFICATE:

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

_____, AS OWNER, HAS CAUSED THE SAME TO BE SURVEYED AS INDICATED HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED THIS ____ DAY OF _____, A.D., 2025.

BY: _____

OWNER'S NOTARY CERTIFICATE:

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

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT DAN ANDERSEN, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED AND DELIVERED THE SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF _____, A.D., 2025.

NOTARY PUBLIC: _____

THIS PLAT WAS SUBMITTED TO THE COUNTY RECORDER FOR THE PURPOSE OF RECORDING BY _____

DATED: JULY 7, 2025

ENGINEERED BY: KDC CONSULTANTS INC. WWW.KDCCONSULTANTSINC.COM 16144 S. BELL ROAD HOMER GLEN, ILLINOIS 60491 (708) 645-0545	
PREPARED FOR: WVILLE TALBOT LLC GRANT OF EASEMENT & RIGHT OF WAY DEDICATION	
PROJECT 20-04-036 EASE	PAGE 1 OF 1
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EXHIBIT D

ENGINEERING REVIEW MEMO

MEMORANDUM

Date: July 15, 2025

To: TCB Management

From: Kristine Hocking, P.E., CFM
Assistant Community Development Director
City of Warrenville

Re: 3S140 Talbot Avenue
Spec Building
Prelim/Final PUD Engineering Plan Review
APPROVED WITH CONDITIONS

The proposed development will be constructed on an existing 2.53 acre site located at the northeast corner of Calumet Street and Talbot Avenue. The existing site is vacant. The proposal includes the construction of one industrial building, driveway and parking lot. Proposed stormwater management facilities include two detention facilities with native vegetated wetland bottom ponds and permeable paver parking lots.

The following engineering documents have been reviewed:

1. New Shop and Office for Spec Building, prepared by MJ Root Architect, dated April 23, 2025.
2. Wville Talbot Engineering Improvement Plans (10 sheets) prepared by KDC Consultants Inc. of Homer Glen, Illinois and dated July 7, 2025.
3. Storm Water Management Report for Wville Talbot prepared by KDC Consultants Inc. and dated November 24, 2021
4. Engineer's Opinion of Improvement Costs prepared by KDC Consultants Inc. and dated July 7, 2025.
5. Grant of Easement and Right of Way Dedication prepared by KDC Consultants, Inc. dated July 7, 2025.
6. Landscape Plan, prepared by Hitchcock Group, and dated December 21, 2021
7. Photometric Plan, prepared by Econolight and dated September 17, 2021
8. Response letter by KDC Consultants, Inc. and dated July 7, 2025.
9. DuPage County Stormwater Management Certification Application
10. Retaining Wall Calculations, by MJ Root Architect, dated August 22, 2021.

ENGINEERING SUMMARY

ACCESS: The site is located on the northeast corner of Talbot and Calumet. One driveway entrance is proposed on Talbot and one is proposed on Calumet.

GRADING: The site will drain to proposed detention ponds on the north and south sides of the property.

PERMITS: The estimated proposed disturbed area will be 2.53 acres, so a City of Warrenville Stormwater and Flood Plain Certification is required.

STORMWATER DETENTION: The parcel is currently vacant. The existing impervious area on the site is 0 square feet. The proposed impervious area on the site is 37,459 square feet. The increase in impervious area is 37,459 square feet. Since the proposed improvement will result in more than 25,000 square feet of increased impervious area, in accordance with Section 15-72 of the DuPage Countywide Stormwater and Floodplain Ordinance (DCSFPO), site runoff storage (stormwater detention) is required.

EROSION CONTROL: The project site is greater than one acre in size, so a National Pollutant Discharge Elimination System (NPDES) permit is required for the discharge of storm water during construction. The Owner will have to implement the Storm Water Pollution Prevention Plan (SWPPP) to effectively manage the discharge of pollutants from the site. The Owner must submit the SWPPP and a Notice of Intent (NOI) to the Illinois EPA in accordance with ILR10 requirements at least 30 days prior to the start of construction. A signed copy of the SWPPP and a signed copy of the NOI must be provided to the IEPA and City prior to the start of construction. A signed copy of SWPPP and NOI must also be kept at the construction site from the start of construction until such time that ground cover is re-established.

BEST MANAGEMENT PRACTICES: The proposed development will create a total of 37,459 square feet of new impervious area. In accordance with the City of Warrenville Stormwater and Floodplain Ordinance, Post Construction Best Management Practices (PCBMPs) for water quality are required. Per Section 15-64.A.2 PCBMPs may provide volume and pollutant control by providing native vegetated wetland bottom site runoff storage basin. The stormwater management report states that BMPs for the development include the native vegetated planting of the detention basin bottoms.

SPECIAL MANAGEMENT AREAS: Per the August 1, 2019 FEMA FIRM 17043C0129J the site is within Zone X (Area with minimal flood hazard) with no Regulatory Floodplain on the development property. Because the site is entirely outside of the limits of the 100-year floodplain, compensatory storage will not be required for any fill.

No wetlands are identified on the site per the DuPage County Wetland Map or the National Wetlands Inventory map.

There are no Buffers on the development site.

SITE LIGHTING: The site uses 130 watt LEDs within the parking lots mounted on 20 foot poles. There are also luminaires mounted to the building. All fixtures are 4000K. The average not to be exceeded for medium activity parking lots is 2.0 foot candles.

REVIEW COMMENTS

The reviewed documents have been stamped “**APPROVED WITH CONDITIONS**”. Please resubmit the Civil Construction plans and a disposition of the comments following City Council action with a site development permit.

Final Engineering Plans:

1. Sheet 3 – Carriage walk on Talbot shall be doweled to proposed curb per Public Works direction.
2. Sheet 4 – Water Service and Fire Suppression Service must be separate outside of the building due to new IEPA regulation for water quality. In the fire service, a check valve in a valve vault must be included to protect the City water system from potentially stagnant water in fire service line.
3. Sheet 4 - Verify location of water and sanitary sewer services with the Architectural plans and make revisions.
4. Sheet 9 – Provide designed and certified by a structural engineer any retaining walls over 3 feet tall.
5. Sheet 9 – Add a more detailed design of the level spreader at the end of the pond outlet pipe and not just a NRCS detail as the NRCS detail is not applicable.

Photometric Plan:

6. The average maximum is 2.0 foot candles. It appears that the south lot exceeds this maximum. Also, it is unclear what the average for the north lot is. The applicant needs to re-calculate the average and average to minimum ratios based upon both the south and north parking lots separately and driving isle surfaces in order to see if it meets the requirements. An additional light pole may be necessary in the northern lot. See markups.

Landscaping Plans:

6. The detention basins should incorporate native prairie vegetation in lieu of turf to comply with the PCBMP requirements.
7. Shift the proposed trees to avoid the proposed sidewalk and utility structures along Talbot.
8. See Staff Report for further comments.

Fees – Required Prior to Permit Issuance

1. Stormwater Management Review Fee: This had been previously paid and since the design has not changed, no fee is required.
2. Stormwater Inspection Fee: \$500 plus 2.5% of EOPCC for Public Improvements (Stormwater Management & Erosion Control): **\$2,584.25**

3. Final Engineering Review and Inspection: Based upon the EOPCC for Public Improvements (Non-Stormwater Management/Erosion Control): **\$12,441.63**
4. Development Security: 110% of the total EOPCC for Public and Stormwater Improvements. This can be a cash bond, Letter of Credit, or a Performance and Payment Surety Bond. LOC and Bond templates can be provided by the City. These drafts must be reviewed by the City prior to execution. **\$415,725.53**
5. Other building permit fees will apply.

Attachments

1. Markup of Lighting Plan

Luminaire Schedule							
Symbol	Qty	Label	Arrangement	Lumens/Lamp	LLF	Total Watts	Description
○	6	NTA-T4	SINGLE	19200	1.000	780	NTA-A-NM-T4-19L-40K-UL-BZ
○	1	NTA-T3	SINGLE	19200	1.000	130	NTA-A-NM-T3-19L-40K-UL-BZ
○	2	NTA-T4-1	SINGLE	12675	1.000	260	NTA-A-NM-T4-19L-40K-UL-BZ w/NTA-BLSF-19L
○	1	NTA-T3-1	SINGLE	12675	1.000	130	NTA-A-NM-T3-19L-40K-UL-BZ w/NTA-BLSF-19L

Calculation Summary					
Label	Avg	Max	Min	Avg/Min	Max/Min
CalcPts_1	1.85	17.6	0.0	N.A.	N.A.
Parking Area South	4.01	11.4	0.7	5.73	16.29

**ADD POLE BASE FOUNDATION
DETAIL TO ENGINEERING PLANS.
ACCOUNT FOR HEIGHT IN
PHOTOMETRIC CALCULATIONS**

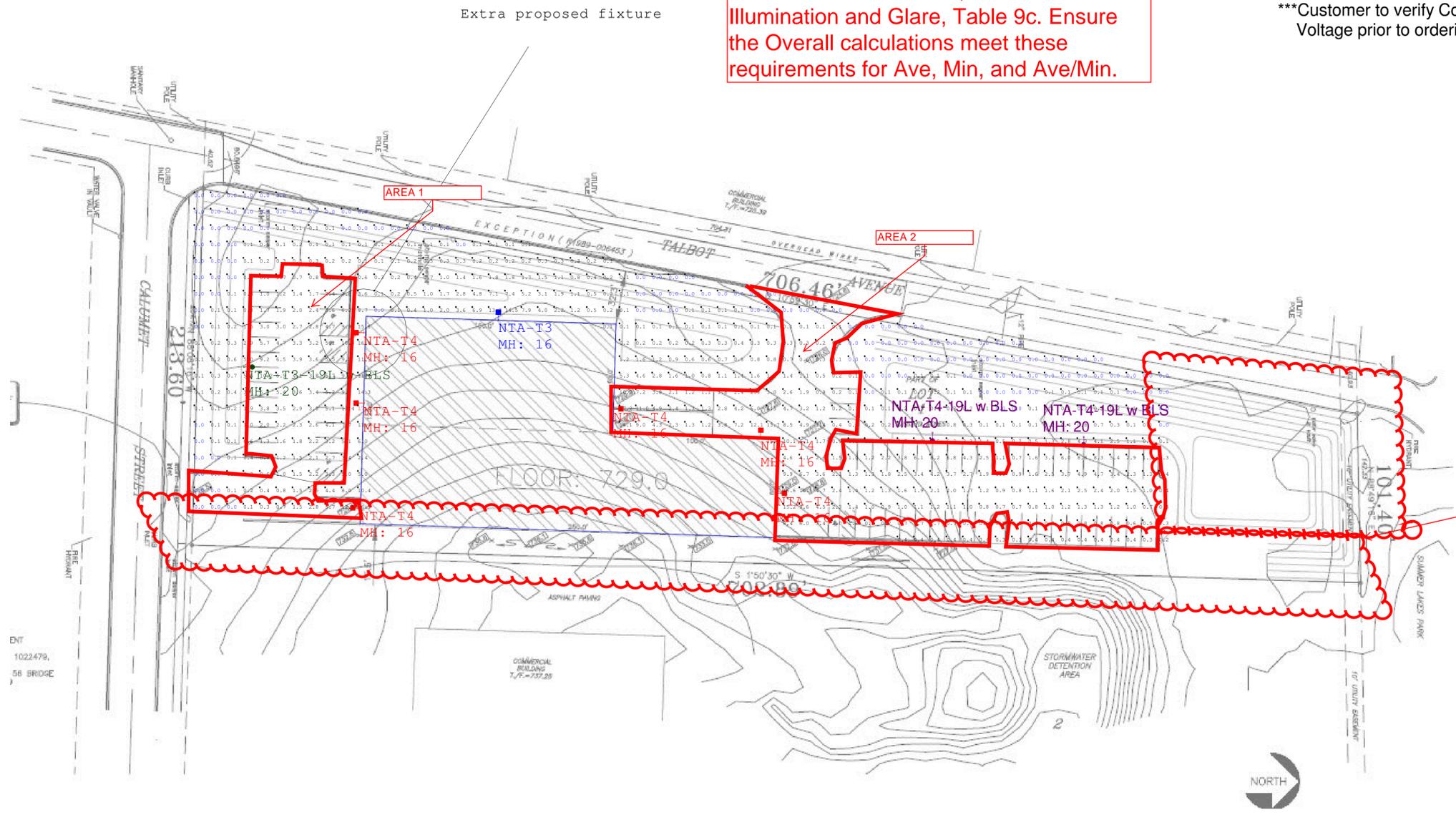
Update the calculations to show the 1. Parking South (see adjustment to area) and the 2. Parking North and 3. Overall. This is a "Medium Level of Activity" according to Zoning Ordinance Section 9. Performance Standards, Section I. Illumination and Glare, Table 9c. Ensure the Overall calculations meet these requirements for Ave, Min, and Ave/Min.

Poles: 20' AFG (20' Pole + 0.0' Base)
(3) E-PS4E20C1DB - (20' x 4" x .120", Square Steel Pole, Single)

Additional Required Equipment:
(7) NTA-AA-BZ-U Adjustable Arm Mount
(7) E-ACWM4DB L shaped wall mounting bracket
(3) NTA-DA-BZ-U Direct Arm Mount
(3) NTA-BLSF-19L Backlight Shield - 19L Fixture

**ADJUSTABLE
AREMS ARE NOT
ALLOWED.
FIXTURES SHALL
HAVE FULL
HORIZONTAL
CUTOFF OPTICS
WITH FLAT
LENSES, WITH
NO PORTION OF
LENS
PROTRUDING
BELOW THE
HOUSING.**

Customer to verify Color, Mounting, Fixture Location Voltage prior to ordering.



**ADD FC
ALONG
LOT
LINES
ON
EAST
NORTH
AND
WEST
SIDES**



1501 96th Street
Sturtevant, Wisconsin 53177
PH: (888) 243-9445
FX: (262) 504-5409
www.e-conolight.com

Customer responsible to verify ordering information/catalogue number prior to placing order.

Date: 9/17/2021 Scale: 1"=40' Layout by: Collin Witherow

Project Name: Elite, Warrenville, IL Salesforce: SR-33924

Filename: 20120BJG1NRPR1.AGI

Footcandles calculated at grade using initial lumen values

Illumination results shown on this lighting design are based on project parameters provided to E-conolight used in conjunction with luminaire test procedures conducted under laboratory conditions. Actual project conditions differing from these design parameters may affect field results. The customer is responsible for verifying dimensional accuracy along with compliance with any applicable electrical, lighting, or energy code.

EXHIBIT E

UNCONDITIONAL AGREEMENT AND CONSENT

WHEREAS, the Wville Talbot LLC (“**Owner**”) is the current title holder of that certain real property consisting of approximately 2.53 acres, commonly known as 3S140 Talbot Avenue, Warrenville, Illinois (“**Property**”); and

WHEREAS, TCB Management LLC (“**Developer**”), desires to develop the Property with a 23,500 square-foot warehouse and office building, off-street parking areas containing a total of 67 parking spaces, semi-truck loading areas, stormwater detention facilities, landscape improvements, and public sidewalk along the Calumet Avenue and Talbot Avenue frontages, and other related improvements on the Property (collectively, the “**Proposed Development**”); and

WHEREAS, pursuant to Sections 7 and 8 and Table 3A of the City of Warrenville Zoning Ordinance, as amended (“**Zoning Ordinance**”) and Sections 11-1-6 and 11-1-7 of the City of Warrenville Subdivision Ordinance (“**Subdivision Ordinance**”), the Developer, with the consent of the Owner, has applied to the City for approval of (i) a special use permit for a Planned Unit Development in the M-1 District (“**Special Use Permit**”); (ii) a final planned unit development plan for the Property (“**Final PUD Plan**”); (iii) a plat of easement and right-of-way dedication (“**Plat of Easement and Dedication**”); (iv) certain deviations from the Zoning Ordinance, within the planned unit development (“**Zoning Modifications**”); and (v) certain variations from the City’s stormwater regulations (“**Stormwater Variations**”), which are set forth in Chapter 13 of Title 8 of the Warrenville City Code (“**Stormwater Regulations**”) (collectively (i) through (v) are the “**Requested Relief**”); and

WHEREAS, Ordinance No. O2025-36, adopted by the City Council on _____, 2025 (“**Ordinance**”), approved the Requested Relief and

WHEREAS, Section 12 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Developer and the Owner have filed, within 90 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Developer and the Owner do hereby agree and covenant as follows:

1. The Developer and the Owner each hereby unconditionally agrees to, accept, and consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Developer and the Owner each acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right, provided that the notice to the Applicant and Developer required by Section 6 of the Ordinance is given.

3. The Developer and the Owner each acknowledges and agrees that the City is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result

of the City's granting of the Requested Approvals or its adoption of the Ordinance, and that the City's approvals do not, and will not, in any way, be deemed to insure, the Applicant and the Developer against damage or injury of any kind and at any time.

4. The Developer and the Owner each hereby agrees to hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the City's adoption of the Ordinance granting the Requested Approvals, (c) the development, maintenance and use of its obligations under this Unconditional Consent and Agreement, and (d) the performance by the Applicant and the Developer of their obligations under this Unconditional Consent and Agreement.

TCB MANAGEMENT LLC

WVILLE TALBOT, LLC

By: _____

By: _____

Name: _____

Name: _____

Its: _____

Its: _____

SUBSCRIBED and **SWORN** to
before me this _____ day of
_____, 20__.

SUBSCRIBED and **SWORN** to
before me this _____ day of
_____, 20__.

Notary Public

Notary Public