

**VILLAGE OF VERNON HILLS  
ORDINANCE 2023-057**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A RETAIL STORE  
IN THE OR&D DISTRICT FOR SMOKIN' DEAL BBQ, 1007 BUTTERFIELD ROAD**

**WHEREAS**, the Village of Vernon Hills received a petition by Smokin' Deal BBQ LLC, contract lessee, requesting a Special Use Permit for a Retail Store in the OR&D District, to be located at 1007 Butterfield Road, Vernon Hills, Illinois, legally described below; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing regarding the petition, duly noticed, on April 26, 2023, and has filed a report making findings of fact in support of the petition in accordance with the standards listed in Section 18.3 of the Zoning Ordinance, and has recommended approval of the petition, subject to conditions, as described in Exhibit A (Planning and Zoning Commission report); and

**WHEREAS**, the Committee of the Whole discussed the recommendation of the Planning and Zoning Commission at its meeting on May 2, 2023 and directed Staff to prepare an Ordinance amending the zoning code as described herein; and

**WHEREAS**, the Village Board, having considered the Planning and Zoning Commission report, has found that sufficient facts were presented which, in its judgment, would justify approving the special use permit as referenced herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:**

**SECTION 1.** The above listed recitals are incorporated into and made part of this Ordinance.

**SECTION 2.** The Special Use Permit to facilitate the operation of a Retail Store, pursuant to Article 18 of Appendix C, Zoning, of Village of Vernon Hills Code, at the property commonly known as 1007 Butterfield Road, zoned OR&D (Office, Research and Development District), and legally described in Section 3 is hereby approved, and shall be operated in substantial conformance with following plans and exhibits, attached hereto as Exhibit B:

- Project Narrative, dated March 1, 2023
- Site Plan for 1000 Butterfield Road complex
- Floor Plan, Suite 1007, dated February 28, 2023

**SECTION 3.** The Special Use Permit granted in Section 2 of this ordinance shall apply to the property legally described below, and specifically to the areas of said property illustrated on the plans referenced in Section 2:

THAT PART OF THE SOUTHWEST ¼ OF SECTION 32 TOWNSHIP 44 NORTH RANGE 11, EAST OF THE THIRDT PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 44 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIDIAN THENCE SOUTH 88 DEGREEES 13 MINUTES 50 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 32, A DISTANCE OF 3,314.84 FEET TO THE INTERSCTION OF SAID SOUTH LINE WITH THE SOUTHERLY EXTENSION OF THE CENTERLINE OF BUTTERFIELD ROAD AS RECORDED PER DOCUMENT NUMBER 924648; THENCE NORTH 19 DEGREES 15 MINUTES WEST ALONG THE CENTERLINE OF BUTTERFIELD ROAD 285.85 FEET; TENCE NORTH 70 DEGREES 45 MINUTES EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF HAWTHORN PARKWAY 40.0 FEET TO THE POIN T OF BEGINNING, SAID HAWTHORN PARKWAY BEING DEDICATED FOR PUBLIC STREET PER PLAT OF NEW CENTURY TOWN UNIT TWO, RECORDED MARCH 5, 1976 AS DOCUMENT 1755387; THENCE NORTH 19 DEGREES 15 MNUTES 00 SECONDS WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID BUTTERFIELD ROAD, PER DOCUMENT NUMBER 924648, A DISTANCE OF 690.00 FEET TO THE SOUTHWESTERLY CORNER OF THE GREENLEAD DRIVE RIGHT OF WAY PER PLAT OF SUBIDIVISION OF NEW CENTIURY TOWN UNIT FIVE, RECORDED AUGUST 4, 1977 AS DOCUMENT 1855416; THENCE NORTHEASETERLY ALONG A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2,015.46 FEET, SAID LINE BEING THE SOUTHERLY RIGHT OF WAY LINE OF SAID GREENLEAD DRIVE, AN ARC DISTANCE OF 375.32 FEET TO A POINT OF REVERSED CURVATURE, THE CHORD OF SAID ARC HAVING A LENGTH OF 374.78 FEET AND BEARING ON NORTH 65 DEGREES 24 MINUTES 55 SECONDS EAST; THENCE SOUTHEASTERLY ALONG A CURVE, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 10.00 FEET, SAID LINE BEING THE WESTERLY RIGHT OF WAY LINE OF WEST END LANE, DEDICATED FOR PUBLIC STREET PER PLAT OF DEDICATION RECORDED JULY 18, 1978 AS DOCUMENT 1931735 AN ARC DISTANCE OF 17.57 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID ARC HAVING A LENGTH OF 15.40 FEET AND A BEARING OF SOUTH 69 DEGREES 35 MINUTES 05 SECONDS EAST; THENCE SOUTH 19 DEGREES 15 MINUTES 00 SECNDS EAST ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 570.96 FEET; THENCE SOUTH 30 DEGREES 33 MINUTES 36 SECONDS EAST ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 134.72 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE, SAID LINE BEING A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 10.00 FEET, AN ARC DISTANCE OF 17.68 FEET TO THE POINT OF TANGENCY, SAID POINT BEING ALSO ON THE NORTHERLY RIGHT OF WAY LINE OF HAWTHORN PARKWAY, THE CHORD OF SAID ARCH HAVING A LENGTH OF 15.47 FEET AND A BEARING OF SOUTH 20 DEGREES 05 MINUTES 42 SECONDS WEST; THENCE SOUTH 70 DEGREES 45 MINUTES 00 SECONDS WEST ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID HAWTHORN PARKWAY A DISTANCE OF 401.61 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART TAKEN, DEDICATED OR USED FOR HIGHWAY PURPOSES, PER INSTRUMENT RECORDED MAY 25, 1983 AS DOCUMENT 2214697, IN LAKE COUNTY, ILLINOIS.

PIN: 11-32-300-046

**SECTION 4.** The Special Use Permit granted in Section 2 of this Ordinance is subject to the following terms and conditions:

1. The petitioner shall work with Staff to screen new rooftop equipment associated with the commercial kitchen hood if it is determined that it is visible from the ground;
2. A trash enclosure meeting the requirements of the zoning code shall be installed within the parking area south of Building A; and

3. The hours of operation may be increased to include weekend hours similar to the weekday hours (retail until 6:00 pm, classes/events until 9:00 pm) without requiring an amendment to the Special Use.

**SECTION 5. SEVERABILITY.** In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

**SECTION 6. REPEAL AND SAVINGS CLAUSE.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

**SECTION 7. SUCCESSORS AND ASSIGNS.** All of the provisions of this Ordinance and the attachments hereto are binding on all successors and assigns of the petitioner and property owner.

**SECTION 8. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

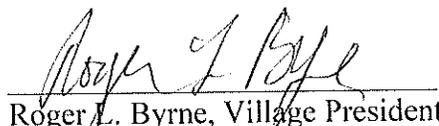
**SECTION 9. ORDINANCE NUMBER.** This ordinance shall be known as Ordinance Number 2023-057.

Adopted by roll call vote as follows:

AYES: 7 – Oppenheim, Schenk, Forster, Marquardt, Takaoka, Koch, Byrne

NAYS: 0 - None

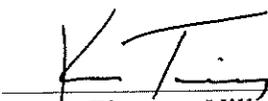
ABSENT AND NOT VOTING: 0 - None

  
\_\_\_\_\_  
Roger L. Byrne, Village President

PASSED: 05/16/2023

APPROVED: 05/16/2023

ATTEST: 05/16/2023

  
\_\_\_\_\_  
Kevin Timony, Village Clerk



**EXHIBIT A**

**Planning and Zoning Commission Report**

**Smokin' Deal BBQ, 1007 Butterfield Road**

**EXHIBIT B**

**Plans and Exhibits**

**Smokin' Deal BBQ, 1007 Butterfield Road**

**Planning and Zoning Commission – Meeting Minutes**  
**April 26, 2023 - 7:30 p.m.**

**I. Call to Order and Roll Call**

Chairman Morris called the meeting to order at 7:05PM.

Attendance: Chairman Morris, Commissioners Cotton, Lis, Nabat, and Smith were present. Commissioner Heidner had given prior notice that he would be absent.

Also attending: Andrew Jennings, Director of Community Development.

**II. General Public Comment**

No one from the public came forward to speak.

**III. Items for Review**

Chairman Morris called for the opening of the following public hearing:

1. Case #2023-02, a petition filed by Smokin' Deal BBQ LLC, contract lessee, requesting approval of a Special Use in accordance with Appendix C, Zoning, of the Village of Vernon Hills Code of Ordinances, Section 15.3, Special Uses in the OR&D District, and Article 18, Special Use Requirements, to operate a retail store within the OR&D District.

Subject Property: 1007 Butterfield Road, zoned OR&D (Office, Research and Development District)

**ALL PERSONS PROVIDING TESTIMONY WERE SWORN IN**

Jeff Silvers, Smokin' Deal BBQ, 888 Tower Road, Suite H, Mundelein, IL 60060

Mr. Silvers presented the background of the business to the Commission. He stated that he spent 30 years working for various Fortune 10 companies before founding the business in 2014. The business is currently in Mundelein. It operated out the Bannockburn / Deerfield area and Highwood prior to that. The Butterfield Road location would be the fourth unit. They've seen significant increase in demand and they've had to rethink their strategy for growth.

The currently location is only 3,200 square feet, which is very limited in terms of warehousing and showroom space. The new store would include opportunities to increase visitors, such as training in outdoor cooking/barbequing.

Mr. Silvers presented photos of the current store. He explained that they have seen an increase in built-in outdoor cooking equipment as people entertain more and dine out less. The store also supports professional teams that compete in cooking competitions, and there is equipment specifically designed for that. Overall the industry is very popular right now. The store prides itself in stocking primarily US-made equipment. The market is growing exponentially.

Mr. Silvers explained that the plan includes a retail area as well as an indoor version of an outdoor grilling island for training and demonstrations. It would allow manufacturers to demonstrate a product, and be available for private events after hours.

Chairman Morris questioned whether the indoor grill required the Commission's approval. Director Jennings explained that the island would require a building permit review.

Mr. Silvers presented the floor plan, noting that the demo island in the showroom would seat 12-15 people.

Commissioner Cotton asked whether alcohol would be served at after-hours events. Mr. Silvers was unsure, but stated that it would likely be through a third party caterer. Mr. Jennings asked Mr. Silvers to provide the details to help the Village determine whether a license would be required.

Commissioner Nabat requested clarification regarding the educational component. Mr. Silvers explained it would be a combination of classes and private events. They have 20-25 attendees, and a vendor brings a product to demonstrate to the group.

Commissioner Nabat asked whether equipment is leased to businesses or for residential use. Mr. Silvers confirmed that the equipment is not leased by the store itself. They support businesses connecting with vendors, who may lease equipment.

Commissioner Lis requested confirmation that everything is indoors, and Mr. Silvers confirmed that it was.

Chairman Morris noted that the building was built as an office / warehouse building, and the proposed business would have additional waste. Mr. Silvers explained that the lease references a new trash enclosure. It is not on the site plan provided, but it would be located in the parking area along West End Court.

Commissioner Cotton noted the proximity to a residential area, and asked whether the dumpster would be screened. Mr. Silvers had not gotten into the details with the landlord, but noted a representative was present at the meeting.

Mr. Jennings explained that the trash enclosure requirements had been provided to the property manager along with recommendations to improve the durability of enclosure.

Cindy Dixon, the broker for the landlord, was sworn in. She confirmed the landlord planned to construct the trash corral per the requirements provided. She explained that there was previously a trash enclosure on the property and the new enclosure would be placed in the same location. Chairman Morris stated that the recommendation would include a condition referencing the requirement to install an enclosure per the code.

Chairman Morris requested discussion of the additional rooftop units. Mr. Silvers explained that the plan was to install a commercial hood for the island that would connect to a smoke evacuator on the roof. He confirmed that he understood that it would need to be screened if visible from the ground.

Chairman Morris asked for an explanation of the exhaust from the smoke evacuator. Director Jennings stated that there is similar equipment in closer proximity to residential units. The concern in this case was the visual impact. The requirements could be reviewed during permitting.

Commissioner Cotton expressed a concern for the potential odor at an office park. Mr. Silvers emphasized that the store is not a restaurant. The island would not be used every day.

### **THE HEARING WAS OPENED FOR PUBLIC COMMENT**

No one from the public spoke. Public comment was closed by Chairman Morris.

### **PUBLIC NOTICE**

Chairman Morris noted that public notice went out and no comments were received.

Chairman Morris noted that the petitioner had provided responses to the Standards for a Special Use in Section 18.3. Chairman Morris disagreed with the response to Standard 1; the surrounding uses include residential to the east and are not all commercial. Aside from that issue, the responses to the standards are incorporated into the Findings of Fact.

Chairman Morris stated that before the Commission that there is a standing motion to recommend approval, and read the draft motion from the staff report. Commissioner Cotton seconded the motion to:

**Make Findings of Fact and Recommend Approval of a Special Use for a Retail Store**, for the property located at 1007 Butterfield Road, as required by Section 15.3 (Special Uses in the OR&D District), Article 18 (Special Use Standards), and Section 21.6 (Special Use Procedures) as described in the application by Smokin' Deal BBQ LLC, dated March 1, 2023, and in substantial conformance with the following plans and exhibits:

- Project Narrative, dated March 1, 2023
- Site Plan for 1000 Butterfield Road complex
- Floor Plan, Suite 1007, dated February 28, 2023

And with the following conditions of approval:

1. The petitioner shall work with Staff to screen new rooftop equipment associated with the commercial kitchen hood if it is determined that it is visible from the ground; and
2. A trash enclosure meeting the requirements of the zoning code shall be installed within the parking area south of Building A.

Chairman Morris requested discussion of the motion. He stated that his vote would be predicated on the fact that this is a singular discussion as it relates to this particular use in this particular area. He does not believe that the use category in 15.3.7 is intended to apply uniformly to retail. He referred to the phrase “primarily to serve the convenience needs of persons employed in the area.” That is a high standard, and this particular business gets close enough to meeting it due to its low intensity of use. He would not vote in favor of a typical retail store serving a larger area. This store may meet the Special Use Standards, but the recommendation isn’t precedential regarding retail in the OR&D.

**AYES: Cotton, Lis, Nabat, Smith, Morris**

**NAYS: none**

**ABSENT: Heidner**

**Motion approved.**

**THE PUBLIC HEARING WAS CLOSED BY A VOICE VOTE AT 7:51 PM.**

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Chairman Morris called for the opening of the following public hearing:

2. **Case 2023-04** is a by Proskin Enterprises (dba Catered Productions), contract lessee, requesting approval of the following actions:
  1. Approval of a Zoning Code Text Amendment pursuant to Section 21.7, Amendments to:
    - a. Amend Section 3.2, Definitions, to include a definition of Catering Service; and
    - b. Amend Section 15.3, Special Uses in the OR&D District, to insert 15.3.9 Catering Service
  2. Approval of a Special Use Permit to operate a Catering Service in the OR&D District pursuant to Section 15.3, Special Uses in the OR&D District, and Article 18, Special Use Requirements, pending approval of the associated Text Amendment.

**ALL PERSONS PROVIDING TESTIMONY WERE SWORN IN**

Michael Proskin, Proskin Enterprises (dba Catered Productions), 277 W. Peterson, Libertyville, IL

Mr. Proskin introduced the background of the business. He explained that he and his wife have owned Catered Productions in Libertyville since 1996. They’ve outgrown their current location. The business is a production kitchen and does not invite the public to the facility.

Chairman Morris indicated that there are two requests. The first is a text amendment to insert a definition of catering service and add it to the OR&D district. He asked Director Jennings if the

use would appear elsewhere. Director Jennings confirmed that it would only appear in the OR&D as a Special Use.

Chairman Morris questioned whether the restriction referring to carryout orders in the definition would be too limiting when applied to all other caterers. Same day orders might be requested of a caterer. Director Jennings stated that he had been working with the petitioner on the definition, and the purpose of the statement was to distinguish between carryout restaurants and catering. The idea was to discourage carryout and pickup.

Chairman Morris asked whether the business specialized in bulk vs. individual orders. Mr. Proskin confirmed that they discourage small orders, and the vast majority of events are for fifty people and up. Every now and then someone may request a dozen boxed lunches for pickup the next day. That's not common though. He provided an example of a single call from a hotel that turned into over 20,000 meals for the National Guard serving and testing stations during the Covid pandemic.

Director Jennings suggested that the last sentence could be deleted from the definition and a similar phrase could be added as a condition on the Special Use instead. Carryout may be more appropriate in other locations, such as a restaurant in a shopping center that also offers catering.

Chairman Morris explained to the petitioner that he was trying to ensure that they wouldn't be too limited. Mr. Proskin stated that they do occasionally get same day phone orders but they deliver the order.

Commissioner Smith suggested re-phrasing the last sentence as "does not include establishments similar to carryout restaurants." Director Jennings noted that other definitions in the code had similar clarifying "does not include" statements.

Commissioner Nabat asked whether the business could limit itself to delivery for same day orders. Mr. Proskin said that the business has so few pick up requests that they would agree to a restriction if it made things easier.

Chairman Morris proposed that the last sentence could be deleted from the definition and a similar phrase could be added as a condition on the Special Use instead. Director Jennings agreed that approach would make sense.

Chairman Morris concluded the discussion of the definition asked whether there was any discussion on the second aspect of the amendment, which was to insert the use as a Special Use in the OR&D district. The Commission had no concern with the second part of the text amendment.

#### **THE HEARING WAS OPENED FOR PUBLIC COMMENT**

No one from the public spoke regarding the text amendment. Public comment was closed by Chairman Morris.

## **PUBLIC NOTICE**

Chairman Morris noted that public notice went out and no comments were received.

Commissioner Cotton asked whether the business conducts tastings. Mr. Proskin explained that most tastings are for weddings and occur in January and February.

Chairman Morris noted that the petitioner had provided responses to the Standards for a Zoning Text Amendment. The responses and Staff commentary are part of the record. He suggested voting on the text amendment separately first.

Chairman Morris stated that before the Commission that there is a standing motion to recommend approval, and read the draft motion from the staff report. Commissioner Lis seconded the motion to:

**Make Findings of Fact and Recommend Approval of a Zoning Code Text Amendment**, in accordance with by Section 21.7 (Amendments) of the Zoning Code, as described in the application by Proskin Enterprises, dba Catered Productions, dated April 1, 2023, to amend the zoning code as follows:

1. Amend Section 3.2, Definitions, to insert the following definition of Catering Service:

"Catering service" is an establishment providing the processing, assembly and packaging of food into servings for consumption off-premises without provision for on-site consumption. Tastings and customer pick up of scheduled orders may be offered by appointment.

2. Amend Section 15.3, Special Uses in the OR&D District, to insert "Catering Service" as Subsection 15.3.9.

**AYES: Cotton, Lis, Nabat, Smith, Morris**

**NAYS: none**

**ABSENT: Heidner**

**Motion approved.**

Chairman Morris opened the testimony specific to the Special Use request. Mr. Proskin stated that they would have a trash enclosure constructed similar to what was discussed with the previous petitioner. The business cooks on premise and would require a hood. They have convection ovens and a small fryer, but no grills.

Commissioner Nabat noted that she is a former restaurant owner, and questioned whether the business would need a full buildout with drain improvements. Mr. Proskin confirmed that the business is working with an architect on the plans currently.

Mr. Proskin presented photos of the current location. Chairman Morris reviewed the open questions. The trash enclosure, as mentioned, would be per Village standards. Second, he asked whether additional rooftop mechanical units were needed. Mr. Proskin acknowledged the need for screening.

The third item from the Staff report was a reference to vehicles. Mr. Proskin confirmed they would park their vehicles on the site. Chairman Morris referred to the sign code restriction on using vehicles as signage. Director Jennings recommended a condition of approval to prevent the appearance of using the vehicles as advertising. He noted that the other commercial vehicles on the property tend to park near the interior of the lot. Director Jennings also noted that the Staff recommendation was to allow an increase in the number of vehicles.

Chairman Morris requested discussion of the enclosure. Cindy Dixon, on behalf of the landlord, was present and previously sworn in. She stated that the landlord would provide a single enclosure large enough for both new tenants.

Commissioner Smith asked whether the business would have same day removal of the grease from the fryer, or if a container would be needed. Mr. Proskin stated they have a receptacle that is emptied as needed. They don't need frequent service because they don't fry very much. Director Jennings stated that the enclosure would be sized based on the receptacles needed for both businesses.

Mr. Proskin stated that they currently have a 10 yard garbage container and a 2.5 yard cardboard container.

Commissioner Nabat asked whether the business would have regular pest control. Mr. Proskin confirmed that they would.

Commissioner Lis questioned whether screening would be required if the vehicles park along West End, facing the residential area. Director Jennings stated that screening is typically required for larger vehicles or vehicles with open equipment.

Chairman Morris noted there are several areas of the parking lot, and asked whether the whole lot is shared. Ms. Dixon confirmed the lot is shared and the southeast area would be available.

Commissioner Lis preferred that the commercial vehicles be away from the residents. Chairman Morris asked whether the business would agree to park in the central area, and Mr. Proskin confirmed they would be able to park as needed.

#### **THE HEARING WAS OPENED FOR PUBLIC COMMENT**

No one from the public spoke regarding the Special Use. Public comment was closed by Chairman Morris.

#### **PUBLIC NOTICE**

Chairman Morris noted that public notice went out and no comments were received.

Chairman Morris noted that the petitioner had provided responses to the Standards for a Special Use in Section 18.3. The responses appear to repeat the questions, but through the testimony he felt the standards had been addressed.

Chairman Morris stated that before the Commission that there is a standing motion to recommend approval, and read the draft motion from the staff report. Commissioner Lis seconded the motion to:

**Make Findings of Fact and Recommend Approval of a Special Use for a Catering Service**, for the property located at 1017 Butterfield Road, as required by Section 15.3 (Special Uses in the OR&D District), Article 18 (Special Use Standards), and Section 21.6 (Special Use Procedures) as described in the application by Proskin Enterprises, dba Catered Productions, dated April 1, 2023, and in substantial conformance with the following plans and exhibits:

- Project Narrative / Introduction Letter
- Site Plan for 1000 Butterfield Road complex
- Floor Plan, Suite 1017, dated March 23, 2023

And with the following conditions of approval:

1. The special use is subject to the approval of the associated Zoning Code Text Amendment;
2. The petitioner shall work with Staff to screen new rooftop equipment associated with the business if it is determined that it is visible from the ground;
3. A trash enclosure of an appropriate size shall be added to the site south of Building A, sized to be combined with other tenants, subject to permit review by the Community Development Department;
4. The business may increase the number of delivery vehicles from 6 to 9 without requiring a review to amend the Special Use Permit; and
5. Vehicles shall be parked in the area west of Building A, but not along Butterfield Road in a manner that would be construed as advertising signage.

Commissioner Lis requested confirmation regarding conditions 4 and 5, which were confirmed as written. A vote was not taken on the original motion. Commissioner Cotton noted that the consensus was to include a condition in the Special Use recommendation to address the carryout order restriction that was removed from the zoning code text amendment.

Chairman Morris agreed that the consensus had been to include the condition. Mr. Proskin requested clarification of the intent. Commissioner Cotton noted that a same day order for a funeral service may be appropriate but other types of orders would not be. Mr. Proskin stated that they don't intend to offer typical carryout service.

Director Jennings suggested using the verbiage from the definition of catering service in the staff report. Chairman Morris suggested "Phone orders similar to a carryout restaurant are not permitted." Commissioner Smith suggested removing "phone" since there are other ways to order. The Commission agreed with the verbiage [Condition #6 in the second motion, below was added].

Chairman Morris restated that before the Commission that there is a standing motion to recommend approval, and read the draft motion from the staff report. Commissioner Cotton seconded the motion to:

**Make Findings of Fact and Recommend Approval of a Special Use for a Catering Service**, for the property located at 1017 Butterfield Road, as required by Section 15.3 (Special Uses in the OR&D

District), Article 18 (Special Use Standards), and Section 21.6 (Special Use Procedures) as described in the application by Proskin Enterprises, dba Catered Productions, dated April 1, 2023, and in substantial conformance with the following plans and exhibits:

- Project Narrative / Introduction Letter
- Site Plan for 1000 Butterfield Road complex
- Floor Plan, Suite 1017, dated March 23, 2023

And with the following conditions of approval:

1. The special use is subject to the approval of the associated Zoning Code Text Amendment;
2. The petitioner shall work with Staff to screen new rooftop equipment associated with the business if it is determined that it is visible from the ground;
3. A trash enclosure of an appropriate size shall be added to the site south of Building A, sized to be combined with other tenants, subject to permit review by the Community Development Department;
4. The business may increase the number of delivery vehicles from 6 to 9 without requiring a review to amend the Special Use Permit;
5. Vehicles shall be parked in the area west of Building A, but not along Butterfield Road in a manner that would be construed as advertising signage;
6. Orders similar to a carryout restaurant are not permitted.

**AYES: Cotton, Lis, Nabat, Smith, Morris**

**NAYS: none**

**ABSENT: Heidner**

**Motion approved.**

**THE PUBLIC HEARING WAS CLOSED BY A VOICE VOTE AT 8:25 PM.**

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#### **IV. Approval of minutes the December 14, 2022 Planning & Zoning Commission minutes**

A motion was made by Chairman Morris, seconded by Commissioner Cotton, to approve the minutes of the December 14, 2022 Planning & Zoning Commission meeting. All were in favor by a voice vote.

A motion was made by Chairman Morris, seconded by Commissioner Nabat, to approve the minutes of the April 12, 2023 Planning & Zoning Commission meeting. All were in favor by a voice vote.

#### **V. Development Review**

DCD Jennings noted that the April 12<sup>th</sup> meeting had a long list of updates, and he was happy to provide updates on request. The Commissioners requested updates on the following items:

- Chilis. No updates.
- Bally's. No updates.
- Domaine, Hawthorn Row, is now open for hard hat tours for small groups by appointment only.
- Retail, Hawthorn Row. No leases, but the developer is in discussions with tenants.

**VI. Adjournment**

With no further items on the agenda, Chairman Morris made a motion to adjourn, seconded by Commission Smith. The motion was approved by a voice vote.

The meeting adjourned at 8:27.

Respectfully submitted,

Andrew Jennings  
Director of Community Development

Distribution:  
President and Board of Trustees  
Village Manager/Village Clerk  
Commission Members

\_\_\_\_\_  
Approval Date

\_\_\_\_\_  
Chairman Morris

\_\_\_\_\_  
Secretary Cotton

March 1, 2023

Dear Village of Vernon Hills:

I am writing to you today, in hopes of asking the Village for a special use permit. For the past 9 years I have owned and operated Smokin' Deal BBQ, formerly located in Bannockburn and presently operating at 888 Tower Road, Mundelein, IL 60060 since 2017. As our business has grown and the needs continue to evolve around the consumer's demand, we have an immediate need to move and expand our retail store and operations. The proposed new location, at 1000 Butterfield Road, Ste. 1007, Vernon Hills, IL 60061, will allow me to expand my floor space for retail operations and have a permanent event space for my customers and guests to attend bbq/grilling classes. I host a variety of functions from grilling classes to an assortment of private events in my store. Due to the growth in our business from all over the surrounding area, I am currently constrained at our existing location due to the size.

At this new space we will have a larger showroom display area for retail products, more storage and a larger grilling-demo island (referred to as island) area inside the space, to allow for onsite training and cooking events. In addition, it will be used occasionally for demo purposes and to prepare items for sampling/eating. It will also allow us to create a more structured space that can coexist with our retail store at all times. The preliminary plans for the space, have been included for reference. The indoor island will consist of 10-14 seats, with a grill-smoker/oven/griddle/beverage center, commercial ventilation hood, plus a table for additional seating for overflow located adjacent to the space. This is a critical space, and an important part of our new plan as the events (classes, private parties and dinners) are a growing source of revenue and exposure that drive our retail store sales. Customers can shop while they are attending a function and they often return at a later date for bigger ticket items. All of these activities have always been conducted inside our shop, with no noise or other environmental impacts to surrounding businesses or homes.

Our current hours of operation are Monday - Friday, 9:30am – 5:30pm. Weekends, our store is open but generally by appointment only and we are closed for all major holidays. We are looking to hire more personnel, in hopes of expanding our weekend store hours (Saturday) for the public. We typically close for any class or private event (typically starting around 5:30pm and ending by 9pm). We also plan on hiring a new employee to drive business to our private event space as it is a great source of revenue. Parking for customers is available and plentiful (see attached description from Landlord and plat of survey). This has been a successful operation for our business, drawing additional patrons to the store, while not having a negative impact on the neighbors. At our new location, we hope to have zero impact on any neighbors. With regards to signage, I've also attached the landlord's sign criteria, which we will in fact will follow, in addition to any of the village's signage requirements.

By way of attachments, I'm including the following:

1. Site Plan of 1000 Butterfield Road
2. ALTA / ACSM Land Title Survey
3. Legal Description (Exhibit A) of the Property
4. Sign Criteria from the Landlord (Exhibit C)
5. Landlord's letter of approval for Special Use
6. Draft floor plan indicating the location of the demo island
7. Section 18.3 Standards Response for Special Use Permit
8. Village of Vernon Hills Special Use Permit Application.

Lastly, and in conversations with Andrew Jennings, he indicated our cooking island may in fact be similar to the research lab definition already identified with the Village codes. And, the retail store would likely fall into the existing 15.3.7 code *(15.3.7. Services or commercial uses intended primarily to serve the immediate convenience needs of persons employed in the area, including stationery and office supply stores, restaurants (but not drive-in facilities) and similar uses, and integrated shopping centers with not more than 25,000 square feet of building).*

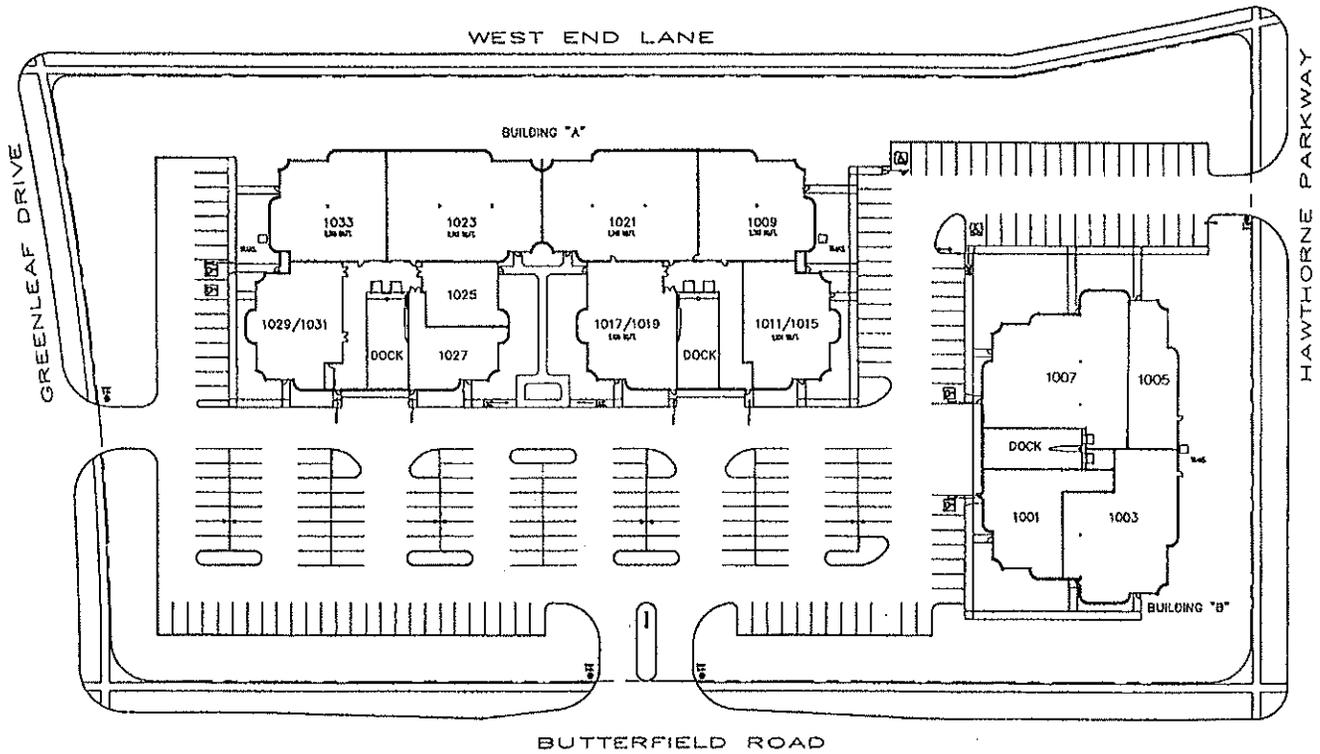
In closing I look forward to moving my store to its new location and creating a new and inviting space to our ever-expanding area and bringing a lot more tax dollars to the wonderful village of Vernon Hills. Thank you, in advance, for your anticipated support and cooperation.

Smokin' Deal BBQ  
888 Tower Road, Suite H  
Mundelein, Illinois 60060

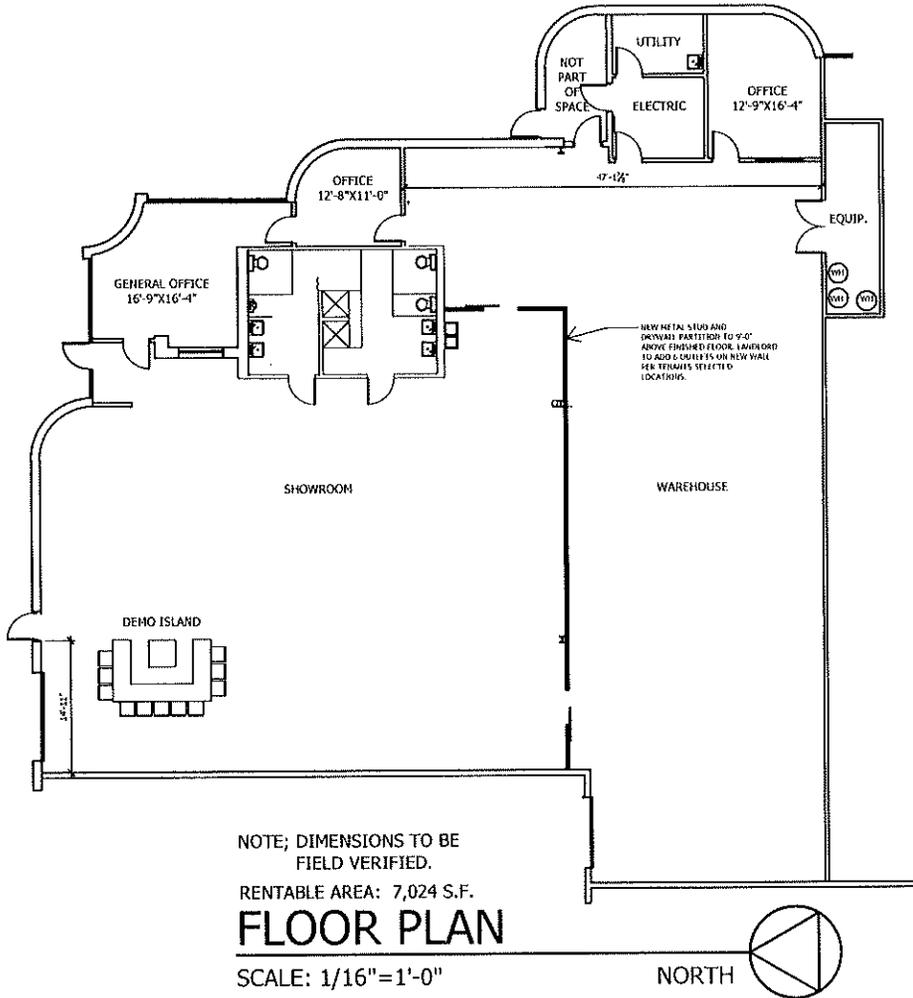
# 1000 BUTTERFIELD ROAD

VERNON HILLS

ILLINOIS



 **SITE PLAN**  
2/19/22



**RICK STRUSINER ASSOCIATES ARCHITECTS**  
 401 HUEHL ROAD SUITE 1-A NORTHBROOK,  
 ILLINOIS 60062-2462  
 847 / 564-5740 FAX: 847 / 564-5635  
 A STRUSINER ORGANIZATION

**SMOKIN DEAL BBQ**  
 SUITE 1007  
 1000 BUTTERFIELD ROAD  
 VERNON HILLS, IL

DATE: 2-28-23

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2023-057

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A RETAIL STORE IN THE  
OR&D DISTRICT FOR SMOKIN' DEAL BBQ, 1007 BUTTERFIELD ROAD

Published in pamphlet form by the Authority of the  
President and Board of Trustees of the Village of  
Vernon Hills, Lake County, Illinois, this  
16<sup>th</sup> day of May, 2023

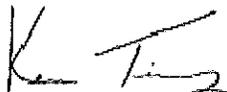
STATE OF ILLINOIS )  
 )  
COUNTY OF LAKE )

CERTIFICATE

I, KEVIN TIMONY, CERTIFY THAT I AM THE DULY APPOINTED AND ACTING VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS. I FURTHER CERTIFY THAT ON MAY 16, 2023, THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE NO. 2023-057 AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A RETAIL STORE IN THE OR&D DISTRICT FOR SMOKIN' DEAL BBQ, 1007 BUTTERFIELD ROAD.

THE PAMPHLET FOR ORDINANCE NO. 2023-057 INCLUDING THE ORDINANCE AND A COVER SHEET THEREOF, WAS PREPARED, AND A COPY DATED MAY 16, 2023 AND CONTINUING FOR AT LEAST TEN DAYS THEREAFTER. COPIES OF SUCH ORDINANCE WERE ALSO AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST IN THE OFFICE OF THE VILLAGE CLERK.

DATED IN VERNON HILLS, ILLINOIS, THIS 16<sup>th</sup> DAY OF MAY 2023.

  
\_\_\_\_\_  
Kevin Timony, Village Clerk

SEAL



AFFIDAVIT OF SERVICE

STATE OF ILLINOIS     )  
  )  
COUNTY OF LAKE        )

I, KEVIN TIMONY, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE NO. 2023-057 AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A RETAIL STORE IN THE OR&D DISTRICT FOR SMOKIN' DEAL BBQ, 1007 BUTTERFIELD ROAD TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM MAY 16, 2023 TO MAY 26, 2023.

  
\_\_\_\_\_  
Kevin Timony, Village Clerk

SUBSCRIBED AND SWORN TO BEFORE  
THIS 16<sup>th</sup> DAY OF MAY 2023

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

