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KAREN A. YARBROUGH
COOK COUNTY CLERK

DATE: 09/23/2022 10:15 AM PG: 1 OF 14

Prepared by:
Village of Arlington Heights
Legal Department
33 S. Arlington Heights Rd
Arlington Heights, IL 60005

THIS SPACE FOR COOK COUNTY CLERK'S USE ONLY

ORDINANCE NUMBER 2022- 41

AN ORDINANCE GRANTING VARIATIONS FROM CHAPTER 30, SIGN REGULATIONS,
OF THE ARLINGTON HEIGHTS MUNICIPAL CODE
FOR THE PROPERTY AT 85 WEST ALGONQUIN ROAD

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF ARLINGTON
HEIGHTS THIS
5th DAY OF JULY, 2022.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Arlington Heights,
Cook County, Illinois this
5th day of July, 2022.


Village Clerk

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AN ORDINANCE GRANTING VARIATIONS FROM CHAPTER 30, SIGN REGULATIONS, OF THE ARLINGTON HEIGHTS MUNICIPAL CODE FOR THE PROPERTY AT 85 WEST ALGONQUIN ROAD

WHEREAS, 85 Algonquin L.L.C, Applicant of that certain property located in the B-2 General Business District ("*B-2 District*"), commonly known as 85 W Algonquin 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 six-story office building ("*Existing Building*"); and

WHEREAS, as part of planned improvements to the Property, the Applicant desires to install one wall sign ("*Proposed Wall Sign*") with a dimension of 208.1 square feet ("*Proposed Wall Sign Dimensions*"); 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.b, Number, of the Sign Regulations, the maximum number of wall signs allowed on the Property is one wall sign per street frontage; and

WHEREAS, pursuant to Section 30-403.a, Dimensions, of the Sign Regulations, the maximum square footage of a wall sign facing the same street frontage as an existing wall sign is zero; and

WHEREAS, in order to permit the installation of the Proposed Wall Sign with the Proposed Wall Sign Dimensions, 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 May 24, 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,

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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 30-402.b, Number, to allow an increase in the number of wall signs from one wall sign to two wall signs located at the top of the Existing Building facing the same street frontage (I-90 tollway).
- B. A variation from Section 30-403.a, Dimensions, to allow an increase in the dimensions of a wall sign square footage from zero square feet to 208.1 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 Sign, the Existing Building, and 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 all signs on the Property (including, without limitation, the Proposed Wall Sign), 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.
- B. 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 Sign 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*").
- C. 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

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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

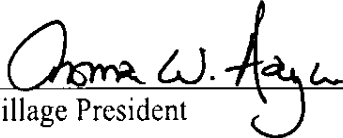
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Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

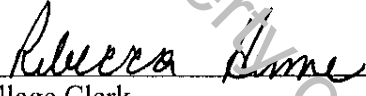
AYES: **GRASSE, LABEDZ, SCHWINGBECK, BERTUCCI, CANTY, TINAGLIA, HAYES**

NAYS: **NONE**

PASSED AND APPROVED this 5th day of July, 2022.


Village President

ATTEST:


Village Clerk

SignRegulationOrdinances: 85 W Algonquin Rd

Property of Cook County Clerk's Office



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EXHIBIT A

Legal Description

PARCEL 1:

LOT 2 IN ARLINGTON PLACE SUBDIVISION, BEING A SUBDIVISION IN SECTION 16, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, EXCEPT THAT PART TAKEN IN FEE SIMPLE TITLE BY THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS DOCUMENT NUMBER 93L51190, AS FOLLOWS: THAT PART OF LOT 2 IN ARLINGTON PLACE SUBDIVISION, BEING A SUBDIVISION IN PART OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 29, 1979 AS DOCUMENT 25261219, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE ON AN ASSUMED BEARING OF SOUTH 32 DEGREES 56 MINUTES 06 SECONDS WEST ALONG THE EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 14.43 FEET TO A POINT ON A 2551.07 FOOT RADIUS CURVE, THE CENTER OF CIRCLE OF SAID CURVE BEARS NORTH 33 DEGREES 27 MINUTES 05 SECONDS EAST FROM SAID POINT; THENCE NORTHWESTERLY ALONG SAID CURVE, RADIUS 2551.07 FEET, CENTRAL ANGLE 01 DEGREE 33 MINUTES 06 SECONDS, 69.01 FEET TO THE WESTERLY LINE OF SAID LOT 2, BEING ALSO A POINT ON A 30.00 FOOT RADIUS CURVE, THE CENTER OF CIRCLE OF SAID CURVE BEARS SOUTH 89 DEGREES 23 MINUTES 13 SECONDS WEST FROM SAID POINT; THENCE NORTHWESTERLY ALONG SAID CURVE, BEING ALSO THE SAID WESTERLY LINE OF LOT 2, RADIUS OF 30.00 FEET, CENTRAL ANGLE 55 DEGREES 09 MINUTES 09 SECONDS, 28.83 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, BEING ALSO A POINT ON A 2541.29 FOOT RADIUS CURVE, THE CENTER OF CIRCLE OF SAID CURVE BEARS NORTH 34 DEGREES 19 MINUTES 04 SECONDS EAST FROM SAID POINT; THENCE SOUTHEASTERLY ALONG SAID CURVE, BEING ALSO THE NORTHERLY LINE OF SAID LOT 2, RADIUS 2541.29 FEET, CENTRAL ANGLE 02 DEGREES 06 MINUTES 11 SECONDS, 93.28 FEET (93.29 FEET, RECORDED) TO THE POINT OF BEGINNING.

PARCEL 2:

RECIPROCAL EASEMENT FOR INGRESS AND EGRESS AS CREATED BY THAT CERTAIN AGREEMENT DATED AUGUST 2, 1979 AND RECORDED OCTOBER 1, 1979 AS DOCUMENT 25171074 AND REGISTERED WITH THE REGISTRAR OF TITLES ON OCTOBER 1, 1979 AS DOCUMENT LR3121973 AND AS AMENDED BY AGREEMENT DATED JANUARY 27, 1981 AND RECORDED JUNE 4, 1981 AS DOCUMENT 25893428 AND FILED AS DOCUMENT LR3218008.

PARCEL 3:

EASEMENT FOR CREATION AND MAINTENANCE OF A DETENTION/RETENTION POND CREATED BY THAT CERTAIN AGREEMENT DATED DECEMBER 1, 1979 AND RECORDED WITH THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS JANUARY 4, 1980 AS DOCUMENT 25306989 AND REGISTERED WITH THE REGISTRAR OF TITLES JANUARY 4, 1980 AS DOCUMENT LR3139276, AND AS AMENDED BY DOCUMENT RECORDED: MARCH 7, 1983 AS DOCUMENT

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NUMBER 26527048 AND FILED AS DOCUMENT NUMBER 3296792, PERTAINING TO LOT 1 AND LOT 2 IN ARLINGTON PLACE SUBDIVISION, BEING A SUBDIVISION IN SECTION 16, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN 08-16-200-102-0000

commonly known as: 85 W. Algonquin Road, Arlington Heights, Illinois

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RECORDING DIVISION
118 N. CLARK ST. ROOM 120
CHICAGO, IL 60602-1387

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EXHIBIT B

Site Plans

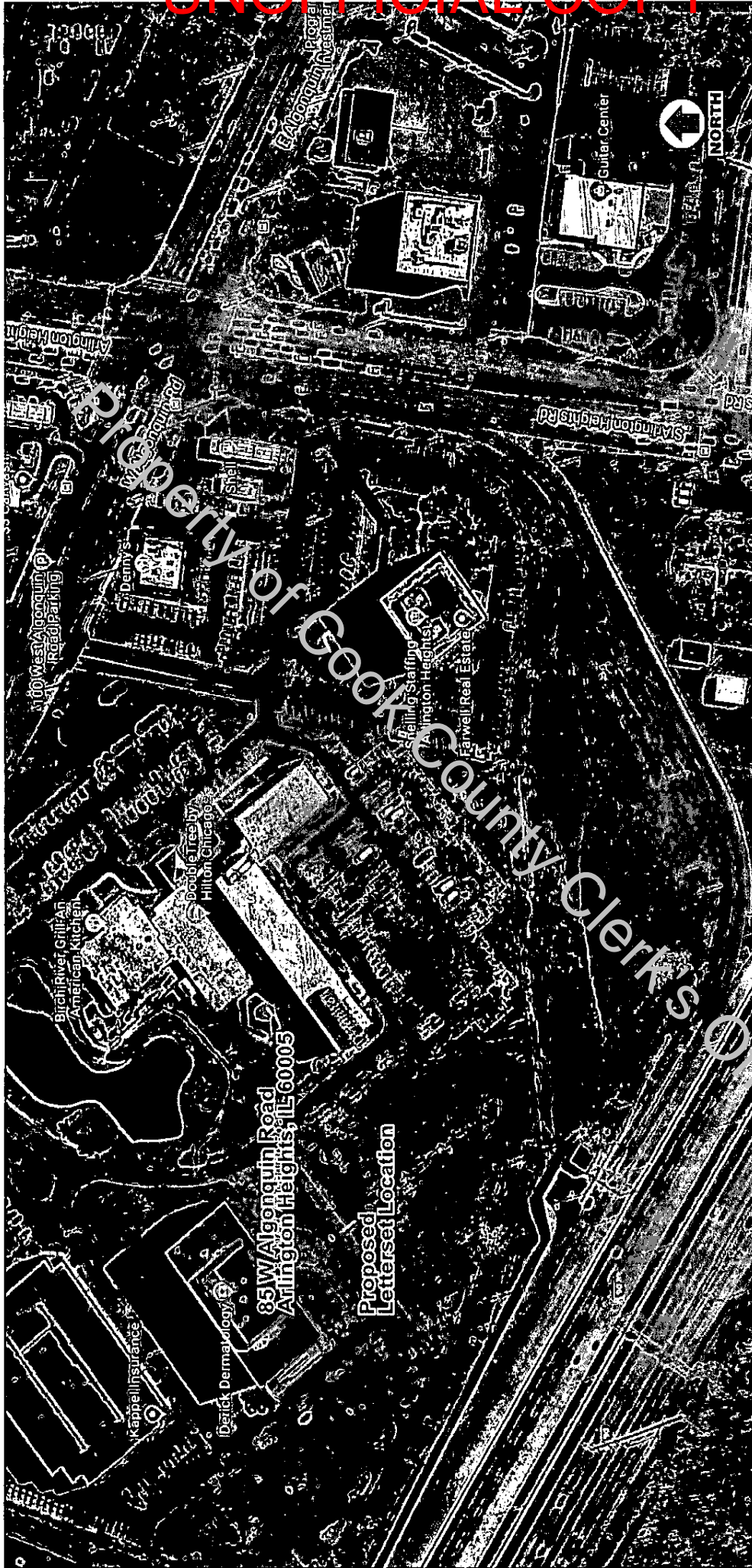
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Site Plan -

OLYMPIK
SIGNS

1180 N. Gary Field
Lombard, IL 60148

account representative
ROBBY WHITEHEAD JR

American Community Bank
85 W Algonquin Rd,
Arlington Heights, IL 60005

client
client

www.olympiksigns.com

drawn by
MEGAN K

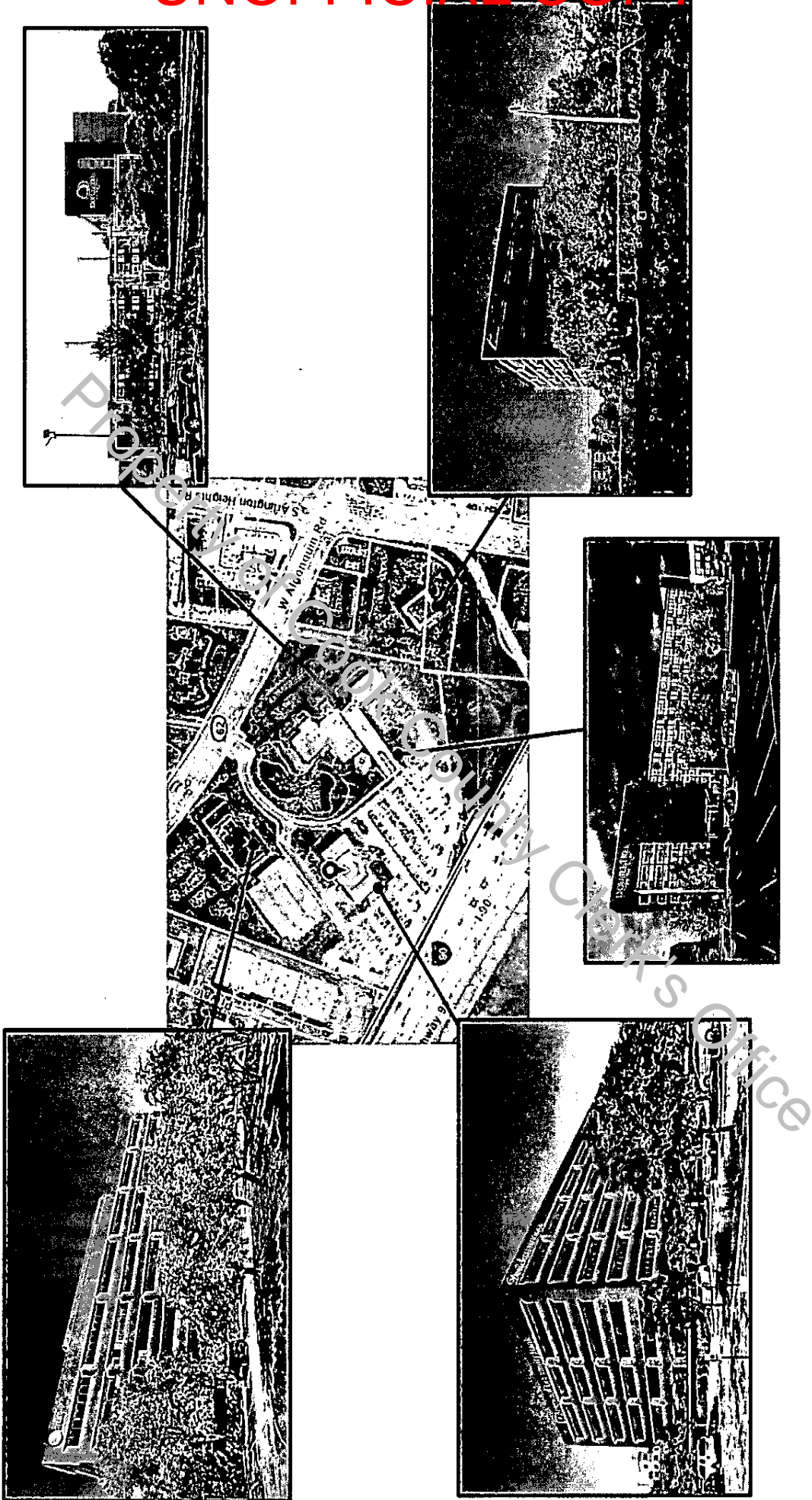
Comments:

- Job #: 22-9079
- 04-04-22
- rev. # 04-21-22

SITE PLAN

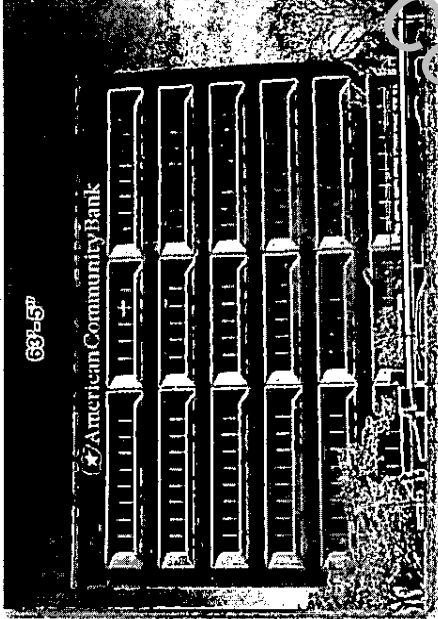
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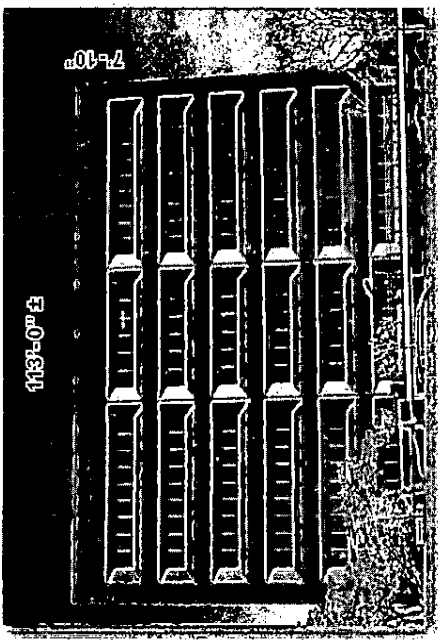


SURROUNDING PROPERTIES AND SIGNAGE

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Southwest Elevation - PROPOSED



Southwest Elevation - EXISTING

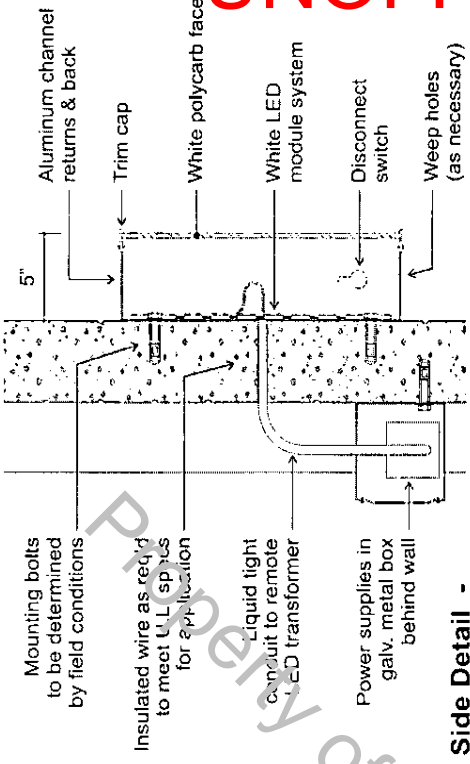
Aluminum framed channel logo painted black with matching 1" retainer; white polycarb face applied with first surface vinyl weeded out to show white star

57'-6"

4'-0 1/2" | 3'-10" v.o. | 5'-6" | 5'-3" v.o. | American Community Bank | 3'-3 3/4"

Disconnect switch and U.L. label

Aluminum framed channel letters painted black with matching trim caps and white polycarb faces



Side Detail -

Scale N.T.S.

S/F LED-Illumin. Face-Lit Aluminum Channel Letter Set & Logo -

Scale 3/16" = 1'-0" | Qty: (1) Set Required | Square Footage: 208.1
 Aluminum channel letter set and logo with white polycarb faces applied with first surface vinyl where applicable; lit internally using white LED module system; flush-mounted to top Southwest elevation facade. Field survey required prior to fabrication.

American Community Bank

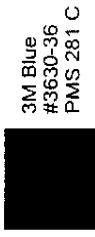
85 W Algonquin Rd.
 Arlington Heights, IL 60005

account representative
 ROBBY WHITEHEAD JR / client

Job #: 22-9079
 04-04-22
 rev.# 04-21-22

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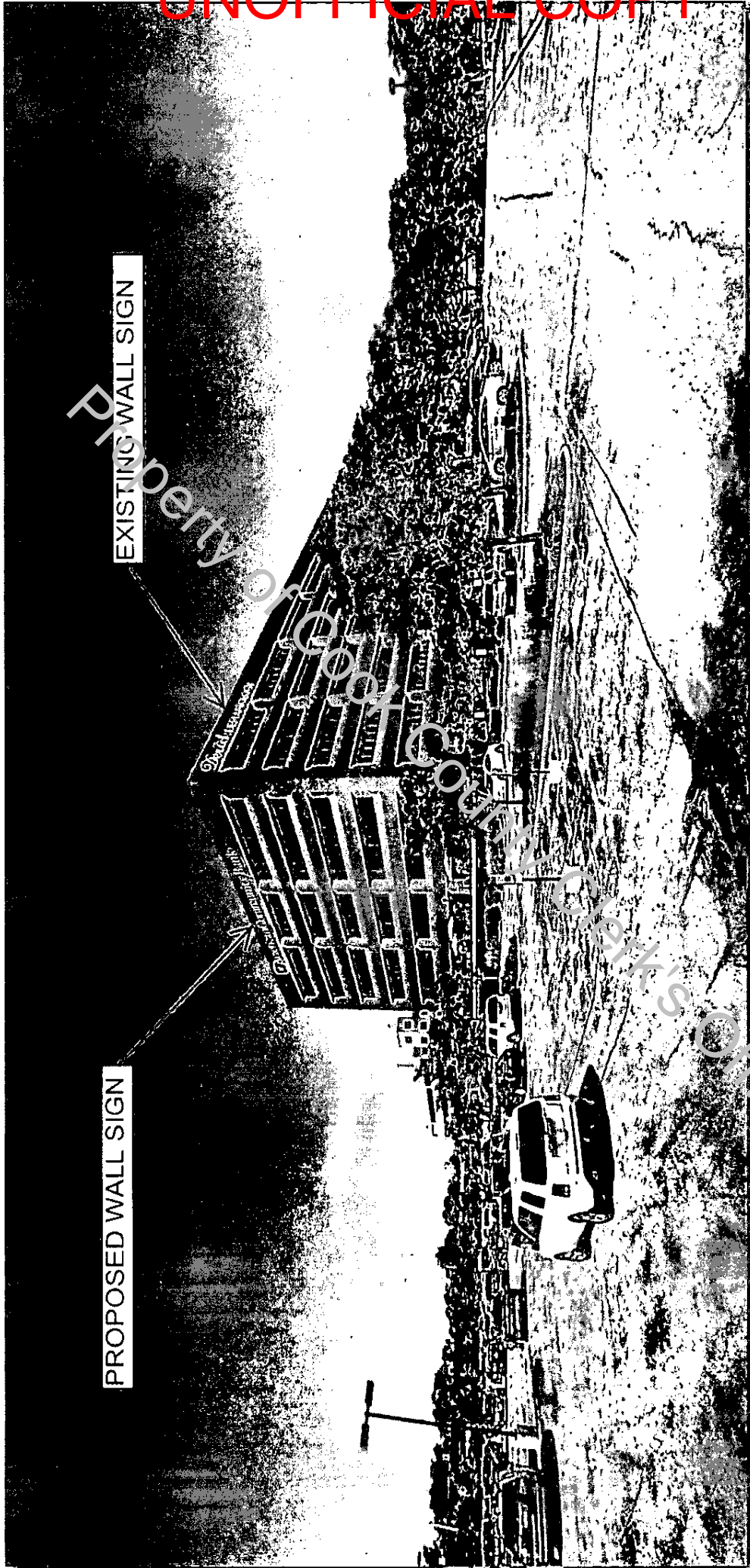


3M Blue
 #3630-36
 PMS 281 C

Comments:

SIGN LAYOUT

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PROPOSED WALL SIGN

EXISTING WALL SIGN

Property of Olympe Signs

OLYMPIK
SIGNS

1150 N. Gary Field
Lombard, IL 60148

account representative
ROBBY WHITEHEAD JR / client

American Community Bank

85 W Algonquin Rd.
Arlington Heights, IL 60005

drawn by
MEGAN K

Job #: 22-9079
04-04-22
rev.# 04-21-22

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SIGN CONCEPT

Comments:

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EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, 85 Algonquin, L.L.C., Applicant, of that certain property located in the B-2 General Business District ("B-2 District"), commonly known as 85 W Algonquin 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 July 5, 2022 ('Ordinance'), grants variations to the Applicant from the Village's sign regulations for the installation of one wall sign 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]

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Dated: _____, 2022

ATTEST:

85 ALGONQUIN L.L.C.

Its _____

Its _____

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