

**VILLAGE OF DEERFIELD
LAKE AND COOK COUNTIES, ILLINOIS**

ORDINANCE NO. 0-13-26

**AN ORDINANCE APPROVING THE REZONING OF THE PROPERTY AT
780 SAUNDERS ROAD TO THE C-2 OUTLYING COMMERCIAL DISTRICT,
AUTHORIZING AN AMENDMENT TO THE COMPREHENSIVE PLAN
OF THE VILLAGE OF DEERFIELD, AND AUTHORIZING A SPECIAL
USE FOR A RESTAURANT (HEALTH O WEALTH)**

**PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF DEERFIELD, LAKE
AND COOK COUNTIES, ILLINOIS, this**

1st day of July, 2013.

**Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Deerfield, Lake and
Cook Counties, Illinois, this
1st day of July, 2013.**

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USE FOR A RESTAURANT (HEALTH O WEALTH)**

WHEREAS, Health O Wealth, Inc. (the “Petitioner”), the owner of an approximately 0.75 acre parcel of property legally described on Exhibit A attached hereto and commonly known as 780 Saunders Road (the “Subject Property”), has petitioned the Plan Commission of the Village of Deerfield for: (i) an amendment to the zoning map of the Village of Deerfield to rezone the Subject Property from R-1 Single-Family Residential District to C-2 Outlying Commercial District; (ii) an amendment to the Future Land Use Plan element of the Comprehensive Plan of the Village of Deerfield to designate the Subject Property for commercial use; and (iii) approval of a restaurant of approximately 3,000 square feet in area, with a 2,000 square foot outdoor deck for dining, as a Special Use of the Subject Property in the C-2 Outlying Commercial District; and

WHEREAS, the Plan Commission of the Village of Deerfield held a public hearing on April 11, 2013 to consider said zoning map amendment, Comprehensive Plan amendment and proposed Special Use for the Subject Property, said hearing being held pursuant to public notice and conforming in all respects, in both manner and form, with the requirements of the statutes of the State of Illinois and the Zoning Ordinance of the Village of Deerfield; and

WHEREAS, the Plan Commission of the Village of Deerfield, after considering the proposed zoning map amendment, Comprehensive Plan amendment and Special Use for the Subject Property, and the evidence and supporting materials offered at said public hearing, submitted its written report to the Board of Trustees of the Village of Deerfield recommending approval of: (i) an amendment to the zoning map of the Village of Deerfield to rezone the Subject Property from R-1 Single-Family Residential District to C-2 Outlying Commercial District; (ii) an amendment to the Future Land Use Plan element of the Comprehensive Plan of the Village of Deerfield to designate the Subject Property for commercial use; and (iii) approval, with conditions, of a restaurant of approximately 3,000 square feet in area, with a 2,000 square foot outdoor deck for dining, as a Special Use of the Subject Property in the C-2 Outlying Commercial District; and

WHEREAS, the President and Board of Trustees of the Village of Deerfield concur in the recommendation of the Plan Commission and have determined that it is in the best interests of the Village of Deerfield that the zoning map of the Village of Deerfield be amended as provided herein to rezone the Subject Property from R-1 Single-Family Residence District to the C-2 Outlying Commercial District; and

WHEREAS, the President and Board of Trustees of the Village of Deerfield concur in the recommendation of the Plan Commission and have determined that it is in the best interests of the Village of Deerfield that the Future Land Use Plan element of the Comprehensive Plan of the Village of Deerfield should be amended as provided herein to designate the Subject Property for commercial use; and

WHEREAS, the President and Board of Trustees of the Village of Deerfield concur in the recommendation of the Plan Commission and are of the opinion that a restaurant should be approved, with conditions as provided herein, as a Special Use of the Subject Property in the C-2

Outlying Commercial District, subject to approval of the zoning variances requested by the Petitioner, and provided further that such restaurant shall be established and maintained in accordance with the evidence and supporting materials submitted by the Petitioner which are incorporated herein and made a part hereof by this reference;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION 1: That the above and foregoing recitals, being material to this Ordinance, are hereby incorporated by this reference and made a part of this Ordinance as if fully set forth herein.

SECTION 2: That the zoning map of the Village of Deerfield, as amended, be and the same is hereby further amended to rezone the Subject Property from R-1 Single-Family Residence District to the C-2 Outlying Commercial District.

SECTION 3: That the Future Land Use Plan element of the Comprehensive Plan of the Village of Deerfield, heretofore adopted on October 4, 2004, be and the same is hereby amended to designate commercial use as the planned future use of the Subject Property and to delete the current designation of office/research use provided in said plan.

SECTION 4: That the President and Board of Trustees do hereby authorize and approve the establishment, operation and use of an approximately 3,000 square foot restaurant, including an outdoor patio of approximately 2,000 square feet with seating for dining purposes, provided that the availability of the outdoor dining area shall not increase the maximum number of seats available at any time for dining purposes, and that the number of seats that may be used for dining purposes shall at no time exceed the total number of seats ordinarily available in the indoor dining area. This

Special Use is further subject to the conditions, regulations and restrictions set forth in Section 5 of this Ordinance.

SECTION 5: That the approval and authorization of a restaurant as a Special Use of the Subject Property in the C-2 Outlying Commercial District is granted subject to the following conditions, regulations and restrictions:

A. The development, establishment, operation and use of the Subject Property for a restaurant shall be in conformance with the documents, materials and exhibits attached hereto and made a part hereof as Exhibit B.

B. That the Subject Property is restricted to restaurant and retail uses only in the C-2 Outlying Commercial District.

C. The Owner shall record a covenant against the Subject Property that shall run with the land which shall provide that the Owner and all subsequent property owners covenant and agree that the Subject Property, so long as it is zoned in the C-2 Outlying Commercial District, may only be used for restaurant or retail uses permitted under the C-2 District. Such covenant is subject to approval of the Village attorney.

D. The Special Use granted by this Ordinance is subject to the grant and continued validity of variations reducing the required front yard and south side yard setbacks for the Subject Property, and reducing the number of parking spaces required for the restaurant from 35 spaces to 33 spaces.

SECTION 6: That this Ordinance, and each of its terms, shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should: (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law; or, (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Deerfield that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 7: 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.

PASSED this 1st day of July, 2013.

AYES: Benton, Jester, Struthers, Seiden

NAYS: None

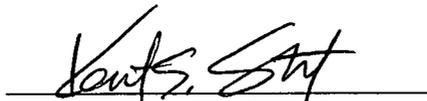
ABSENT: Farkas, Nadler

ABSTAIN: None

APPROVED this 1st day of July, 2013.


Village President

ATTEST:


Village Clerk