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Date: August 15, 2025

To: George Koczwar, Village Manager
Jim Culotta, Assistant Village Manager

From: Steve Marciani, Director of Development Services
Carrie Haberstick, Assistant Development Services Director

Re: Discussion – Special Uses for Restaurants within 300' of Residential Parcels (2025-0619)

Purpose

Many of the non-residential zoning districts in the Land Development Code (LDC) require special use permits for restaurants within 300' of a residential parcel. Many such restaurants are located in strip malls with other restaurants and/or replace previously-approved restaurants in the same tenant space.

The Special Use Permit process enables the Plan Commission and the Village Board to consider potential negative impacts on the surrounding neighborhood and require additional measures to minimize such impacts.

Staff is looking to discuss the pros and cons of allowing restaurants as permitted uses if certain criteria are met.

Background

The use described within the LDC is *Restaurants, and outdoor seating for restaurants, within 300' of a residential parcel*. Restaurants and outdoor dining regulations have been updated via various ordinances between 2000 and 2020¹. Many of these special use text amendments focused on outdoor dining regulations; however, a notable change for restaurants was reducing the distance from a residential parcel from 330' to 300' to correspond with public hearing notification distance requirements.

Also, in 2008, special use permit requirements were changed, as there was a desire to simplify the development review process and remove unnecessary procedures from the LDC². "Minor" special uses were reviewed administratively and automatically placed on the Board of Trustees agenda, while "major" special uses required Plan Commission review and recommendation prior to a Board of Trustees decision. At the time, minor special uses were typically not standalone

¹ Restaurant- and outdoor dining-related ordinances: Ord. 3354 – 4/17/00; Amd. Ord. 3837 – 12/1/03; Amd. Ord. 4044 – 7/5/05; Ord. 4738 – 6/18/12; Amd. Ord. 4769 – 12/3/12; Amd. Ord. 4839 – 9/16/13; Amd. Ord. 5017 – 8/17/15; Amd. Ord. 5061 – 1/18/16; Amd. Ord. 5126; Amd. Ord. 5221 – 9/18/17; Amd. Ord. 5564 - 12/21/20.

² Change from "major special use"/"minor special use" to "special use" ordinance: Ord. No. 4411.

approvals and were often paired with major special uses. The minor procedure was typically not followed in deference to the more stringent major procedure with a public hearing.

In general, major special uses became simply “special uses”, and minor special uses either became permitted uses with better regulatory language, or they also became special uses.

Currently, the 300’ distance for restaurants applies to the following:

- 6-207.C.20 BIZ General Business District
- 6-209.B.3 OOH Old Orland Historic District (in Commercial Areas only)
- 6-210.C.20 COR Mixed Use District
- 6-211.C.15 ORI Mixed Use District
- Table 6-212.C.1 VCD Village Center District

The total number of Orland Park restaurants is approximately 230, of which 30, or 13%, are within 300’ of a residential parcel. A Village map with restaurants can be accessed here:

<https://vop.maps.arcgis.com/apps/mapviewer/index.html?webmap=a144429336da4c91a06640e1690fb415>

So far in 2025, 5 Special Use Permits have been granted to restaurants within an existing building or shopping center, and within 300’ of a residential parcel. Apart from generic conditions (such as meeting building code and garbage enclosure requirements), no specific conditions were attached to these approvals.

Discussion

Under the proposed amendment, staff suggests:

1. A new-construction restaurant within 300’ of a residential parcel will be a permitted use; however, it will require a Plan Commission recommendation and Board of Trustees approval of the Site Plan, Landscape Plan, and Building Elevations.
2. A new restaurant in an existing shopping center and an expansion of an existing restaurant in a shopping center within 300’ of a residential parcel will be a permitted use; therefore, no Plan Commission or Board of Trustees review will be required.
3. A restaurant with outdoor seating and/or drive-through service will continue to require Special Use Permits and will continue to require a Plan Commission recommendation and Board of Trustees approval.

Potential pros of the suggested amendment concepts #1 and #2 above include:

- Quicker timeline for Businesses to open their doors.
Time savings of 2-3 months
- Efficient and streamlined process for Village Staff
Saves on Staff review time (2-3 months per project)
- Cost savings for Business Owners. No special use application fees or escrow fees for legal, etc. expenses incurred by the Village and billed to the petitioner.
Cost savings of \$500 – \$1,000

- The Plan Commission and Board of Trustees will continue to have regulatory input and issue Special Use Permits for:
 - New standalone restaurants
 - Restaurants with drive-throughs
 - Restaurants with outdoor seating
- Development Services will continue to review and approve Appearance Reviews for restaurants beyond 300' with outdoor seating and exterior modifications

A potential con of the suggested amendment concept is there will be no public hearing for proposals that do not need a Special Use Permit.

Summary

If there is neutral-to-positive feedback during the Committee of the Whole Discussion, Development Services Staff will add an LDC text amendment item to a future Plan Commission meeting agenda, requesting its recommendation to the Board of Trustees.