



**Land Use Commission**

**Wednesday, November 12, 2025 @ 7:00 PM**

Lorraine H. Morton City Hall, James C. Lytle City Council Chambers

**COMMITTEE MEMBER PRESENT:**

Max Puchtel, Chair  
Myrna Arevalo, Committee Member  
Loren Berlin, Committee Member  
Luke Harris-Ferree, Committee Member  
Darush Mabadi, Committee Member  
Kiril Mirintchev, Committee Member

**COMMITTEE MEMBER ABSENT:**

Jeanne Lindwall, Vice-Chair  
Brian Johnson, Committee Member  
Jameika Mangum, Committee Member

**STAFF PRESENT:**

Meagan Jones, Staff Liaison  
Brian George, Assistant City Attorney  
Jeremiah Bebo, Staff Liaison (3)  
Sam Hubbard, Senior Planner

**A. CALL TO ORDER/DECLARATION OF A QUORUM: JEANNE LINDWALL, CHAIR**

Vice Chair Puchtel called the meeting to order at 7:04PM  
Vice Chair Puchtel (he/him) proposed amending the agenda to take up New Business first in order to address a requested continuance for the case at 2737 Highland Avenue, before returning to Old Business regarding the Rules and Procedures update.

All were in favor

**B. OLD BUSINESS**

**A. Land Use Commission Rules & Procedures - Update**

The Land Use Commission should review the proposed amendments to their Rules & Procedures then either vote to adopt as proposed or make specific changes and then vote to adopt.

Department Services Supervisor Jeremiah Bebo explained that staff presented proposed

updates to the Land Use Commission Rules and Procedures, incorporating feedback from the October 8 meeting and aligning the document with current city codes, policies, and practices. He noted the redlined version reflected both staff-identified updates, including virtual participation, continuance requests, and public hearing procedures, as well as suggestions from commissioners. Staff requested direction from the Commission to review the revisions section by section and ultimately either adopt the rules as proposed or with specific amendments. Commissioners asked clarifying questions about how the revisions were developed and discussed the virtual participation section, including whether a vote would be required each time a commissioner sought to participate remotely and the meaning of communications being made concurrently available to the public. Staff clarified that virtual participation would require Commission approval and that concurrent availability referred to real-time communication during meetings.

Commissioner Mabadi asked clarifying questions regarding the proposed virtual participation language, specifically why the allowable reasons for remote attendance were narrowly defined and whether broader personal or family-related circumstances could be included. Department Services Supervisor Jeremiah Bebo explained that the listed reasons were intended to mirror the Open Meetings Act requirements. Assistant City Attorney Brian George advised that the language should closely track the Open Meetings Act, noting that the existing categories were intentionally broad and sufficient to cover a range of situations without further parsing. Commissioner Mabadi acknowledged the explanation and deferred to the legal recommendation to maintain consistency with state law.

Commissioner Harris-Ferree discussed whether the rules should include an advance notice requirement or timeline for commissioners requesting virtual participation, noting quorum considerations. Mr. Bebo responded that while a notice requirement could be added if the Commission desired, emergencies and last-minute situations can make advance notice impractical, and flexibility may be necessary to remain consistent with the Open Meetings Act.

Commissioners discussed that virtual participation is currently infrequent and suggested revisiting notice requirements only if it becomes a recurring issue. They also noted that meetings could be converted to fully online only in cases like severe weather, but an in-person quorum is still required to proceed.

The commission voted unanimously to approve the proposed changes to the rules and procedures on page 13 of the packet. Discussion then moved to the next set of revisions starting at the bottom of page 14.

The commission reviewed the proposed revisions to the rules regarding continuances, noting that the language is split into two sections addressing property owners and those with a legal interest in a property. It was also noted that the current language is overly restrictive, as it limits requests to the public comment portion of hearings, which may not account for situations like applicants requesting continuances outside of public comment. The commission agreed that separate paragraphs should address continuances for applicants, property owners, and those with a legal interest in a property, reflecting differences in how each request is handled. Property owners are automatically granted continuances as required by code, while others require a commission vote. The language was revised to

encourage, but not require, providing clarification for a continuance request to balance transparency with code requirements, while still allowing flexibility for administrative processing. The discussion also emphasized equitable treatment for participants while minimizing potential delays in the review process. The commission approved a procedural update requiring submission of materials at least 24 hours in advance. Finally, edits beginning on page 17 clarified public comment procedures, cross-examination rights, and decorum expectations, including more explicit guidance on how cross-examination should be conducted through the chair and ensuring orderly participation during hearings.

Commissioner Puchtel expressed support for the intent of the proposed cross-examination revisions but raised a concern that cross-examination should not occur independently or informally. He emphasized that the chair should fully moderate and control the process, ensuring that questions and answers occur in an orderly, structured manner and preventing side conversations or unregulated exchanges.

Commissioner Mabadi agreed with the proposed approach and suggested that the chair could restate questions or concerns during cross-examination to ensure clarity and maintain order. He noted that in past cases, cross-examination had occasionally become confrontational, and emphasized that this structured approach could prevent inappropriate or aggressive interactions between parties and their representatives.

Commissioner Puchtel suggested that all comments during cross-examination should be directed to the chair so the chair can moderate the discussion, preventing direct questions between the applicant and those cross-examining. Department Services Supervisor Jeremiah Bebo added that cross-examination could either be integrated into regular public comment or set aside as a separate portion of the hearing. He explained that participants with a legal interest could identify themselves and submit questions to the chair, who would then relay them to the applicant at their discretion, maintaining order and flexibility while avoiding direct exchanges.

Commissioner Mabadi suggested focusing on creating guidelines for the chair rather than strict rules for applicants or participants. He emphasized that the chair should monitor the discussion, intervene if it strays, and provide gentle “guardrails” to keep the conversation on track, trusting participants to engage responsibly while maintaining order.

Mr. Bebo suggested that at the start of the meeting, the chair could remind attendees that all questions and comments must be directed to the chair. While not everyone may follow this, it sets the expectation, and it remains the chair’s responsibility to maintain decorum throughout the meeting.

Commissioner Berlin suggested that during cross-examination, attendees should be reminded that the process is not a courtroom. She recommended setting parameters like allowing only one person at the podium at a time, keeping the exchange orderly, and maintaining a calm tone to avoid a litigious atmosphere.

Mr. Bebo explained that these hearings are quasi-judicial, so while they aren’t actual courtrooms, they require a structured process with findings of fact. He noted the challenge of

balancing procedural formality with allowing public participation and suggested revisiting the rules to add stronger language to help maintain decorum and better funnel exchanges through the chair.

Commissioner Berlin raised a point about capping the additional time granted to designated speakers. She noted that while the rules allow extra time based on group size, this could become unmanageable if someone represents a large number of people. She suggested setting a reasonable limit so that speakers can share their points without creating an overly long hearing.

Commissioner Puchtel asked whether 24 hours is a reasonable timeframe for commissioners to receive and review materials submitted after the meeting packet is released. Mr. Bebo noted that this would cover public comments submitted between the packet distribution and the hearing, acknowledging that for controversial projects, last-minute submissions could still arise.

Commissioner Berlin said she's comfortable with a 24-hour window for public comments, noting that late submissions can still be quickly assessed for general support or opposition trends. Commissioner Harris-Ferree agreed, adding that the approach is more generous than previous practice since comments will now be distributed at the meeting rather than withheld.

Commissioner Mabadi motioned to approve the changes to Section 6, Commissioner Harris-Ferree seconded, and the motion passed unanimously.

The discussion moved through section seven, covering continuances. Key points included clarifying that only the original requesters and their expert witnesses can provide new testimony during a continued meeting. Commissioner Berlin motioned to approve the changes in Section 7, seconded by Commission Mabadi and the motion passed unanimously.

Section 9 provided additional guidance during deliberations - ensuring deliberations stay focused on the commission's defined role. Commissioner Berlin motioned to approve the language in Section 9, seconded by Commissioner Mabadi, and the motion passed unanimously.

Section 10 clarified the standards for approval and emphasizing that conditions of approval should only be suggested if a commissioner believes the project could then meet the required standards. Commissioners discussed the importance of consistency in applying standards to avoid legal challenges, and the need for training on zoning code updates to ensure all commissioners have the same foundational understanding.

There was attention given to how the commission's standards differ from city council's broader discretion, with examples illustrating potential conflicts if conditions are added without intent to vote yes. Commissioners noted scenarios where someone might request a condition to "shape the project" even if they plan to vote against it, creating procedural gray areas and potential enforcement challenges. Legally, there's no issue with using mandatory

language (“shall”), but using suggested language (“should”) provides flexibility and reduces the risk of being accused of violating the rules. Concerns were raised about needing to clarify each commissioner’s intent during deliberations if conditions are added, which could become cumbersome. A potential solution discussed was including a clear statement of purpose for conditions, outlining that they are meant to help meet standards, which would guide behavior without strictly binding actions. The discussion emphasized refining the language around conditions of approval to frame it positively rather than negatively. Instead of saying commissioners “shall not” request a condition if certain criteria aren’t met, the group proposed language that commissioners “should” request a condition only if it would enable them to vote affirmatively on the standards. This approach maintains flexibility while clarifying intent and reduces the risk of procedural issues. They also addressed existing language requiring commissioners to explain why a standard is not met, agreeing that making this a “should” rather than a “shall” allows commissioners to remain silent if they choose, without being overly restrictive. The group concluded that, with these adjustments, the language appropriately balances guidance with practical flexibility.

## **C. NEW BUSINESS**

### **A. Major Variation | 2737 Highland Avenue | 25ZMJV-0038**

Birchwood Law, LLC., applicant on behalf of the property owner, requests Major Variations from the Zoning Ordinance in order to leave-as-constructed a concrete driveway and open-off street parking spaces located in a front yard in the R1 Residential District. The applicant is seeking a variation from Section 6-8-2-12 which prohibits on-site parking from crossing a front lot line when open access to an alley is present. A variation is also requested from 6-4-6-3; Table 4-A which requires open-off street parking spaces to be located within 30 feet of a rear property line or alley in a residential district. The Land Use Commission is the determining body for this case, in accordance with Section 6-3-8 of the Evanston Zoning Ordinance. PIN: 05-33-410-007-0000.

Katarina Karac, attorney for the applicant, requested a continuance for the Major Variation at 2737 Highland Avenue, explaining that the property owner is currently out of the country and that the application relates directly to the owner’s mobility needs. She stated it would be inappropriate for the owner’s children to make decisions on his behalf, noted that staff comments were extensive and not yet fully addressed, and indicated the applicant intends to appear at the January 14 meeting after additional time to respond to staff feedback and explore potential resolutions.

Department Services Supervisor Jeremiah Bebo stated that staff supported the requested January continuance, noting it would allow sufficient time for the applicant to review and respond to staff comments, consider potential property modifications or alternative solutions, and coordinate further review with Public Works due to right-of-way impacts. He added that the January meeting date aligns with upcoming holiday schedules and would provide staff adequate time to evaluate any revised materials and provide feedback to the Commission.

Vice Chair Puchtel summarized that the request for continuance was to allow the applicant to be present and to review and respond to the full packet materials prior to the January 14 meeting. He noted that under the Commission's rules, the continuance must be granted, and he requested a motion to continue the case to the January 14 meeting date.

Commissioner Berlin (she/her) moved to continue the case to the January 14 meeting. Commissioner Arevalo (she/her) seconded the motion. The motion passed unanimously, with no opposition, and the case was continued to January 14 as scheduled.

**Motion:** Berlin

**Second:** Committee Member Arevalo

**For Action**

**Motion Passed 6-0-3**

**Ayes:** Puchtel, Arevalo, Berlin, Harris-Ferree, Mabadi, and Mirintchev

**Nays:** None

**Absent:** Lindwall, Johnson, and Mangum

**D. PUBLIC COMMENT**

**E. ADJOURNMENT**

The meeting Adjourned at 8:38PM