

Prepared by and return to:
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, Illinois 60005
Attention: Village Clerk

VILLAGE OF ARLINGTON HEIGHTS

ORDINANCE NO. 2023-_____

AN ORDINANCE GRANTING A SIGN VARIATION
(711 E. PALATINE ROAD)

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF ARLINGTON HEIGHTS
THIS 7TH DAY OF AUGUST, 2023.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Arlington Heights,
Cook County, Illinois this
7th day of August, 2023

Village Clerk

AN ORDINANCE GRANTING A SIGN VARIATION
(711 E. PALATINE ROAD)

WHEREAS, MJK Real Estate Holding Company LLC ("**Owner**") is the record title owner of that certain property located in the B-3 General Service, Wholesale and Motor Vehicle District ("**B-3 District**"), commonly known as 711 E. Palatine Road, Arlington Heights, Illinois, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance ("**Property**"); and

WHEREAS, Chipotle Mexican Grill ("**Applicant**") leases the Property, which is improved with a building occupied and used exclusively by the Applicant for a restaurant ("**Building**"); and

WHEREAS, the Applicant currently has a code compliant wall sign installed on the north wall of the Building facing Palatine Road; and

WHEREAS, the Applicant desires to install a second wall sign on the west wall of the Building ("**Proposed Wall Sign**"); and

WHEREAS, Chapter 30 of the "Municipal Code of Arlington Heights, Illinois, 1995," as amended ("**Sign Code**"), sets forth regulations for the installation and maintenance of signs in the Village; and

WHEREAS, pursuant to Section 30-402.a of the Sign Code, no wall sign is permitted on the west wall of the Building, because that wall has no street frontage; and

WHEREAS, in order to permit the installation of the Proposed Wall Sign on the Building, the Applicant has submitted an application for a variation from Section 30-402.a of the Sign Code to allow a 38 square-foot wall sign on the west wall of the Building facing the parking area ("**Requested Relief**"); and

WHEREAS, notification of a public meeting of the Design Commission of the Village to consider approval of the Requested Relief was provided by the Applicant pursuant to Section 30-904 of the Sign Code by posting signage at the Property and serving written notice on neighboring property owners; and

WHEREAS, on June 13, 2023, the Design Commission conducted a public meeting to consider the Requested Relief, and made findings and recommendations that the Village Board approve a variation from Section 30-402.a to allow a 38 square-foot wall sign on the west wall of the Building facing the parking area; and

WHEREAS, the President and Board of Trustees have considered the Proposed Wall Sign and the recommendations of the Design Commission, and have determined that the Proposed Wall Sign meets the required standards for sign variations in Section 30-902 of the Sign Code; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interest of the Village to approve the Proposed Wall Sign, 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 VARIATION. 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 30-901 of the Sign Code and the home rule powers of the Village, the Village hereby grants a variation from Section 30-402.a of the Sign Code, to allow a 38 square-foot wall sign on the west wall of the Building facing the parking area.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Sign Code, or any other provisions 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 Property in compliance with each and all of the following conditions:

- A. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, operation, and maintenance of the Proposed Wall Sign and the Property must comply at all times with all applicable Federal, State, and Village statutes, codes, ordinances, and regulations, as the same have been or may be amended from time to time, including, without limitation, the Village Code, the Sign Code, and “The 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights,” as amended, except as varied in this Ordinance.
- B. Compliance with Plans. Except for minor changes approved by the Village Director of Building & Life Safety (for matters within their permitting authority) in accordance with all applicable Village standards, the installation, use, operation, and maintenance of the Proposed Wall Sign must be substantially compliant with the Signage Plans prepared by Jones Sign and consisting of two sheets, with a last revision date of March 27, 2023, a copy of which is attached to and, by this reference, made a part of this Ordinance as Exhibit B (“*Plans*”), but only to the extent the Plans are consistent with the variation granted for the Proposed Wall Sign in Section 2 of this Ordinance; provided, however, that the Proposed Wall Sign may be located on the west wall of the Building in a different location than as depicted in the Plans, upon prior written approval of the Director of Planning & Community Development, or their designee.

SECTION 4. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Clerk’s Recording Division. 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 approvals 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 approvals 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-3 District and the applicable provisions of 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 Code 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 Owner and 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 Owner and the Applicant do 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.

[THIS SPACE INTENTIONALLY LEFT BLANK]

AYES:

NAYS:

PASSED AND APPROVED THIS 7th day of August, 2023

Village President

ATTEST:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

LOT 2 IN THE FINAL PLAT OF GARDEN FRESH RESUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 8, 2019 AS DOCUMENT NUMBER 1903918025, BEING A RESUBDIVISION OF PART OF LOTS 1 AND 3 IN THE CUB ADDITION, BEING A SUBDIVISION IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 17, 1984 AS DOCUMENT NO. 27090321, IN COOK COUNTY, ILLINOIS.

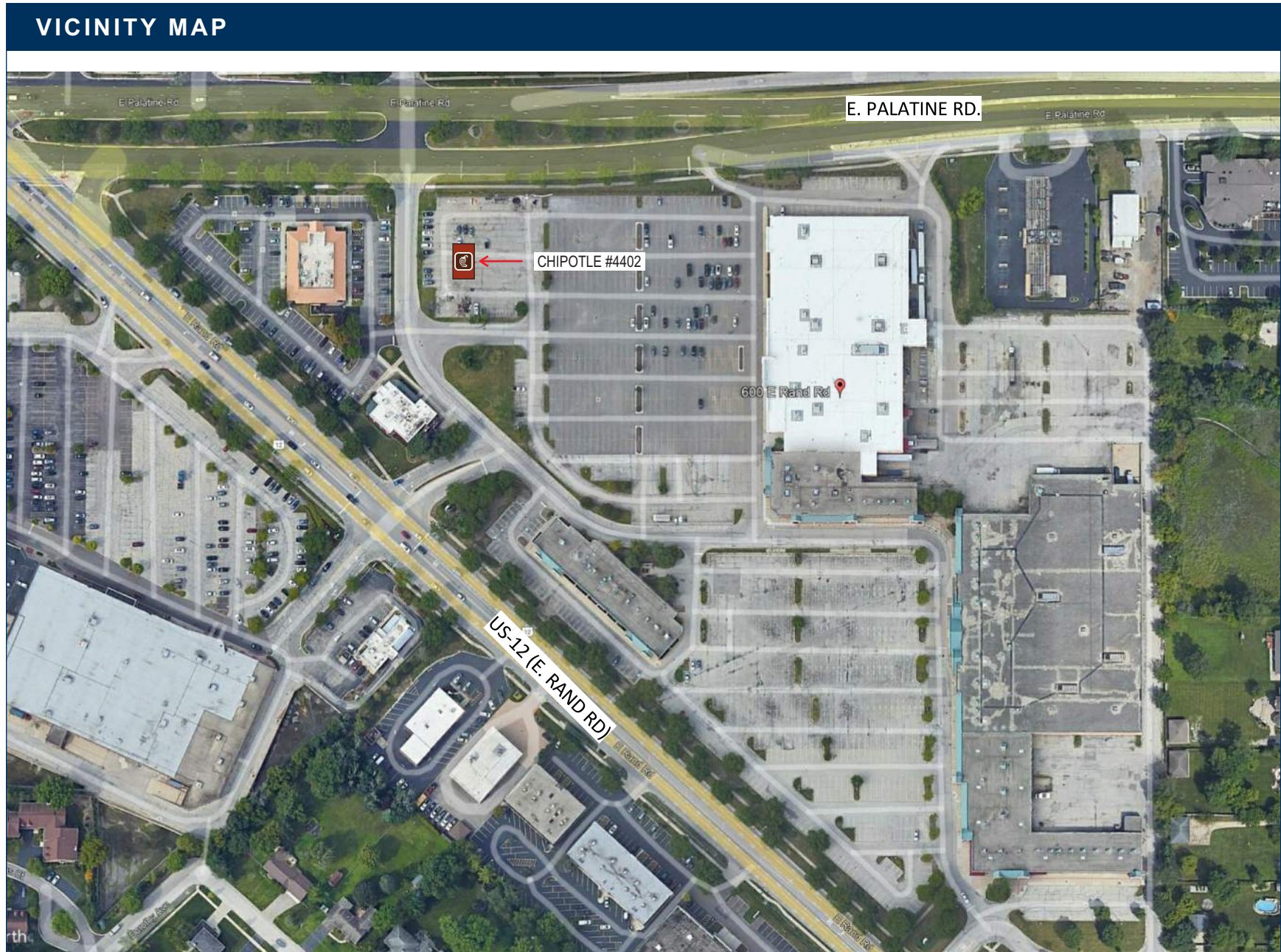
Commonly known as: 711 E. Palatine Road, Arlington Heights, Illinois.

PIN: 03-20-200-019-0000

EXHIBIT B

PLANS

(attached)



N.T.S.



CODE ALLOWANCE

- WALL SIGNS:**
- One (1) wall sign per street frontage it faces NOTE: An additional wall sign shall be permitted on an additional wall which fronts on a privately-owned parking area for that building serving more than one (1) establishment.
 - Wall with opening for access into building and building has 0' to 150' of setback: No larger than 25% of the total signable area, or a maximum of 150 square feet, whichever is less. Wall without opening access into building and building has 0' to 150' of setback: No larger than 15% of the total area of the wall on which the sign is displayed or 150 square feet, whichever is less. NOTE: A second wall sign displayed adjacent to a parking lot serving that building shall be no larger than 25% of the total signable area, or 60 square feet, whichever is less.
 - Lighting: Internal illumination allowed Projection: No sign may project more than 12" from building face Location: If a wall sign is placed on a mansard facade shall be no larger than 25% of the total signable area or 150 square feet, whichever is less. In no instance shall the sign project above the mansard facade.
- WINDOW SIGNS:**
- No limit stipulated. May not exceed forty (40%) of the tenant's total window area.
- FREESTANDING SIGNS:**
- No more than one (1) ground sign shall be installed per frontage of a building NOTE: If a building has more than one (1) frontage, an additional ground sign may be permitted, provided that there is a minimum of 800 feet of separation between the ground signs as measured along the right-of-way line. The maximum allowable area of a ground sign is determined on the basis of the width and posted speed limit of the public right-of-way abutting the property on which the sign is located as set forth in TABLE A. Per Google Earth, speed limit is posted at 35 MPH.
 - Illumination: External and Internal illumination allowed Sign type: Monument or pylon style Landscaping: Area under a ground sign must be landscaped a minimum of two (2) feet out from the sign base. Sign Height: Maximum not to exceed 16'-6" from ground.
 - Sign location: Not to be located in the vision clearance area. Requires a 3' setback from public right-of-way. If located within 12' of the intersection of the right-of-way lines on a corner lot, it must allow for proper visibility into the intersection.
- DIRECTIONAL / GROUND SIGNS:**
- One (1) sign per parking entry drive. Maximum 6 square feet, 3' feet maximum height. Logos of business are allowed. Directional signs shall be located within landscaped areas and shall be permanently installed.
- DRIVE-THRU / GROUND SIGNS:**
- One (1) per lane for purpose of advertising available products/services
 - Menu Board: Maximum of seven (7) in height. Not to exceed forty-nine (49) sq. ft.
 - Pre-sell Menu Board: Maximum of seven (7) in height. Not to exceed twenty-four (24) sq. ft.
 - Drive through menu boards, pre-sell menu boards and digital order screens, shall be located in the side or rear yards, away from the primary street frontage. Pre-sell menu boards should be located in close proximity to drive-through boards. Drive-through menu boards, pre-sell menu boards and digital order screens shall not be oriented towards the public right-of-way.
 - All free standing signs shall be located within a landscaped area, separated from and protected from vehicular circulation or parking areas.
- TEMPORARY SIGNS:**
- The allowable number shall be determined by aggregate total of banners
 - An aggregate total of sixty-four (64) square feet, with no individual sign exceeding 32 sq. ft
 - No time limit indicated. Permits are required.
- TEMPORARY WINDOW SIGNS:**
- No limit stipulated. May not exceed forty (40%) of the tenant's total window area
 - Window signs must be located on the interior side of the window.

	POSTED SPEED LIMIT	
WIDTH OF PUBLIC RIGHT-OF-WAY	35 MILES PER HOUR OR LESS	OVER 35 MILES PER HOUR
UP TO 66 FEET	40 SQ. FT. TOTAL SIGN AREA PER FACE	60 SQ. FT. TOTAL SIGN AREA PER FACE
OVER 66 FEET	66 SQ. FT. TOTAL SIGN AREA PER FACE	80 SQ. FT. TOTAL SIGN AREA PER FACE

<p>JONES SIGN Your Vision. Accomplished. A MORTENSEN COMPANY</p>	<p>JOB #: 269432-R4</p> <p>DATE: 07.22.2022</p> <p>DESIGNER: J. Dowden</p> <p>SALES REP: M. Brown</p> <p>PROJ MGR: C. Abercrombie</p>	<table border="1"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td>1</td><td>07.28.22</td><td>JD</td><td>RELOCATE DL.1 ON SITE PLAN</td></tr> <tr><td>2</td><td>08.15.22</td><td>JD</td><td>CHANGED BH.3 TO B.3</td></tr> <tr><td>3</td><td>10.12.22</td><td>JD</td><td>REMOVED B.3 ON SOUTH ELEVATION</td></tr> <tr><td>4</td><td>03.27.23</td><td>AS</td><td>ADD B.3 TO WEST ELEVATION</td></tr> <tr><td>5</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> <tr><td>6</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> <tr><td>7</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> <tr><td>8</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> <tr><td>9</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> <tr><td>10</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> </tbody> </table>	REV.	DATE	BY	DESCRIPTION	1	07.28.22	JD	RELOCATE DL.1 ON SITE PLAN	2	08.15.22	JD	CHANGED BH.3 TO B.3	3	10.12.22	JD	REMOVED B.3 ON SOUTH ELEVATION	4	03.27.23	AS	ADD B.3 TO WEST ELEVATION	5	00.00.00	XX	XXXX	6	00.00.00	XX	XXXX	7	00.00.00	XX	XXXX	8	00.00.00	XX	XXXX	9	00.00.00	XX	XXXX	10	00.00.00	XX	XXXX	<p>CLIENT APPROVAL _____ DATE _____</p> <p>LANDLORD APPROVAL _____ DATE _____</p>		<p>ARLINGTON HEIGHTS, IL #4402</p> <p>711 E. PALATINE RD. ARLINGTON HEIGHTS, IL 60004</p>	<p>SHEET NUMBER</p> <p>1.0</p>
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ELEVATIONS



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B-3 FACE LIT CHANNEL LETTERS ON BACKER WALL MOUNT (Qty 2)

SQUARE FOOTAGE: 38

SEAMS MAY BE REQUIRED

PART NUMBERS

B-3 : CMG1CL31-179-6L-NLBK

CHANNEL LETTER "CHIPOTLE" AND PEPPER LOGO SPECIFICATIONS

- .040" X 3" PRE-FINISHED ALUMINUM COIL (WHITE INSIDE) (SEAMS IN CORNERS OR TOP) P-2
- .040 ALUMINUM BACKS
- SLOAN PRISM MINI WHITE LED'S
- 3/16" ACRYLIC #2447 WHITE
- .040" PRE-FINISHED ALUMINUM FCE OVERLAY PEPPER GRAPHIC P-2
- 1" PRE-FINISHED JEWELITE CHEMICALLY BONDED TO FACES (SEAMS AT THE TOP) BROWN
- MOUNTING HARDWARE
- #8 - 1/2" PAN HEAD SCREWS (NO MORE THAN 24" APART) P-2
- 1/4" DIA. WEEP HOLES W/ .063" DRAIN HOLE COVER (EXTERIOR APPLICATIONS ONLY)
- 7/8" ELECTRICAL HOLE / 3/4" COUPLER WITH FLEXIBLE CONDUIT TO POWER SUPPLY BOX (IN MIDDLE OF LETTER UNLESS NOTED OTHERWISE)

BROWN & RED BACKER CABINETS SPECIFICATIONS

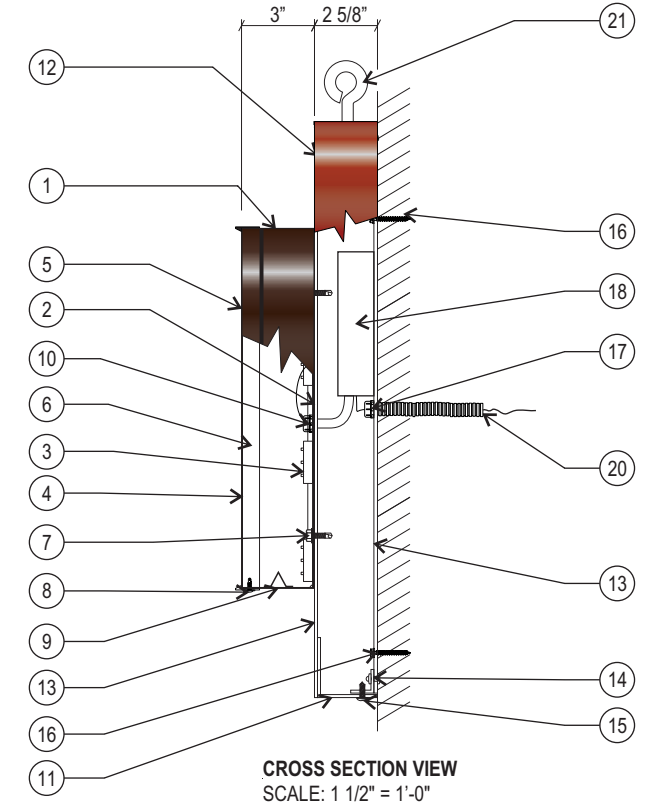
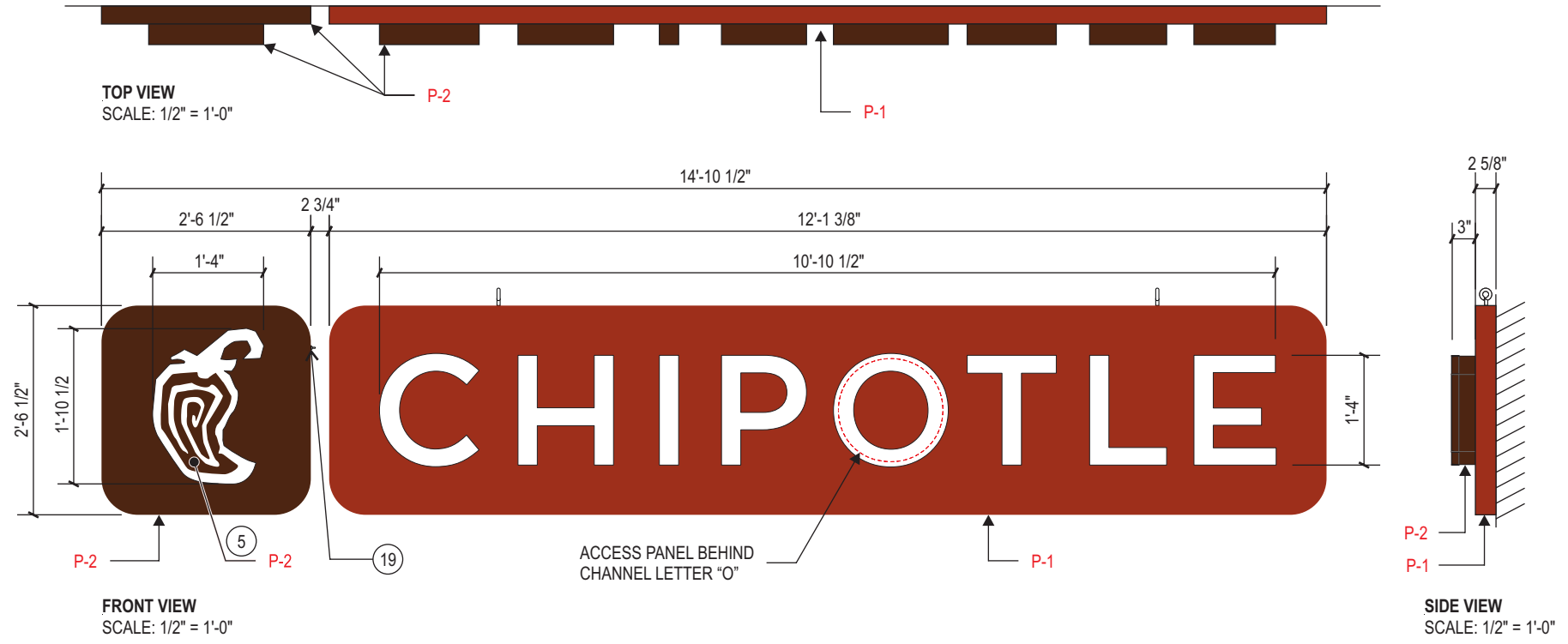
- TOP AND BOTTOM RETURNS: 2 1/2" X 2 1/2" ALUMINUM ANGLE
INTERIOR PAINTED WHITE, CHIPOTLE CABINET P-1; PEPPER CABINET P-2
- ENDS AND CORNER RETURNS: (ONE PIECE) 1/8" ALUMINUM HOT GLUE AND VERSILOK TO FACE
INTERIOR PAINTED WHITE, CHIPOTLE CABINET P-1; PEPPER CABINET P-2
- .080" ALUMINUM FACES INTERIOR PAINTED WHITE, CHIPOTLE CABINET P-1; PEPPER CABINET P-2
- ACM BACK, CAULKED & POP-RIVETED TO FRAME
- #8 - 1/2" PAN HEAD SCREWS (NO MORE THAN 24" APART) CHIPOTLE CABINET P-1; PEPPER CABINET P-2
- MOUNTING HARDWARE TO SUIT FIELD CONDITIONS
- 7/8" ELECTRICAL HOLE / 3/4" COUPLER WITH FLEXIBLE CONDUIT TO POWER SUPPLY BOX
- LED POWER SUPPLY
- TOGGLE DISCONNECT SWITCH MOUNTED TO CABINET RETURN
- 15 FT. MIN. WHIP LENGTH
- LIFTING EYEBOLT, MIN. (2) NO MORE THAN 8 FT. APART, REMOVE AT INSTALL

NOTES

- 3/4" FIRE TREATED PLYWOOD BLOCKING PROVIDED BY OTHERS
- ALL ELECTRICAL PARTS & ASSEMBLIES UL LISTED APPROVED UL LABELS ATTACHED IF REQUIRED.
- ELECTRICAL WIRING FROM SIGN WILL BE WIRED INTO THE EXISTING ELECTRICAL SOURCE
- PRIMARY ELECTRICAL: 120V BY OTHERS WITHIN 3' OF SIGN PRIOR TO INSTALL
- SECONDARY ELECTRICAL: 12V LED WIRED AND POWER SUPPLIES INSIDE OF CABINETS WITH ACCESS PANEL FOR FUTURE SERVICES
- ELECTRICAL HOOK-UP: FINAL ELECTRICAL CONNECTION TO EXISTING 120V AC J-BOX

COLORS/FINISHES

- P-1 ROASTED RED (JW CHIPOTLE ROASTED RED)
- P-2 ADOBO BROWN (JW CHIPOTLE BROWN)



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10	00.00.00	XX	XXXX																																															

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EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Arlington Heights, Illinois (“*Village*”):

WHEREAS, MJK Real Estate Holding Company LLC (“*Owner*”) is the record title owner of that certain property located in the B-3 General Service, Wholesale and Motor Vehicle District (“*B-3 District*”), commonly known as 711 E. Palatine Road, Arlington Heights, Illinois (“*Property*”); and

WHEREAS, Chipotle Mexican Grill (“*Applicant*”) leases the Property, which is improved with a building occupied and used exclusively by the Applicant for a restaurant (“*Building*”); and

WHEREAS, Ordinance No. 2023-_____, adopted by the Village President and Board of Trustees on August 7, 2023 (“*Ordinance*”), grants a variation from the Village’s sign regulations for the Building; 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 Owner and Applicant file, 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 Owner and the Applicant does hereby agree and covenant as follows:

1. The Owner and the Applicant hereby unconditionally agree to, accept, consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Owner and the Applicant acknowledge 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 Owner and the Applicant acknowledge and agree 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 variation 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 Owner or the Applicant against damage or injury of any kind and at any time.
4. The Owner and the Applicant hereby agree 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 variation for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2023

ATTEST:

MJK REAL ESTATE HOLDING COMPANY LLC

By: _____

By: _____

Its: _____

Its: _____

Dated: _____, 2023

ATTEST:

CHIPOTLE MEXICAN GRILL

By: _____

By: _____

Its: _____

Its: _____