

Prepared by and Return to:
Village of Arlington Heights
Legal Department
33 S Arlington Heights Rd
Arlington Heights, IL 60005

THIS SPACE FOR CLERK'S USE ONLY

AN ORDINANCE GRANTING VARIATIONS FROM CHAPTER 30,
SIGN REGULATIONS, OF THE ARLINGTON HEIGHTS MUNICIPAL CODE
FOR THE PROPERTY AT 225 EAST PALATINE ROAD

ADOPTED BY THE
PRESIDENT AND BOARD OF
TRUSTEES OF THE VILLAGE OF
ARLINGTON HEIGHTS THIS
19TH DAY OF SEPTEMBER, 2022.

AN ORDINANCE GRANTING VARIATIONS FROM CHAPTER 30,
SIGN REGULATIONS, OF THE ARLINGTON HEIGHTS MUNICIPAL CODE
FOR THE PROPERTY AT 225 EAST PALATINE ROAD

WHEREAS, Raising Cane's, ("*Applicant*") is the tenant of that certain property located in the B-2 General Business District ("*B-2 District*"), commonly known as 225 E Palatine Road, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance ("*Property*"); and

WHEREAS, the Property is improved with a drive-through restaurant ("*Existing Building*"); and

WHEREAS, as part of planned improvements to the Property and the Existing Building, the Applicant is requesting three wall signs on the wall facing Palatine Road ("*Proposed Wall Signs*"); and

WHEREAS, the requirements for Signs are set forth in Chapter 30, Sign Regulations, of the Arlington Heights Municipal Code ("*Sign Regulations*"); and

WHEREAS, pursuant to Section 30-402.a of the Sign Regulations, one sign is allowed on the north wall of the building facing Palatine Road; and

WHEREAS, pursuant to Section 30-403.a of the Sign Regulations, the maximum size allowed for additional wall signs on the north wall of the building facing Palatine Road is 0 square feet; and

WHEREAS, in order to permit the installation of the Proposed Wall Signs, the Applicant has submitted a petition for variations from the Sign Regulations (collectively the "*Requested Variations*"); and

WHEREAS, notification of a public meeting of the Design Commission of the Village of Arlington Heights ("*Design Commission*") to consider approval of the Requested Variations was provided by the Applicant pursuant to Section 30-904 of the Sign Regulations by posting signage at the Property and serving written notice on neighboring property owners; and

WHEREAS, on August 23, 2022, the Design Commission conducted a public meeting to consider the Requested Variations, and voted to recommend that the Village Board approve the Requested Variations; and

WHEREAS, the Village President and Board of Trustees have determined that the Requested Variations meet the required standards for a variation as set forth in Section 30-902 of the Sign Regulations; and

WHEREAS, the Village President and Board of Trustees have determined that it will serve and be in the best interests of the Village to grant the requested Variations, subject to the conditions, restrictions, and provisions of this Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. GRANT OF VARIATIONS. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, and in accordance with, and pursuant to, Section 30-902 of the Sign Regulations and the home rule powers of the Village, the Village hereby grants the following variations to the Applicant:

- A. A variation from Section 30-402a, Number, to allow an increase in the maximum number of wall signs on the north wall of the building facing Palatine Road, from one wall sign to three walls signs.
- B. A variation from Section 30-403.a, Dimensions, to allow an increase in the maximum size for a wall sign on the north wall of the building facing Palatine Road from 0 square feet to 67.5 square feet.
- C. A variation from Section 30-403.a Dimensions, to allow an increase an increase in the maximum size for a wall sign on the north wall of the building facing Palatine Road, from 0 square feet to 127.2 square feet.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Sign Regulations or any other provision of the “Municipal Code of Arlington Heights, Illinois, 1995,” as amended (“*Village Code*”), the approvals granted pursuant to Section 2 of this Ordinance are hereby expressly subject to, and contingent upon, the development, use, and maintenance of the Proposed Wall Signs, the Existing Building and the Property in compliance with each and all of the following conditions:

- A. ‘Number 1’ Sign. That the cladding of the 'Number 1' is considered almost a piece of art and not a sign, but future variation requests for additional signs will not be approved.
- B. ‘One Love Heart’ Sign. That the 'One Love Heart' sign shall remain as is, and that it not be changed in the future to a sign with the words 'Raising Cane's'.
- C. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, operation, and maintenance of all signs on the Property, the Existing Building, and the Property must comply at all times with all applicable Village codes and ordinances, as the same have been or may be amended from time to time.
- D. Compliance with Plans. Except for minor changes and site work approved by the Village's Director of Building & Life Safety (for matters within his or her permitting authority) in accordance with all applicable Village standards, the installation, use, operation, and maintenance of the Proposed Wall Signs must comply with those certain plans prepared by the Applicant, a copy of which is attached to and, by this reference, made a part of this Ordinance as Exhibit B (“*Plans*”).

- E. It is the Applicant's responsibility to comply with the Design Commission approval and ensure that building permit plans comply with all zoning code, building permit and signage requirements.

SECTION 4. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Clerk. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, as applicable, the approval granted in Section 2 of this Ordinance may, at the sole discretion of the Village President and Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village President and Board of Trustees may not so revoke the approval granted in Section 2 of this Ordinance unless they first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village President and Board of Trustees. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the B-2 General Business District and the applicable provisions of the Sign Regulations and the Village Code, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such enforcement action as may be appropriate under the circumstances.

SECTION 6. AMENDMENTS. Any amendments to the approvals granted in Section 2 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Sign Regulations and the Village Code.

SECTION 7. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and will be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8. EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
 - 1. Passage by the Village President and Board of Trustees in the manner required by law; and
 - 2. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit C 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 Village for any claims that may arise in connection with the approval of this Ordinance.

- B. In the event the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 8.A.2 of this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village President and Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

AYES:

NAYS:

PASSED AND APPROVED this 19th day of September, 2022.

Village President

ATTEST:

Village Clerk

SignRegulationOrdinances:Raising Canes

EXHIBIT A
Legal Description

That part of the Northeast 1/4 of the Northwest 1/4 of Section 20, and that part of the Northwest 1/4 of the Northeast 1/4 of said Section 20, all in Township 42 North, Range 11 East of the Third Principal Meridian, described as follows: Beginning at a point on the North line of the South 250 feet of said Northeast 1/4 of the Northeast 1/4, 50 feet East of the West line of said Northeast 1/4 of the Northwest 1/4 of Section 20; thence South 89 degrees, 56 minutes 12 seconds East, along the North line of said South 250 feet, 1,268.62 feet to a point on the East line of said Northeast 1/4 of the Northwest 1/4, also being the West line of said Northwest 1/4 of the Northeast 1/4; thence South 00 degrees, 16 minutes, 27 seconds East, along said quarter Section line, a distance of 205.04 feet to a point, said point being 44.96 feet Northerly of the Southwest corner of said Northwest 1/4 of the Northeast 1/4; thence North 46 degrees, 56 minutes, 25 seconds East, a distance of 165.25 feet to a point of curvature; thence Easterly along a curved line, convex Northerly, having a radius of 60 feet, a distance of 66.24 feet to a point on the Northwesterly right-of-way line of Dorothy Avenue, 249.37 feet Northeasterly of the Southwest corner of said Northwest 1/4 of the Northeast 1/4; thence North 46 degrees, 56 minutes, 25 seconds East, along the Northwesterly right-of-way line of Dorothy Avenue, a distance of 492.87 feet to a point on a line 59 feet Southwesterly of and parallel with the center line of Rand Road; thence North 48 degrees, 02 minutes, 35 seconds West, along said parallel line, a distance of 735.85 feet to the East line of said Northeast 1/4 of the Northwest 1/4; thence South 00 degrees, 16 minutes, 27 seconds East, along said East line of the Northeast 1/4 of the Northwest 1/4, 7.33 feet to the South line of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 20; thence North 89 degrees, 57 minutes, 27 seconds West, along said South line of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4; and said South line extended West, 362.57 feet to the West line of the East 33 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 20; thence North 00 degrees, 16 minutes, 02 seconds West, along said West line of the East 33 feet, a distance of 187.97 feet to the South line of Palatine Road; thence North 89 degrees, 42 minutes, 10 seconds West, along the South line of Palatine Road, a distance of 864.82 feet to an angle point; thence South 39 degrees, 07 minutes, 47 seconds West, a distance of 48.39 feet to a point on a line 60 feet East of and parallel with the West line of said Northeast 1/4 of the Northwest 1/4; thence South 00 degrees, 14 minutes, 48 seconds East, along said parallel line, 295 feet to a point, thence North 89 degrees, 56 minutes, 12 seconds West, a distance of 10 feet to a point on a line 50 feet East of and parallel with the West line of said Northeast 1/4 of the Northwest 1/4; thence South 00 degrees, 14 minutes, 48 seconds East, along said parallel line, a distance of 600.23 feet to the point of beginning, in Cook County, Illinois, containing an area of 1,370,000 square feet or 31.451 acres (more or less).

P.I.N. 03-20-101-016-0000

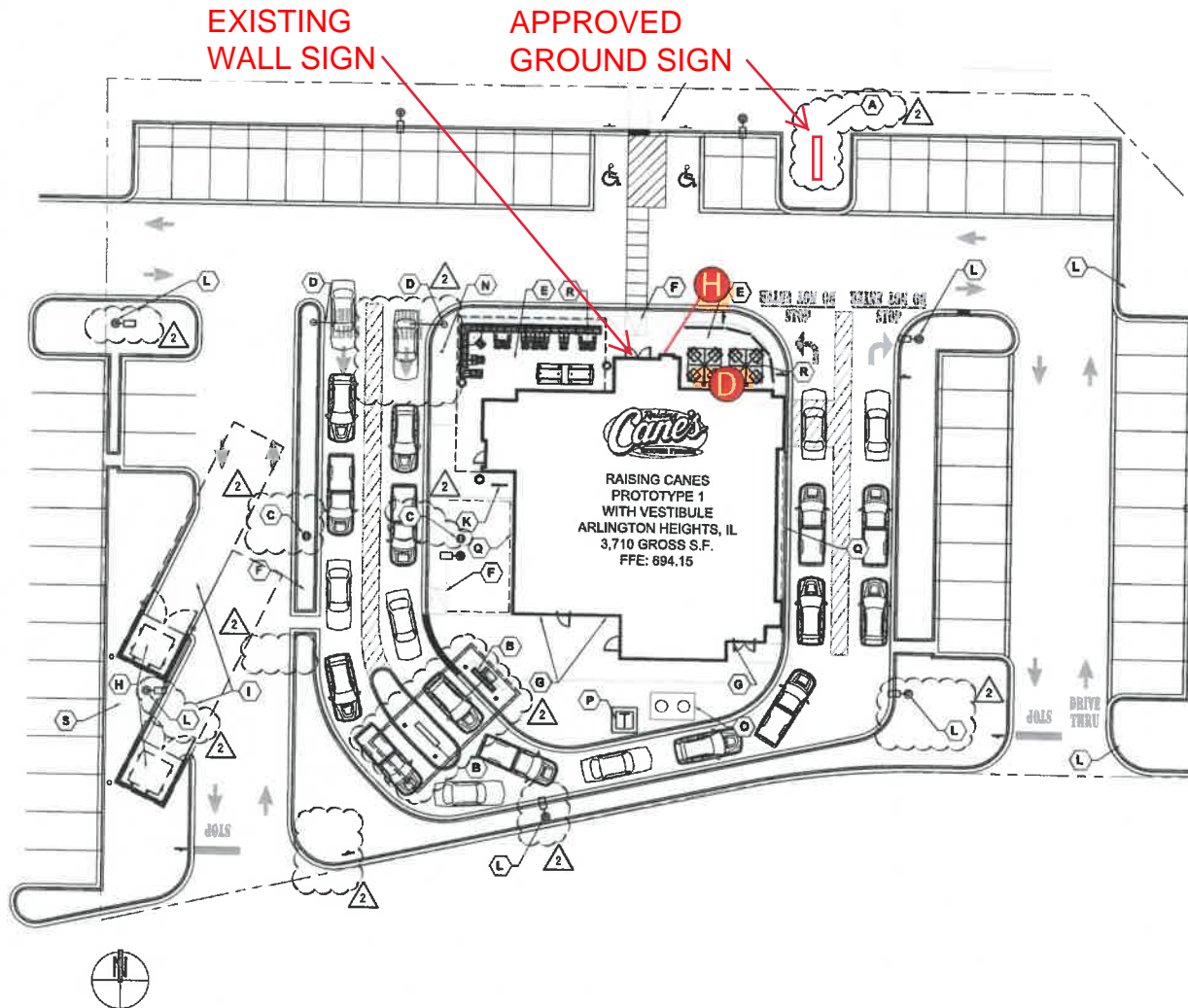
commonly described as 225 E Palatine Rd, Arlington Heights, IL 60004

EXHIBIT B

Site Plans

PROPOSED SIGNS

QTY.	CODE	DESCRIPTION
1	OLH	One Love Heart
1	1T	1 Tower



Location: Arlington Heights, IL

Site ID: RC0484

Date: 11/14/2018

AGI Rep: S. Holmes

AGI PM: Briana Bennett

Drawn by: M. Folden

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EXISTING BUILDING



EXISTING BUILDING



RENDERING (NTS)

PROPOSED SIGNS:
D. ONE LOVE HEART
H. "1" TOWER



Scale: 3/32"=1'



Location: Arlington Heights, IL

AGI Rep: S. Holmes

Site ID: RC0484

AGI PM: Briana Bennett

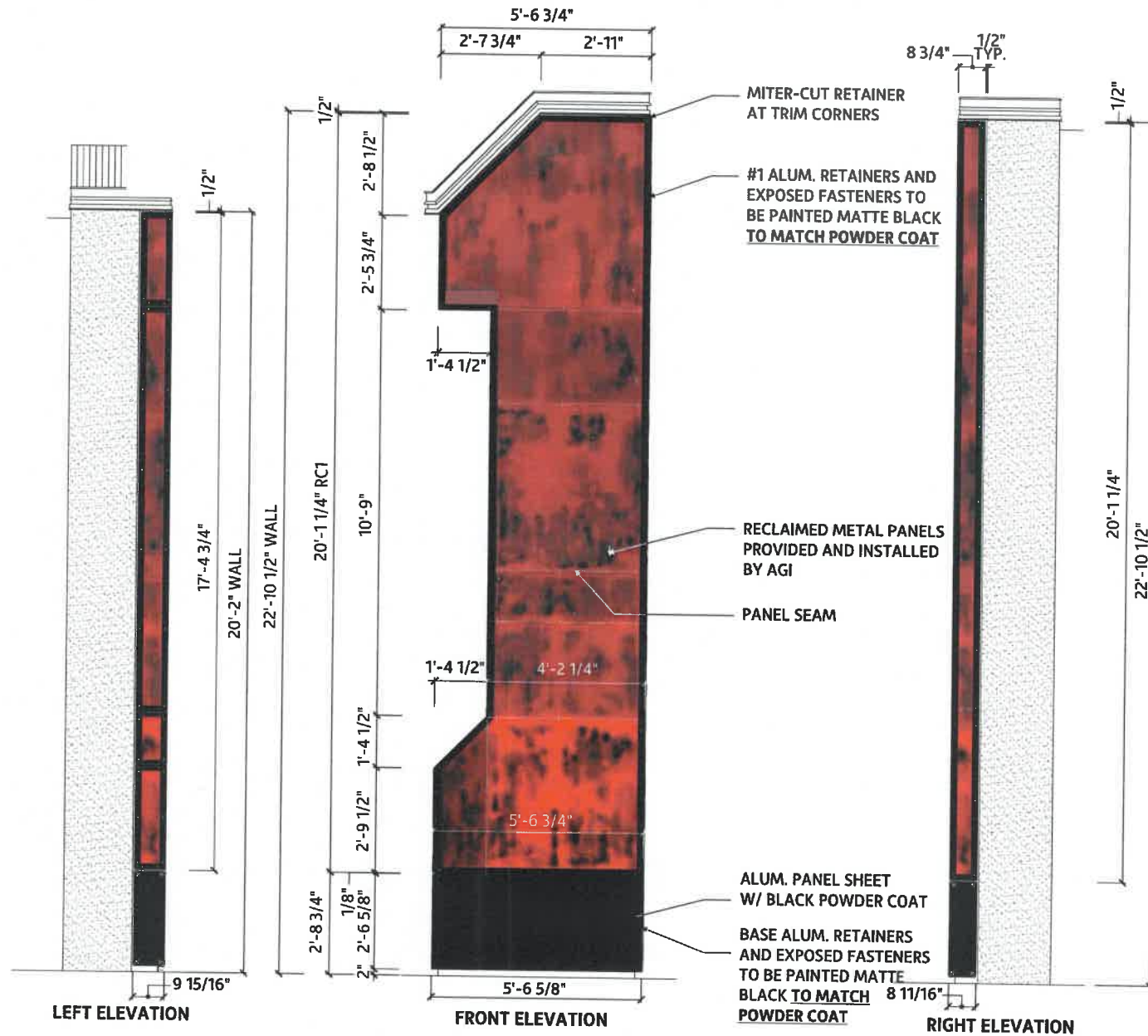
Date: 11/14/2018

Drawn by: M. Folden

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Location: Arlington Heights, IL

Site ID: RC0484

Date: 11/14/2018

AGI Rep: S. Holmes

AGI PM: Briana Bennett

Drawn by: M. Folden

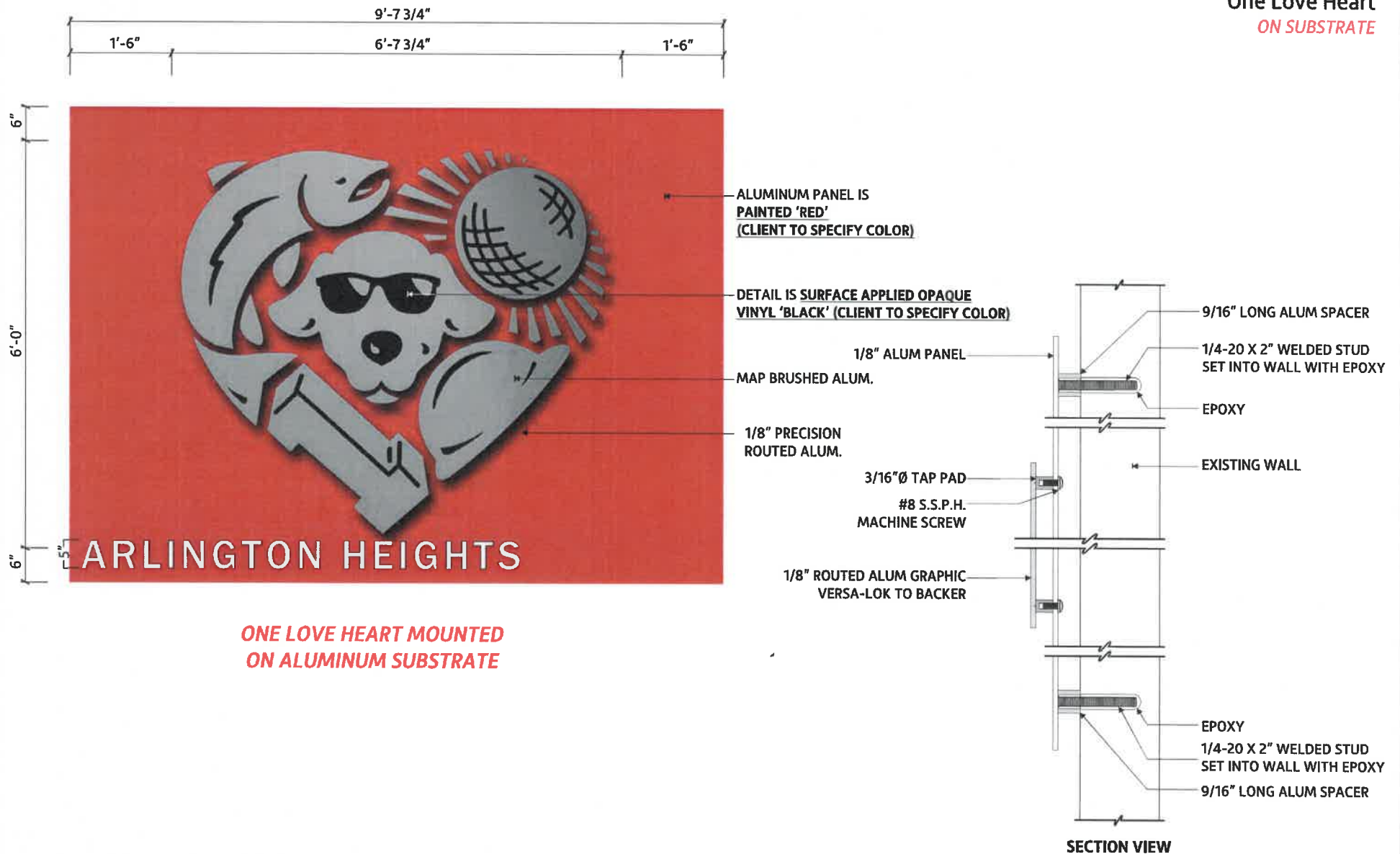
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D

CUTSHEET

One Love Heart

ON SUBSTRATE



Location: Arlington Heights, IL

Site ID: RC0484

Date: 11/14/2018

AGI Rep: S. Holmes

AGI PM: Briana Bennett

Drawn by: M. Folden

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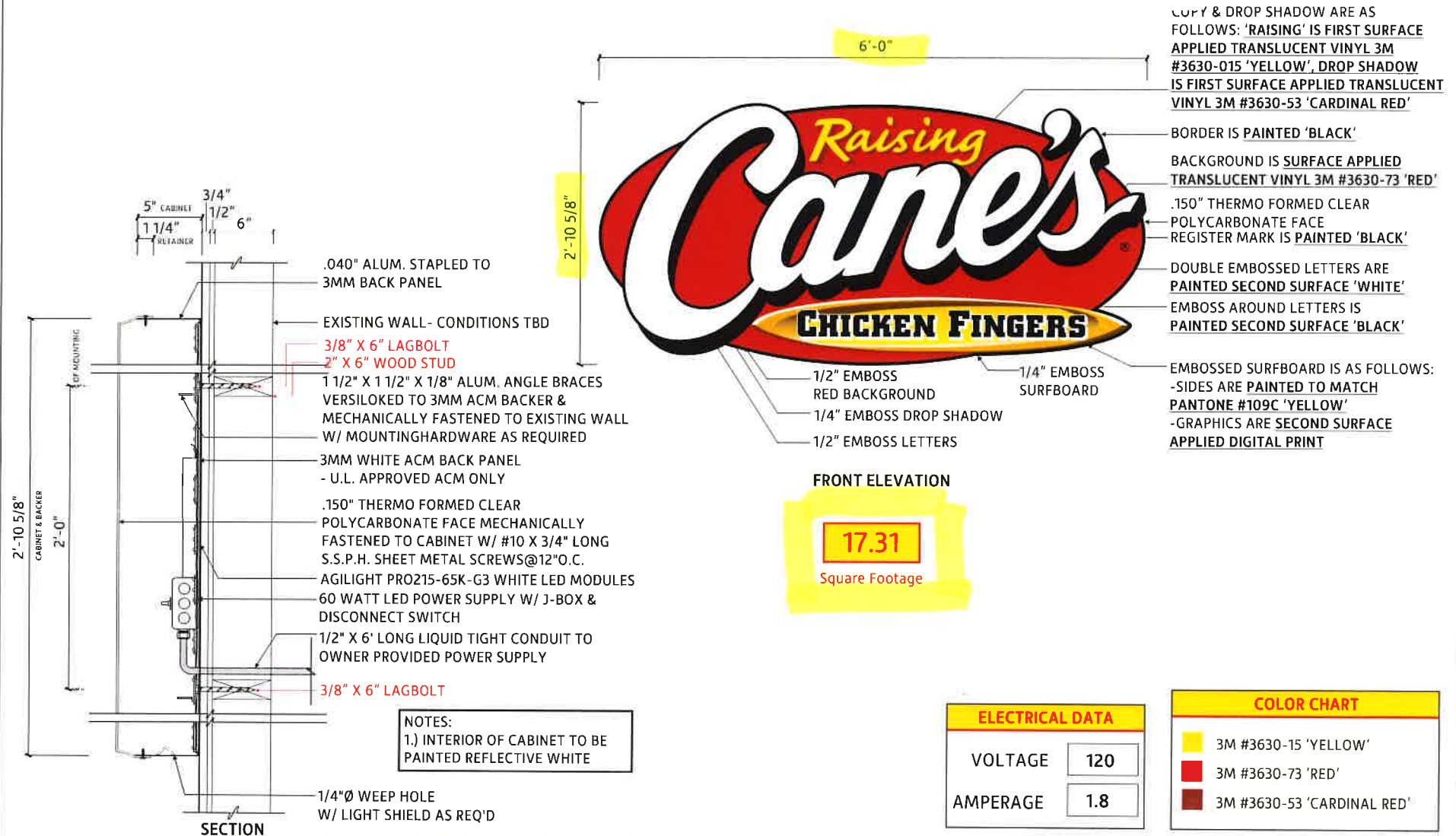


A

CUTSHEET

WS-6FT

EXISTING WALL SIGN



Location: Arlington Heights, IL

Site ID: RC0484

Date: 11/14/2018

AGI Rep: G.W.

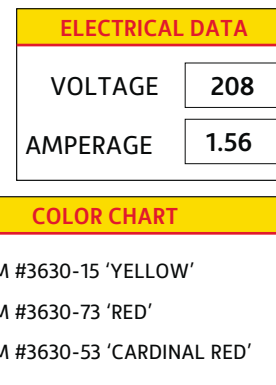
AGI PM: Kayla Urquhart

Drawn by: M. Folden

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Drawn by: M. Folden

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EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Arlington Heights, Illinois ("Village"):

WHEREAS, Raising Cane's ("Applicant") is the tenant of that certain property located in the B-2 General Business District ("B-2 District"), commonly known as 225 E Palatine Rd, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance ("Property"); and

WHEREAS, Ordinance No. 2022-_____, adopted by the Village President and Board of Trustees on September 19, 2022 ('Ordinance'), grants variations to the Applicant from the Village's sign regulations for the approved wall signs on the Property; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant files, within 30 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 Applicant does hereby agree and covenant as follows:

1. The Applicant hereby unconditionally agrees to, accept, consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant 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.
3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting of the variations for the Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.
4. The Applicant hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village 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 the Village's adoption of the Ordinance granting the variations for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2022

ATTEST:

RAISING CANE'S

Its _____

Its _____