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ORDINANCE GRANTING A SPECIAL USE WITH MODIFICATIONS (WATERFALL PLAZA - 8760 W. 159TH STREET)

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WHEREAS, the real estate hereinafter described (the “Subject Property”) was granted a Special Use with Modifications for a Planned Development, adopted on November 15, 2021; and

WHEREAS, a petition to amend the planned development and grant a Special Use for a Restaurant with a Drive-through service window with modifications for the Subject Property, has been filed with the Village Development Services Department and said petition has been referred to the Plan Commission of this Village and has been processed in accordance with the Land Development Code (the "Code") of the Village of Orland Park as amended; and

WHEREAS, said Plan Commission of this Village held a public hearing on October 7, 2025, on whether the requested amendment and Special Use should be granted, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, public notice in the form required by law, was given of said public hearing by publication not more than 30 days nor less than 15 days prior to said meeting in the Daily Southtown, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendations that the requested amendment and Special Use with modifications be granted with this President and Board of Trustees, and this Board of Trustees have duly considered said report and findings and recommendations;

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The report and findings and recommendations of the Plan Commission of this Village regarding the proposed Special Use are herein incorporated by reference as the findings of this President and Board of Trustees, as completely as if fully recited herein at length. All exhibits submitted at the aforesaid public hearing are also hereby incorporated by reference as fully as if attached hereto. This President and Board of Trustees further finds that the proposed amended planned development and Special Use are in the public good and in the best interests of the Village and its residents and is consistent with and fosters the purposes and spirit of the Orland Park Land Development Code as set forth in Section 1-102 thereof. Said amended planned development and Special Use are also in accordance with the provisions of the Comprehensive Land Use Plan of the Village.

SECTION 2

A Special Use, with modifications, for a restaurant with a drive-through service window is hereby granted with respect to the Subject Property described as follows:

PARCEL 1:

THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF AND ABUTTING THE EAST LINE OF THE WEST 30 ACRES OF SAID WEST 1/2 OF THE SOUTHWEST 1/4, AND LYING WEST OF AND ABUTTING THE WESTERLY LINE OF ORLAN BROOK DRIVE, AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET, AND LYING SOUTH OF AND ABUTTING THE SOUTH LINE OF ORLAN BROOK UNIT-2 (EXCEPT THE SOUTH 158.0 FEET THEREOF) ALL IN ORLAND TOWNSHIP, COOK COUNTY, ILLINOIS.

PARCEL 2:

THE WEST 170.0 FEET OF THE SOUTH 158.00 OF THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF AND ABUTTING THE EAST LINE OF THE WEST 30 ACRES OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 AND LYING WEST OF AND ABUTTING THE WESTERLY LINE OF ORLAN BROOK DRIVE AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET, AND LYING SOUTH OF AND ABUTTING THE SOUTH LINE OF ORLAN BROOK UNIT 2, ALL IN ORLAND TOWNSHIP, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

EASEMENT FOR INGRESS AND EGRESS MADE BY AND BETWEEN FORD CITY BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 29, 1980 AND KNOWN AS TRUST NUMBER 3376 AND EAST SIDE BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 14, 1979 AND KNOWN AS TRUST NUMBER 1217 CREATED BY THAT CERTAIN EASEMENT AGREEMENT DATED MARCH 15, 1984 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, COOK COUNTY, ILLINOIS, AS DOCUMENT NO. 27062950 OVER THE FOLLOWING DESCRIBED PROPERTY; THE EAST 33.00 FEET OF THE WEST 203.00 FEET OF THE SOUTH 158.00 FEET OF THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF AND ABUTTING THE EAST LINE OF THE WEST 30 ACRES OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 AND LYING WEST OF AND ABUTTING THE WESTERLY LINE OF ORLAN BROOK DRIVE, AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET, AND LYING SOUTH OF AND ABUTTING THE SOUTH LINE OF ORLAND BROOK UNIT 2, ALL IN ORLAND TOWNSHIP, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A SIGN PYLON CREATED BY THAT CERTAIN EASEMENT AGREEMENT DATED MARCH 15, 1984 AND

RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, COOK COUNTY, ILLINOIS AS DOCUMENT NO. 27062950 MADE BY AND BETWEEN FORD CITY BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 29, 1980 AND KNOWN AS TRUST NUMBER 3376 AND EAST SIDE BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 14, 1979 AND KNOWN AS TRUST NUMBER 1217 OVER THE FOLLOWING DESCRIBED PROPERTY: THE EAST 10.00 FEET OF THE WEST 213.00 FEET OF THE SOUTH 24 FEET OF THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF AND ABUTTING THE EAST LINE OF THE WEST 30 ACRES OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 AND LYING WEST OF AND ABUTTING THE WESTERLY LINE OF ORLAN BROOK DRIVE, AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET, AND LYING SOUTH OF AND ABUTTING THE SOUTH LINE OF ORLAN BROOK UNIT 2, ALL IN ORLAND TOWNSHIP, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

EASEMENT FOR PUBLIC UTILITIES CREATED BY THAT CERTAIN EASEMENT AGREEMENT DATED MARCH 15, 1984 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, COOK COUNTY, ILLINOIS, AS DOCUMENT NO. 27062950 MADE BY AND BETWEEN FORD CITY BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 29, 1980 AND KNOWN AS TRUST NUMBER 3376 AND EAST SIDE BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 14, 1979 AND KNOWN AS TRUST NUMBER 1217 OVER THE FOLLOWING DESCRIBED PROPERTY: THOSE PORTIONS OF 2 PUBLIC UTILITY EASEMENTS (10 FEET WIDE) AS CREATED BY A DOCUMENT ENTITLED "PLAT OF EASEMENT" RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS ON AUGUST 4, 1981 AS DOCUMENT 25957953 AND AS SHOWN ON THE PLAT ATTACHED THERETO FALLING WITHIN THE BOUNDARY OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF AND ABUTTING A LINE 170 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE WEST 30 ACRES OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 LYING WEST OF AND ABUTTING THE WESTERLY LINE OF ORLAN BROOK DRIVE AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET AND LYING SOUTH OF A LINE 158 FEET NORTH OF AND PARALLEL WITH THE AFORESAID NORTH LINE OF 159TH STREET, ALL IN ORLAND TOWNSHIP, SAID EASEMENTS BEING THROUGH THE SOUTH 10 FEET AND THE SOUTH 10 FEET OF THE NORTH 14 FEET OF SAID PARCEL, IN COOK COUNTY, ILLINOIS.

PARCEL 6:

EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 AS CREATED BY CERTAIN EASEMENT AGREEMENT DATED JUNE 18, 1992 AND RECORDED SEPTEMBER 14, 1991 AS DOCUMENT 92680636 MADE BY AND BETWEEN ASSIGNMENT OF MORTGAGE NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 1, 1987 AND KNOWN AS TRUST

NUMBER 10428-04 ("WATERFALL OWNER") AND FIRST COLONIAL BANK NORTHWEST, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 17, 1988 KNOWN AS TRUST NUMBER 916 ("OUTLOT OWNER") FOR PASSENGER VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS, AND PASSENGER VEHICULAR PARKING, OVER, UPON, THROUGH AND ACROSS THE SOUTH 158.0 FEET OF THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF AND ABUTTING THE EAST LINE OF THE WEST 30 ACRES OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 AND LYING WEST OF AND ABUTTING THE WESTERLY LINE OF ORLAN BROOK DRIVE AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET, AND LYING SOUTH OF AND ABUTTING THE SOUTH LINE OF ORLAN BROOK UNIT 2 (EXCEPT THE WEST 170.0 FEET THEREOF), ALL IN ORLAND TOWNSHIP, IN COOK COUNTY, ILLINOIS.

And

LEGAL DESCRIPTION

THE SOUTH 158.00 FEET OF THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14. TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPLE MERIDIAN. LYING EAST OF AND ABUTTING THE EAST LINE OF THE WEST 30 ACRES OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 AND LYING WEST OF THE ABUTTING WESTERLY LINE OF ORLAN BROOK DRIVE AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET. AND LYING SOUTH OF AND ABUTTING THE SOUTH LINE OF ORLAN BROOK UNIT 2. (EXCEPT THE WEST 170.00 FT. THEREOF). SAID PROPERTY SUBJECT TO AN EASEMENT OVER THE WEST 33 FT. THEREOF FOR INGRESS AND EGRESS PER DOCUMENT NUMBER 27062950. ALL IN ORLAND TOWNSHIP, COOK COUNTY, ILLINOIS.

PIN: 27-14-300-065-066

SECTION 3

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds, in relation to the proposed Special Use for a restaurant with a drive-through service window as follows:

- A. The Subject Property is located within the Village of Orland Park in Cook County, at 8752 W. 159th Street and is zoned BIZ General Business District. It is an approximately 2.6-acre site.
- B. The proposed use of the Subject Property is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan and the Land Development Code. The Comprehensive Plan designates this property as Neighborhood Mixed Use in the 159th and Harlem Planning District.

C. The proposed amended planned development and Special Use will be consistent with the character of the immediate vicinity of the Subject Property. To the north is multi-family residential in the Orlan Brook Subdivision (zoned R-3 Residential), to the south is Washen/ Kort Carwash (zoned BIZ General Business), to the east is a commercial retail center (zoned BIZ General Business) and to the west is Joe Rizza Porsche (zoned BIZ General Business).

D. The proposed amended use of the Subject Property creates no adverse effects, including visual impacts, on adjacent properties, so long as reasonable hours of operation are observed. The proposed amended planned development and Special Use will not adversely affect the value of adjacent property.

E. The Petitioner has demonstrated that public facilities and services, including but not limited to roadways, park facilities, police and fire protection, hospital and medical services, drainage systems, refuse disposal, water and sewers, and schools will be capable of serving the Special Use at an adequate level of service. Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets. The entrances and exits will comply with all applicable requirements, and internal traffic is adequately provided for.

F. Petitioner has made adequate legal provision to guarantee the provision and preservation of all open spaces designated on the site plan and other improvements associated with the Special Use.

G. The proposed amended planned development (amending the Ordinance adopted November 15, 2021) and Special Use will not adversely affect a known archaeological, historical or cultural resource.

H. The proposed amended planned development and Special Use shall comply with all additional standards imposed on it by all other applicable requirements of the ordinances of the Village.

SECTION 4

A Special Use for a Restaurant with a Drive-Through Service Window is hereby granted for the Subject Property described in SECTION 2 hereof, subject to and conditioned upon the following:

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.
 9. The Drive-Through Service Window is not open after 9pm.
- B. The Special Use hereby granted is subject to the conditions set forth above in Subsection A and with the following modifications hereby approved:

1. Allow drive-through facilities between the building and the street (Section 6- 207.F.4).

SECTION 5

The Petitioner hereunder shall at all times comply with the terms and conditions of the amended planned development herein granted, and in the event of non-compliance, the relief granted shall be subject to revocation by appropriate legal proceedings.

SECTION 6

The zoning map of the Village of Orland Park, Cook and Will Counties, Illinois, be amended so as to be in conformance with the amended planned development as aforesaid.

SECTION 7

That this Ordinance shall be in full force and effect from and after its adoption as provided by law.