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## **Staff Report to the Plan Commission**

### **Special Use Permit Amendment for Waterfall Plaza Site Improvements**

Prepared: 9/30/2025

**Project:** 2025-0072 – Special Use Permit Amendment for Waterfall Plaza Site Improvements

**Planner:** Marcus LeVigne

**Petitioner:** Ahmad Elkatib, AAA Investment Group, Inc.

**Representatives:** Nick Protrovski, Grogan Hesse & Uditsky, P.C.

**Location:** 8752 159th Street

**P.I.N.s:** 27-14-300-071-0000, 27-14-300-066-0000

**Parcel Size:** 1.98 acres

**Building Size:** 19,100 square feet

### **REQUESTED ACTIONS**

The Petitioner is requesting the approvals below in order renovate the existing shopper center at 8752 159th Street:

- Special Use Permit Amendment for a Planned Development
- Special Use Permit for a Restaurant with a Drive-Through Service Window
- Site Plan
- Landscape Plan
- Building Elevations
- Three modifications from the Land Development Code:
  1. Allow parking lots within the setback area between the building and the street (Section 6-207.F.4).
  2. Allow for a reduction in the required width and number of landscape plantings in the foundation planting area (Section 6-305.D.5.a).
  3. Allow drive-through facilities between the building and the street (Section 6-207.F.4).

### **BACKGROUND**

#### **Previous Approvals**

Previous approvals for this property include Special Use Permits for various land uses within the center, all of which have since expired. A Development Petition for a Subdivision and Special Use Permit for a Planned Development was approved by the Board of Trustees in 2021.

A previous modification was granted with the Special Use approval to allow for parking and drive aisles in the setback between the building and the street within the south setback and within the east setback; however, the ordinance states that the modification does not apply to future redevelopment.

### **Existing Development Agreement**

A Development Agreement between the Village and the property owner was approved by the Village Board in 2021 to establish a phased schedule of site improvements and maintenance responsibilities. The Development Agreement outlines the following required improvements:

#### **Within 1 Year (by November 15, 2022):**

- Repair and replace broken curbs
- Re-seal and re-stripe the parking lot
- Improve building lighting
- Enhance landscaping

#### **Within 2 Years (by November 15, 2023):**

- Re-mill and resurface the parking lot

#### **Within 3 Years (by November 15, 2024):**

- Bring signage into code compliance
- Bring dumpster enclosures into compliance
- Ensure site and building lighting compliance

None of the required improvements have been completed to date. Additional code enforcement issues have since occurred on the property, including the removal of several large heritage trees.

The current Development Petition seeks to address these outstanding items by upgrading building façades, improving landscaping, and incorporating site enhancements such as additional parking and a new dual-lane drive-through. These improvements are intended to bring the site closer to compliance with the Village's Land Development Code (LDC) and the terms of the existing Development Agreement.

## **COMPREHENSIVE PLAN & SURROUNDING CONTEXT**

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### **Comprehensive Plan**

The subject property is in the 159th and Harlem Avenue Planning District. The intersection of 159th Street and Orlan Brook Drive is designated as one of the Neighborhood Centers within this Planning District, which is intended to serve as a local commercial node that provides goods and services to nearby residential areas. This designation is particularly important, as much of the 159th and Harlem Planning District is dominated by auto-oriented uses such as vehicle sales and service.

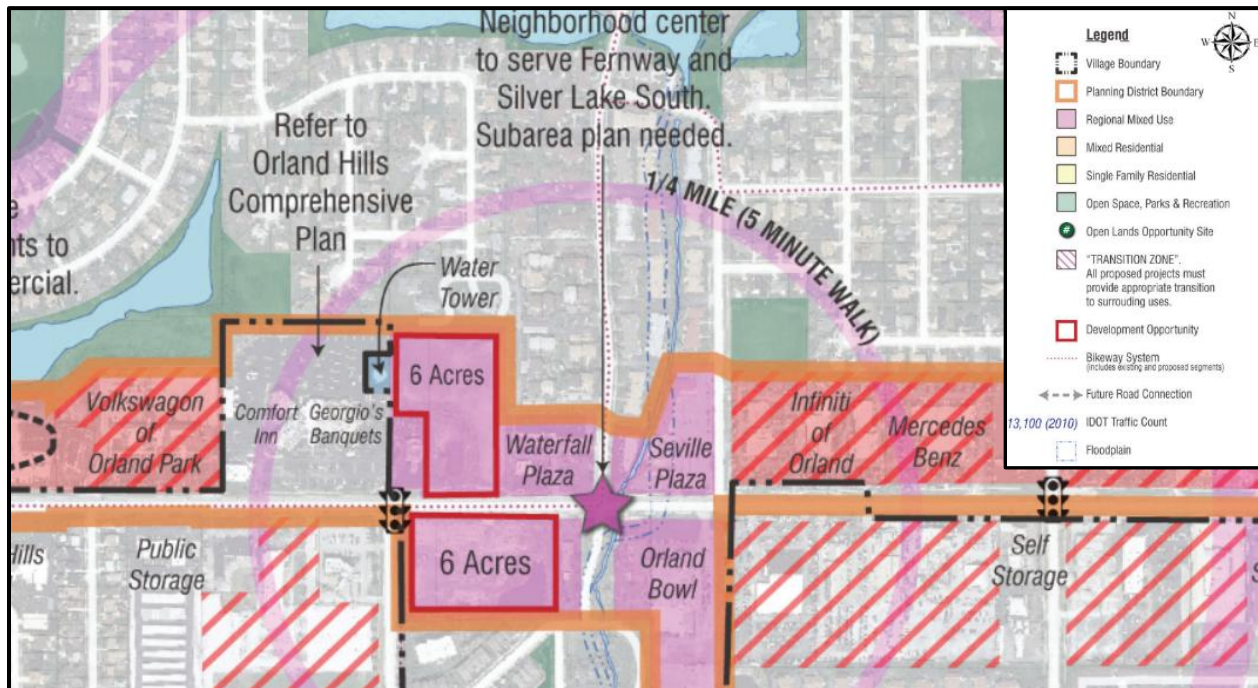
### **COMPREHENSIVE PLAN**

<b>Planning District</b>	159th and Harlem Planning District
<b>Planning Land Use Designation</b>	Neighborhood Mixed-Use

The proposed site improvements are consistent with the Neighborhood Mixed-Use land designation, as the existing building contains multiple smaller tenant spaces, and the existing General Business zoning classification allows for a mix of commercial retail and restaurant uses.

The project supports the Comprehensive Plan's goal of reinvestment and enhancement within aging commercial areas by updating the building façade, improving site circulation, and providing pedestrian and landscape upgrades that strengthen the overall appearance of the area.

## PLANNING DISTRICT LAND USE MAP



### ADJACENT PROPERTIES

	Zoning District	Land Use
North	R-3 Residential	Multifamily Residential (Orlan Brook Subdivision)
East	BIZ – General Business	Commercial/Office (Kirsch Family Dental Plaza)
South	BIZ – General Business	Motor Vehicle Services (Washen/Kort Carwash)
West	BIZ - General Business	Automobile Sales (Joe Rizze Porsche)

### SITE PLAN

The proposed site plan expands and reconfigures the existing parking lot layout to improve circulation and functionality throughout the site. The plan proposes additional parking, defined pedestrian walkways, and enhanced landscaping areas that frame the building and screens the parking lot.

Existing curbs, pavement, and deteriorated landscape islands are to be removed and replaced with an updated layout designed to accommodate modern parking standards and integrate new pedestrian connections from both 159th Street and Orlan Brook Drive. The reconfiguration also allows for improved traffic flow to and from the drive-through lane and re-establishes accessible routes to tenant entrances. The Lover's Lane property is not a part of this Planned Development.

### Lot Coverage

The BIZ General Business District allows for up to 80% impervious surface by-right. The proposed site plan increases the lot coverage from 55% to 62%, well within compliance with the LDC.

### LOT COVERAGE

Maximum Permitted	80% impervious
Proposed Coverage	62% impervious

### **Building Setbacks**

All required building setbacks have been met within the BIZ General Business District requirements. There are no changes proposed to the building setbacks on the site.

### **Parking Lot/Drive Aisle Setbacks**

The existing parking lot is located between the building and the adjacent street frontages, which is not permitted under the current design standards. The layout is considered legal non-conforming under the current LDC regulations. A previous modification was granted to allow for an increase in parking between the building and the street, however, a new Modification must be requested in order to allow this proposed request. To help offset this change, landscape screening and new pedestrian connections to the right-of-way have been incorporated to bring the site closer to the intent of current LDC regulations.

### **Vehicular Access and Circulation**

Vehicles currently access Waterfall Plaza from two driveways on Orlan Brook Drive and one driveway on 159th Street. The proposed site plan introduces a right-in/right-out access along 159th Street, as requested by Village staff, to improve traffic safety. The Orlan Brook Drive access will remain a full-access driveway, while the north driveway will be modified to function as exit-only.

### **Drive-Through Access/Circulation**

A new two-lane drive-through is proposed along the northeast portion of the site to support future tenant operations. The dual-lane configuration provides stacking capacity for 12 cars, exceeding the minimum drive-through stacking required per code. The 12 stacking spaces are proposed to reduce on-site congestion and queuing conflicts with parking areas. Exiting the drive-through, the lanes merge into a single exit point that leads to a one way exit out of Waterfall Plaza out to Orlan Brook Drive.

A traffic impact study prepared by KLOA, Inc. evaluated the proposed 2,480-square-foot Miraj Coffee Shop with a dual-lane drive-through at Waterfall Plaza. The study found that the development would generate about 104 new morning peak-hour trips and 140 evening peak-hour trips. All nearby intersections, including 159th Street and Orlan Brook Drive, are projected to continue operating at acceptable levels of service through 2031.

### **Parking**

The parking requirement is calculated using a combination of ratios based on each proposed land use. The proposed parking lot expansion provides sufficient capacity to accommodate the existing and anticipated tenant mix while improving overall circulation and site access. A total of 95 parking spaces are proposed, where 105 spaces are required per the Land Development Code (LDC). The vacant tenant spaces are currently accounted for as retail uses within the total parking count.

#### **VEHICLE PARKING REQUIREMENTS**

<b>Required</b>	105 vehicle spaces
<b>Proposed</b>	95 vehicle spaces
<b>Shortage</b>	9.52% vehicle space shortage

Per the LDC, the Development Services Department is authorized to approve up to a 20% reduction in total required parking if the proposed uses are not expected to create shortages. As

tenant spaces turnover, parking counts will continue to be reviewed by Planning staff through the required zoning permit application process.

### **Pedestrian and Bicycle Access**

There are existing 5-foot concrete sidewalks provided along both 159th Street and Orlan Brook Drive within the right-of-way of Waterfall Plaza. Two new pedestrian access points are proposed from each street, connecting to the main entrances of the stores. Crosswalks are included throughout the parking lot to create safe routes to the main building entrance and to avoid pedestrians crossing near the drive-through lane.

A total of 12 bike parking spaces are proposed in front of the building. The specification sheet includes multiple rack types; however, per LDC Section 6-306.H.5, the single inverted-U rack is required. The bicycle rack type required has been added as a condition of approval.

#### **BICYCLE PARKING REQUIREMENTS**

<b>Required</b>	0 bicycle parking spaces
<b>Proposed</b>	12 bicycle parking spaces

### **Public Transit Access**

Waterfall Plaza is served by Pace Bus Route 364 along 159th Street. Although there is no bus stop directly in front of the property, nearby stops are located at the intersections of 159th Street with 86th Avenue and 88th Avenue, providing convenient access to the site.

### **Building Elevations**

The proposed building elevation updated include metal panels in gray and blue finishes, decorative accent elements, and gray stucco sections to provide variation and visual interest. The façade treatment extends across the full building frontage, maintaining consistency in materials and horizontal elements. One-story buildings are required to be primarily masonry to the tops of the windows, which currently exists on this building. The first floor masonry walls are being repaired and refinished as part of the renovation. The proposed elevations introduce new canopy elements to define individual tenant entrances and create visual alignment along the south façade.

### **Signage**

Two iterations of a new monument sign have been proposed for the site. Final selection and installation will be subject to review and approval through a separate Sign Permit Application submitted to the Development Services Department. All proposed monument and wall signage must comply with the Village's sign regulations and design standards outlined in the LDC.

### **Fence**

A replacement fence is proposed along the rear of the shopping center to provide screening from the adjacent residential properties to the north. Fence specifications are shown on Sheet SP.1.5 of the site plans. The proposed fence is 8 feet in height in the area adjacent to the new drive-through to adequately screen headlights and vehicle activity from nearby residences, in compliance with LDC screening requirements.

### **Exterior Lighting**

Existing and proposed exterior lighting will be reviewed during final engineering and will be required to comply with LDC Section 6-315.

## **PRELIMINARY ENGINEERING PLAN**

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The preliminary engineering plans, reviewed by staff, are compliant with the Land Development Code. All outstanding engineering items, including the establishment of a surety bond, will be addressed during final engineering reviews.

## **PRELIMINARY LANDSCAPE PLAN**

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The preliminary landscape plan is generally compliant with the LDC and enhances the overall appearance of the site through new landscape islands and bufferyards. Final plant selections and quantities will be reviewed during the Final Landscape Plan review to compliance with the intent of the LDC.

A Modification has been requested to allow a reduction in the required width and number of landscape plantings within the foundation planting area (LDC Section 6-305.D.5.a) due to the existing site constraints. The building is fully surrounded by pavement and cannot accommodate the minimum ten-foot foundation planting area required by code.

## **FINDINGS OF FACT**

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When considering an application for a special use permit, the decision-making body shall consider the Findings of Fact below. The petitioner has submitted responses to the Special Use Standards Worksheet for a Planned Development Responses, attached to this report, and staff finds the petitioner responses sufficient for this case.

1. The special use will be consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan, and these regulations.
2. The special use will be consistent with the community character of the immediate vicinity of the parcel proposed for development.
3. The design of the proposed use will minimize adverse effects, including visual impacts on adjacent properties.
4. The proposed use will [not] have an adverse effect on the value of adjacent property.
5. The applicant has demonstrated that public facilities and services will be capable of serving the special use at an adequate level of service.
6. The applicant has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development.
7. The development will [not] adversely affect a known archaeological, historical, or cultural resource.
8. The proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the ordinances of the Village.

## STAFF RECOMMENDED ACTION

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Regarding Case Number 2025-0072 - Special Use Permit Amendment for Waterfall Plaza Site Improvements, Staff recommends to accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated September 30, 2025;

And

Staff recommends the Plan Commission **approves** a Special Use Permit Amendment for the Planned Development.

Staff Recommends the Plan Commission **approves** a Special Use Permit for a Drive-Thru service window, subject to meeting all requirements in LDC Section 6-302.K Drive-Through Accessories.

And

Staff recommends the Plan Commission **approves** the following Modifications to the Planned Development:

1. Allow parking lots within the setback area between the building and the street (Section 6-207.F.4).
2. Allow for a reduction in the required width and number of landscape plantings in the foundation planting area (Section 6-305.D.5.a).
3. Allow drive-through facilities between the building and the street (Section 6-207.F.4).

And

Staff recommends that the Plan Commission **approves** the Site Plan, Landscape Plan, and Building Elevations for Waterfall Plaza, subject to the following conditions:

1. The development shall be in substantial conformance with the preliminary site plan titled "Waterfall Plaza," prepared by WMK.20, LLC, last revised September 28, 2025; the landscape plan titled "Landscape Development Plan Waterfall Plaza," prepared by Tomek Design, last revised September 28, 2025; and the preliminary civil engineering plans titled "Project at 8752 159th Street," prepared by Damas Consulting Group, last revised May 15, 2025, subject to revisions listed below.
2. The project shall meet all Building Code and final Engineering requirements, including any required permits from outside agencies.
3. The site plan shall be revised to match the Civil Engineering Plan by removing the right-in/right-out access at the southern Orlan Brook Drive entrance and retaining the full-access intersection.
4. All wheel stops shown on the plans shall be removed prior to the final engineering submittal.
5. Additional directional and "No Parking" signage shall be added to the plans as requested by the Engineering Department.
6. The bicycle racks shown on sheet SP.1.5 shall be Inverted-U racks, installed in accordance with LDC Section 6-306.H.3.
7. All ground-based and roof-mounted mechanical equipment must be fully screened from view and shall meet the requirements listed in Section 6-308.J.

8. Submit a sign permit application to the Development Services Department for separate review. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.

#### **STAFF RECOMMENDED MOTION**

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Regarding Case Number 2025-0072 - Special Use Permit Amendment for Waterfall Plaza Site Improvements, I move to approve the Staff Recommended Action as presented in the Staff Report to the Plan Commission for this case.