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## Staff Report to the Board of Trustees

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

Prepared: 10/28/2025

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

**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 shopping 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).

### PLAN COMMISSION SUMMARY

Present at the Plan Commission were 6 Commissioners (5 in-person, 1 virtual), members of the public, the petitioner and project representative, and staff. Following the Petitioner's and Staff's presentations, members of the public were given the opportunity to speak.

Several residents from the Orlan Brook subdivision expressed concerns about potential noise and vehicle headlights from the proposed drive-through during evening hours. They noted that vehicles exiting the site could direct headlights toward their homes across Orlan Brook Drive. Staff explained that the site plan includes an 8-foot screening fence and an enhanced landscape buffer along the north property line to minimize headlight glare and noise impacts, however that would not benefit properties to the northeast of the site since it is across the street from the existing Waterfall Plaza center. The Commissioners requested a brief recess to allow staff to discuss potential options to address the residents' concerns. Upon return, the Commissioners and

staff requested a Condition of Approval requiring the drive-through to close by 9pm to reduce late-night impacts on nearby residences.

The Commissioners also raised questions about how the Village would ensure long-term site upkeep due to the history of maintenance challenges at the shopping center. Staff responded that the proposed redevelopment directly addresses known deficiencies identified in the existing Development Agreement, a new Bond will be established, and staff confirmed that ongoing compliance will continue to be monitored and enforced as improvements are completed.

While these concerns were acknowledged and addressed through conditions focused on screening, lighting, and long-term maintenance, no residents expressed opposition to the redevelopment effort being made or to the proposed site plan and reinvestment in the aging commercial center.

### **PLAN COMMISSION ACTION**

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Regarding Case Number 2025-0072 - Special Use Permit Amendment for Waterfall Plaza Site Improvements, the Plan Commission recommends that the Board of Trustees **approves** a Special Use Permit Amendment for the Planned Development.

And

The Plan Commission recommends that the Board of Trustees **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

The Plan Commission recommends that the Board of Trustees **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.

#### **BOARD OF TRUSTEES 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 Plan Commission Action for this case,

And

I move to adopt an Ordinance entitled: