

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A VARIANCE TO THE CREST HILL SIGN CODE  
(1206 Cedarwood Dr, Crest Hill, IL 60403)**

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**WHEREAS**, the City Council of the City of Crest Hill has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, the Will County Child Advocacy Center (“CAC”) has purchased and is renovating certain property, located within the corporate boundaries of the City, that is commonly known as 1206 Cedarwood Dr, Crest Hill, IL 60403 and bearing the current PIN: 05-06-01-201-013-0000 (the “Subject Property”) for use in connection with the CAC’s mission; and

**WHEREAS**, CAC wishes to install a masonry monument sign with an electronic message board on the Subject Property in substantially the form, size, and specifications shown on the attached Exhibit A (the “Proposed Sign”), which is fully incorporated herein; and

**WHEREAS**, the electronic message board on the Proposed Sign is twenty-eight square feet (28ft<sup>2</sup>) in size, but Section 15.12.080(D)(1)(e) limits the size of such electronic message boards to twenty square feet (20ft<sup>2</sup>); and

**WHEREAS**, other than the electronic message board, the Proposed Sign is fully compliant with the City’s sign code; and

**WHEREAS**, CAC has submitted a petition to the City Council, requesting a sign code variance to permit the construction of the Proposed Sign on the Subject Property; and

**WHEREAS**, City Staff have reviewed the CAC’s petition and have recommended approval of the requested variance, as set forth in the March 18, 2024, staff memo attached as Exhibit B and fully incorporated herein; and

**WHEREAS**, on March 18, 2024, the City Council conducted a public hearing on the CAC’s variance petition, all required notices having been given by publication and mail, and at that time heard evidence regarding the same; and

**WHEREAS**, based upon the evidence presented at said public hearing, the City Council does hereby find and determine:

1. That the Subject Property cannot yield a reasonable return if the Sign Code restrictions are enforced without the requested variation; and
2. That the plight of the CAC is due to unique circumstances; and
3. That the variation, if granted, will not alter the essential character of the locality surrounding the Subject Property; and

**WHEREAS**, in making the above findings, the City Council also considered, and hereby finds and determines that:

1. The particular physical surroundings, shape, or topographical condition of the Subject

Property would result in a particular hardship upon the CAC, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; and

2. The conditions upon which the CAC's petition for a variation is based are unique to the CAC and the Subject Property and are not applicable, generally, to the other property within the same zoning classification; and
3. The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property; and
4. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase congestion in the public streets or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood; and
5. The variation granted is the minimum adjustment necessary for the reasonable use of the land; and
6. The granting of the requested variation is in harmony with the general purposes and intent of the Sign Code, and will not be injurious to the neighborhood, be detrimental to the public welfare, alter the essential character of the locality, or be in conflict with the City's Comprehensive Plan; and
7. The aforesaid circumstances or conditions are such that the strict application of the provisions of the Sign Code would deprive the applicant of any reasonable use of the land.

**WHEREAS**, in light of the evidence presented, the City Council hereby accepts and adopts the recommendation of City Staff and finds that granting the CAC the requested variance, subject to the terms and conditions of this Ordinance, is necessary, expedient, and in the best interests of the City and its citizens.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREST HILL, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:**

**SECTION 1:** The City Council hereby finds that all the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

**SECTION 2:** The City Council hereby grants the CAC a variance for the Subject Property so as to permit the construction of the Proposed Sign in substantial conformance with the attached specifications (Exhibit A), including a twenty-eight square foot (28ft<sup>2</sup>) electronic message board, subject to the conditions and restrictions set forth in Section 3 of this Ordinance, *infra*.

**SECTION 3:** The variance granted by this Ordinance is and shall be subject to the following conditions and restrictions:

1. CAC shall install decorative landscaping around the base of the Proposed Sign.
2. The electronic message board component of the sign shall be equipped with technology that automatically dims the message board as the amount of ambient light in the sky reduces

to prevent an unnecessarily bright sign during cloudy periods and after dark.

3. No additional exterior electronic message board signage shall be allowed or installed on the Subject Property.
4. The sign design and location shall be substantially consistent with the application materials submitted by the CAC.
5. The variance granted by this Ordinance shall be personal to the CAC, is not intended and shall not be deemed to run with the land, and may not be alienated, assigned, or conveyed. In the event that the CAC sells the Subject Property in the future, the variance granted by this Ordinance shall be immediately and automatically revoked without the need for further action by the City Council, at which point the Proposed Sign, if it has been built and continues to exist, shall become legal nonconforming until such a time as it is modified to fully comply with the City's sign code.

**SECTION 4.** In the event that the CAC violates any of the conditions and restrictions set forth in Section 3 of this Ordinance, *supra*, the City Council shall have the ability, but not the obligation, to revoke the variance granted by this Ordinance, provided that the CAC shall be entitled to notice and a hearing prior to any revocation pursuant to this Section. Under no circumstances shall any failure to enforce any condition or restriction of this Ordinance on any particular occasion or occasions be deemed or interpreted as constituting a waiver or forfeiture of the City Council's right to so enforce in the future, nor shall any such failure to enforce preclude the Village from considering any and all prior violations as part of any revocation proceeding under this Section.

**SECTION 5.** This Ordinance shall become effective only upon the attachment of a fully executed Exhibit "C" within 60 days of the passage of this Ordinance. In the event that Exhibit "C" is not executed within 60 days, this Ordinance shall have no force and effect, and shall be subject to repeal by the City Council without further notice or hearing due to the Owner or Applicant.

**SECTION 6:** In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

**SECTION 7:** All ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

**SECTION 8:** The City Clerk is hereby directed to publish this Ordinance in pamphlet form.

**SECTION 9:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

*[Intentionally Blank]*

PASSED THIS 15<sup>TH</sup> DAY OF APRIL, 2024.

	Aye	Nay	Absent	Abstain
Alderman John Vershay				
Alderman Scott Dyke				
Alderwoman Claudia Gazal				
Alderman Darrell Jefferson				
Alderperson Tina Oberlin				
Alderman Mark Cipiti				
Alderman Nate Albert				
Alderman Joe Kubal				
Mayor Raymond R. Soliman				

Christine Vershay-Hall, City Clerk

APPROVED THIS 15<sup>TH</sup> DAY OF APRIL, 2024.

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk

# **Exhibit A**

## **Proposed Sign Specifications**



#### (1) D/F EMC MONUMENT SIGN

- Steel Panel Ribbed roof painted to match building roofing
- Accents painted to match building accents
- ID Cabinet: WHITE Lexan face
- Internally Illuminated with WHITE LEDs
- Vinyl: TBD, Artwork required
- 10mm Daktronic Electronic Message Center
- Cabinet: 4'2"h x 7'6"w
- Matrix: 108 x 216
- 13 lines of 43 2" Characters
- Base Stone done by others to match building stone

- **EMC Active Area Sq. Ft: 26 = 42.6%**
- **Rest of Sign Sq. Ft: 35 = 57.4%**

- **Total Sq. Ft: 61**

<b>EXPRESS SIGNS</b> & LIGHTING MAINTENANCE	
PHONE: 815 725 9080 FAX: 815 725 7543 EMAIL: SIGNS@EXPRESSSIGNS.COM ADDRESS: 212 AMENDODGE SHOREWOOD, IL 60404	
CUSTOMER: Will County Children's Advocacy Center PROJECT ADDRESS: Joliet, IL PROJECT: EMC Monument PROOF NO: 023-189 DESIGNER: SS DATE: 09 01 23 SCALE: 5/8" = 1' REVISION: 01 18 24 Updated topper & stone 01 31 24 changed EMC size 02 28 24 added percentage sq ft	
<b>NOTES:</b> THIS DRAWING IS THE PROPERTY OF EXPRESS SIGNS AND IS TO ONLY BE USED IN CONNECTION WITH WORK PERFORMED BY EXPRESS SIGNS. THIS DRAWING IS NOT TO BE REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION WITHOUT WRITTEN CONSENT FROM EXPRESS SIGNS. CHARGES UP TO \$2,000 WILL BE ASSESSED FOR ANY MIS-USE.	
<b>SIGN TYPE:</b> <b>A1.9</b>	
APPROVED BY:	
DATE APPROVED:	
© 2023 EXPRESS SIGNS	

(1) Power Needs T.B.D.  
 U.L. ELECTRICAL #E154882

PHOTO RENDER IS FOR LAYOUT AND LOCATION ONLY ART WORK IS NOT TO SCALE

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

# **Exhibit B**

**Staff Memo dated April 15, 2024**



## Agenda Memo

Crest Hill, IL

**Meeting Date:** April 15, 2024

**Submitter:** Ronald Mentzer, Interim Community and Economic Development Director

**Department:** Community Development

**Agenda Item:** Will County Children's Advocacy Center Sign Variance

### Summary:

#### *Land Use Summary*

	Land Use	Comp Plan	Zoning
Subject Parcel:	Public	Commercial	B3
North:	Office	Commercial	TO
South:	Commercial	Commercial	B2
East:	Public	Joliet	R2
West:	Townhomes	Multifamily	R2

### ***Project Summary***

In 2023, Will County acquired the Subject Property and is currently renovating the former child day care facility into what will be the new home for the Will County Children's Advocacy Center (the "CAC"). The CAC is a not-for-profit established in 1995 by Will County States Attorney James Glasgow as a child-focused, coordinated response center to provide hope, healing and justice for children who have endured severe physical abuse, sexual abuse, sexual exploitation, neglect, and exposure to violence.

As a final component of their initial renovation project, the CAC is planning to construct a new masonry monument sign on the northwest corner of the property along Cedarwood Drive. The CAC has requested a Sign Ordinance variation that would, if approved by the City, allow a 28-square-foot electronic message board to be incorporated into the new sign. The Sign Ordinance restricts electronic message board sign elements to 20 square feet in area.

***The City Council conducted a public hearing on this request at its March 18, 2024, regular meeting and directed staff and the City Attorney to prepare an ordinance to approve the requested variation. A copy of the approval ordinance will be included in the agenda backup materials for the April 15, 2024, City Council Meeting.***

### ***Analysis***

In consideration of the request, the key points to consider and details of this request include:



- The CAC has submitted the attached February 28, 2024, letter to explain why it believes it is necessary and appropriate to incorporate a larger than normally allowed electronic message board into the new monument sign the organization is planning to construct on the subject site.
- The proposed electronic message board sign would be used to provide information on the services and events the organization provides and offers to the community. No commercial advertising is planned for the sign.
- The proposed height of the sign is 3.5 feet lower than the 15-foot maximum height allowed under the City's Sign Ordinance.
- CAC is only proposing one monument sign even though the Sign ordinance would allow them to install two monument signs, (one along each street frontage).
- The applicant's sign contractor, Express Signs, has confirmed the electronic message board element component of the sign will be equipped with technology that automatically dims the message board as the amount of ambient light in the sky reduces to prevent an unnecessarily bright sign during cloudy periods and after dark.
- In 2019, the City of Crest Hill adopted revisions to the sign ordinance, requiring landscaping at the base of all new monument signs.
- The proposed sign location would be as far away from nearby residential properties as physically possible and its view to nearby residential homes would be buffered by the existing landscaping and building improvements on the Subject Property.
- Section 15.12.275 (B) (1) of the City Code states the City Council shall grant a variation to the Sign Code only when it shall have been determined, and recorded in writing, that all of the following standards are complied with:
  1. *That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;*
  2. *That the plight of the owner is due to unique circumstances; and*
  3. *That the variation, if granted, will not alter the essential character of the locality.*
- The additional supplemental Sign Ordinance variation review standards contained in Section 15.12.275 (B)(2) of the Sign Code.

### **Staff Assessment**

Based on Staff's review of the information submitted with this application, and in consideration of the Sign Variation approval standards contained in the City Code, Community Development Department staff feels the approval of the Sign Ordinance variation requested in this case would be justified.

**Recommended Council Action:** Approve an ordinance granting a variance to the Crest Hill Sign Ordinance for 1206 Cedarwood Drive, Crest Hill, Illinois.

**Financial Impact:** Not applicable.

**Funding Source:**

**Budgeted Amount:**

**Cost:**

### **Attachments:**

Draft Approval Ordinance.

# **Exhibit C**

## **Unconditional Agreement and Consent**

**EXHIBIT "C"**

**UNCONDITIONAL AGREEMENT AND CONSENT**

TO: The City of Crest Hill, Illinois ("**City**"):

**WHEREAS**, the WILL COUNTY CHILD ADVOCACY CENTER, (the "**Owner**") is the owner of that certain real property commonly known as 1206 Cedarwood Dr, Crest Hill, IL 60403 and bearing the current PIN: 05-06-01-201-013-0000 (the "Subject Property") for use in connection with the CAC's mission; and

**WHEREAS**, Ordinance No. \_\_\_\_\_, approved and passed by the Crest Hill City Council on April 1, 2024, ("the **Ordinance**"), approved a Sign Variance to allow the installation of a masonry monument sign with electronic message board per the specifications in Exhibit A attached to Ordinance No. \_\_\_\_\_; and

**WHEREAS**, Section 5 of the Ordinance provides, among other things, that the Ordinance shall not take effect, and subject to repeal unless and until the Applicant has executed, within 60 days following the passage of the Ordinance, this Exhibit "C", its Unconditional Agreement and Consent to accept and abide by all of the terms, conditions, and limitations set forth in the Ordinance.

**NOW, THEREFORE**, the Owner does hereby agree, and covenant as follows:

1. The Owner hereby unconditionally agrees to, accept, consent to, and will abide by all terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Owner acknowledges that all required public notices and hearings have been properly given and held with respect to the application process and passage of the Ordinance, understands and has considered the possibility of revocation of the Ordinance as a result of violation of its terms or failure to abide by the conditions set forth in the Ordinance, and agrees, covenants and warrants that it will not challenge any such revocation on the basis of any procedural infirmity or a denial of any procedural right, provided that notice of the City's intent to Repeal or Revoke the Ordinance is provided to the Owner as required by Section 5 of the Ordinance.
3. The Owner acknowledges and agrees that the City shall 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 Sign Variance or its passage of the Ordinance, and that the City's approvals do not, and will not, in any way be deemed to insure the Owner against damage or injury of any kind at any time.
4. The Owner hereby agrees to release, defend, indemnify and hold harmless the City of Crest Hill, its corporate authorities, elected and appointed officials, officers, employees, agents, representatives, and attorneys from any and all claims that may, at any time, be asserted against them in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the City's passage of the Ordinance, and (c) the maintenance and use of the Property as authorized by the Ordinance.
5. The undersigned is an authorized representative of the Owner duly authorized and empowered to execute this Unconditional Agreement and Consent on behalf of the Owner.

*[signature page to follow]*

**Will County State's Attorney**

By: \_\_\_\_\_

Its: \_\_\_\_\_

**SUBSCRIBED** and **SWORN** to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

DRAFT