

ORDINANCE NO. O2026-03

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. O2025-30
APPROVING A TEMPORARY USE PERMIT FOR
TEMPORARY OFF-SITE PARKING AND TEMPORARY LOADING ZONE
(28W289 WARRENVILLE ROAD AND 3S580 RIVER ROAD)

WHEREAS, J H Bollweg Building Partnership ("**Owner**") is the owner of those certain real properties commonly known as 3S580 River Road, Warrenville, Illinois ("**Development Property**"); and 28W289 Warrenville Road, Warrenville, Illinois ("**Parking Property**"), as each is legally described in **Exhibit A** attached to and made of a part of this Ordinance; 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, P.S. Flowers, Inc. (collectively, the Owner and P.S. Flowers, Inc. are the "**Applicants**") operates a home furnishing store ("**Retail Use**") on the Development Property and within the Blacksmith Building; and

WHEREAS, the Owner also intends to construct an addition to the Blacksmith Building in which the Owner plans to locate a 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 Applicants must obtain approval of a variation and any other necessary zoning relief; and

WHEREAS, the Applicants desire to 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 Applicants propose 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, on June 16, 2025, the City Council adopted Ordinance No. O2025-30, approving 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 ("**Original Temporary Use Permit**"), subject to certain conditions and restrictions; and

WHEREAS, the Applicants also desire to establish a temporary loading zoning on a grass and gravel area located in front of the Blacksmith Building on the Development Property ("**Proposed Temporary Loading Zone**"); and

WHEREAS, pursuant to Section 5.14 of the Zoning Ordinance, all off-street parking and loading areas must be surfaced with asphalt, concrete, brick, paving block, or similar dustless surface with a structural number of 2.8; and

WHEREAS, pursuant to the applicable provisions of the City Code, the Applicants submitted an application to amend the Original Temporary Use Permit to additionally allow the Applicants to establish the Proposed Temporary Loading Zoning on the Development Property ("**Amended and Restated Temporary Use Permit**"); and

WHEREAS, consistent with the Plan Commission recommendation, and 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 Amended and Restated 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: Amended and Restated 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 3 of this Ordinance, the City Council approves the Amended and Restated Temporary Use Permit to allow:

A. The Proposed Temporary Off-Site Parking on the Parking Property to allow the operation of the Retail Use on the Development Property prior to the completion of the Proposed Future Development; and

B. The Proposed Temporary Loading Zoning on the Development Property accessed via the River Road curb cut.

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 Applicants 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 following plans and documents:

1. 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”)**;

2. Loading Zoning Exhibit, consisting of two pages, the first page containing photographs of the Development Property and the second page containing a depiction of the proposed Temporary Loading Zoning on the Development Property, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit C (“Loading Zone Exhibit”)**.

C. Proposed Temporary Off-Site Parking.

1. 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 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 Retail Use.

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

D. Proposed Temporary Loading Zone.

1. Location. The Proposed Temporary Loading Zone must be located on the Development Property in accordance with the Loading Zone Exhibit with egress and ingress provided via the River Road curb cut requested by the Owner in 2024.

2. Size. The Proposed Temporary Loading Zone must not exceed 3,500 square feet in area.

3. Use. Customers of the Retail Use may park vehicles within the Proposed Temporary Loading Zone for periods up to 30 minutes for temporary loading and unloading purposes only. Two employee vehicles may be parked in the Proposed Temporary Loading Zone for longer than 30 minutes but only for the purpose of loading and unloading merchandise for the Retail Use on a seasonal basis. All other parking associated with the Retail Use must be located in the Proposed Temporary Off-Site Parking or in public parking spaces.

4. Signage. The Applicants must install a Small Convenience Sign, as defined by the Zoning Ordinance, not exceeding four square feet in area, on the Development Property

notifying users that parking in the Proposed Temporary Loading Zoning is limited to 30 minutes or less and for loading and unloading purposes only. The sign may not be illuminated.

E. Expiration of Amended and Restated Temporary Use Permit. The Amended and Restated Temporary Use Permit granted pursuant to this Ordinance will expire (i) 12 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 Retail Use pursuant to a permit issued by the City, whichever is earlier to occur.

F. Temporary Extension. Any extension of the term of the Amended and Restated Temporary Use Permit must be approved by the City Council.

G. Required Action in the Event of Expiration. If it is reasonably anticipated that the Amended and Restated 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 Retail Use within 12 months after this Ordinance is adopted (or within any extension is granted pursuant to Section 3.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 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 Applicants or 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 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 Applicants 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 Amended and Restated 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; Conflicts; Binding Effect.

A. 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.

B. This Ordinance amends and restates Ordinance No. O2025-30. In the event of a conflict between the terms and conditions of Ordinance No. O2025-30 and this Ordinance, the terms and conditions of this Ordinance shall control.

C. This Ordinance, and the privileges, obligations, and provisions contained therein, inure to the benefit of, and are binding upon, the Applicants; 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 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; and
- B. Publication in pamphlet form in the manner required by law.

PASSED THIS ____ day of _____, 2026.

AYES: ____ NAYS: ____ ABSENT: ____ ABSTAIN: ____

APPROVED THIS ____ day of _____, 2026.

MAYOR

ATTEST:

CITY CLERK

EXHIBITS

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

Exhibit B – Parking Plan

Exhibit C – Loading Zone Exhibit

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

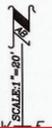
LOT 3 OF BOLLWEG SUBDIVISION, A PART OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, RECORDED December 9, 2022 as DOC. R2022-106943

PIN: 04-35-414-032

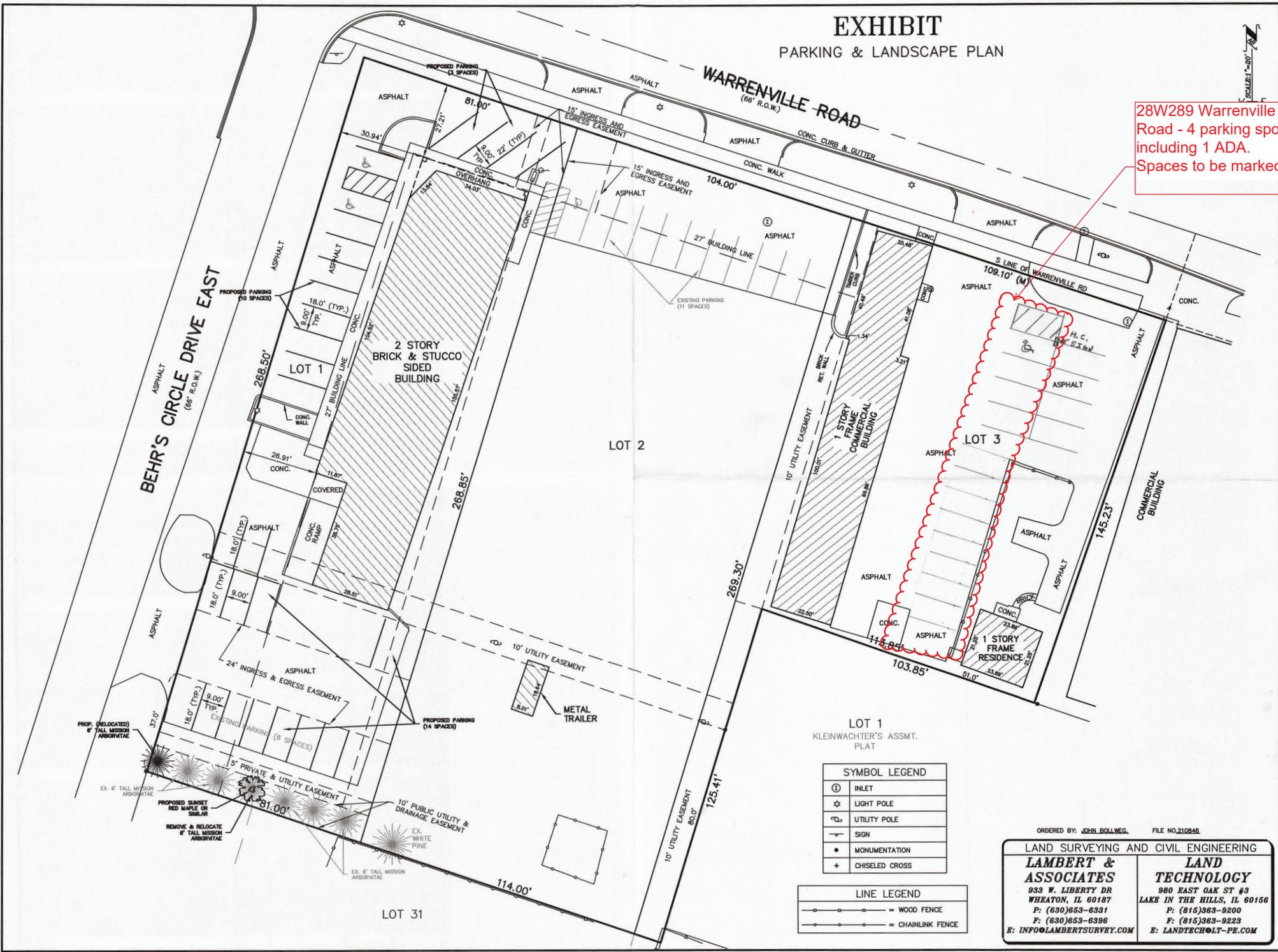
COMMONLY KNOWN AS: 28W289 Warrenville Road

EXHIBIT B
PARKING PLAN

EXHIBIT PARKING & LANDSCAPE PLAN



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



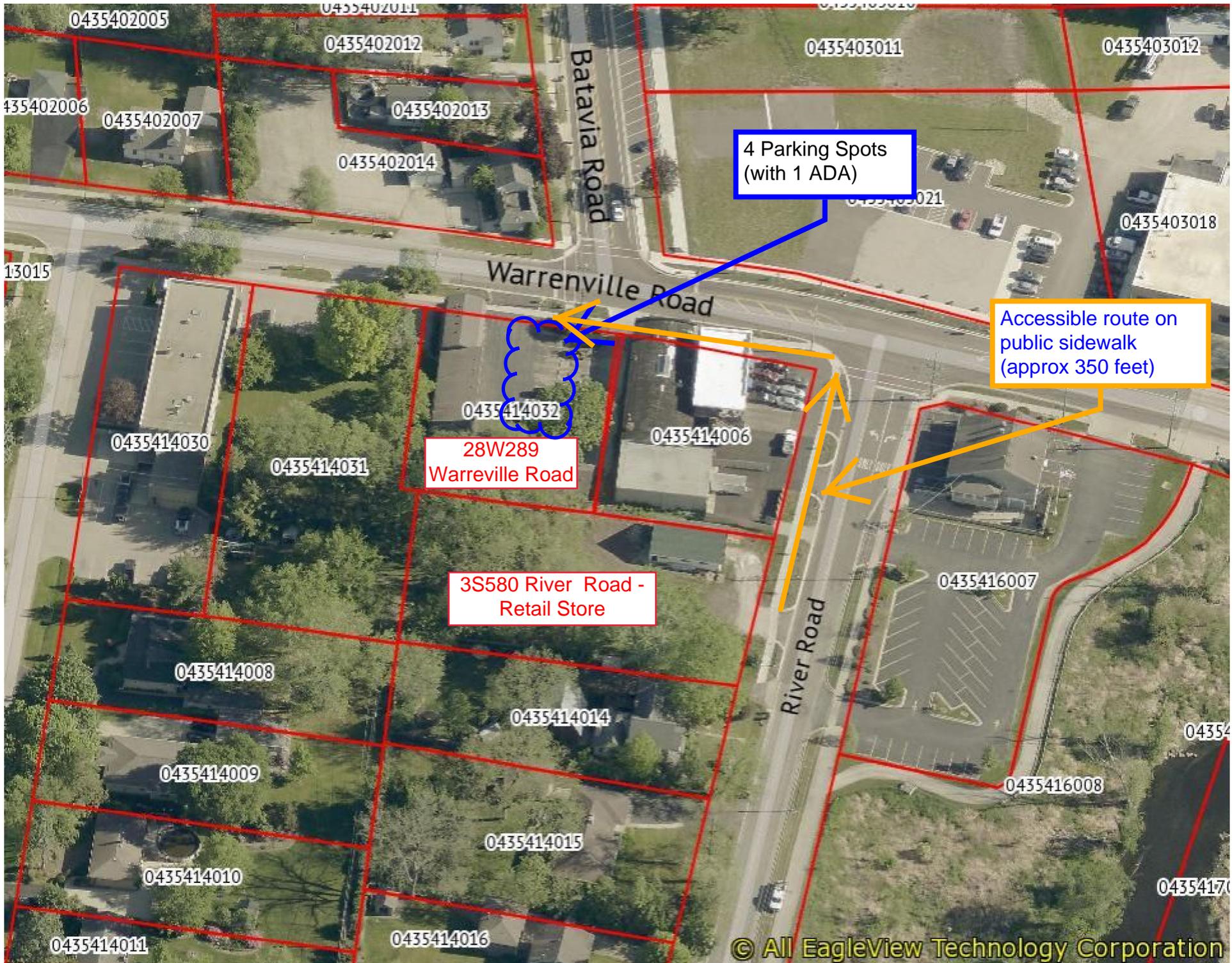
LOT 1
KLEINWACHTER'S ASSMT.
PLAT

SYMBOL LEGEND	
⊙	INLET
☆	LIGHT POLE
⊕	UTILITY POLE
—v—	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



EXHIBIT C

LOADING AREA ZONE

