



Land Use Commission

Wednesday, January 14, 2026 @ 7:00 PM

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

**COMMITTEE MEMBER
PRESENT:**

Kiril Mirintchev, Committee Member
Myrna Arevalo, Committee Member
Jameika Mangum, Committee Member
Jeanne Lindwall, Vice-Chair
Brian Johnson, Committee Member
Max Puchtel, Chair
Loren Berlin, Committee Member
Luke Harris-Ferree, Committee Member

**COMMITTEE MEMBER
ABSENT:**

Darush Mabadi, 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

B. APPROVAL OF MEETING MINUTES

A. Minutes of November 12, 2025

Staff recommends approval of the regular minutes of the November 12th 2025 Land Use Commission Meeting

For Action

Motion: Berlin

Second: Puchtel

For Action

Motion Passed 5-0-1

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

Nays: None

Absent: Mabadi
Abstained: Mangum, Lindwall, and Johnson

B. Minutes of December 10, 2025

Staff recommends approval of the regular minutes of the December 10th 2025 Land Use Commission Meeting

Motion: Committee Member Arevalo
Second: Puchtel

For Action

Motion Passed 6-0-1

Ayes: Mirintchev, Arevalo, Mangum, Lindwall, Johnson, and Harris-Ferree
Nays: None
Absent: Mabadi
Abstained: Puchtel and Berlin

C. OLD 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.

Development Services Supervisor Jeremiah Bebo read this into the record.

Attorney Katarina Carrick, attorney for the applicant, presented the request for two major zoning variations at 2737 Highland Avenue to allow a front yard driveway and parking as a reasonable accommodation under the Americans with Disabilities Act. She explained that the property is a multigenerational, owner-occupied home and that the primary resident, Ali Hermadan, is wheelchair bound with severe mobility limitations that prevent safe access from street parking or the rear garage due to stairs, distance, weather conditions, and uneven surfaces. She stated that the driveway was completed after a stop work order to address safety concerns and minimize neighborhood impacts while the variance is under review. Attorney Carrick described the alley access, rear deck configuration, and surrounding street conditions as infeasible for ADA compliant access and noted that alternatives such as street parking, rear access, ramps, or designated ADA parking were evaluated and found impractical. She stated that an arborist confirmed the adjacent tree is in good condition and that the proposed driveway aligns with existing neighborhood patterns

and would not create adverse impacts. She emphasized that the request is not financially motivated, is not self created, and is intended to allow the property owner to age in place with dignity, independence, and safe access to the home consistent with city policies on inclusivity, aging, and disability accommodation.

Commissioner Berlin asked clarifying questions about property ownership and residency, confirming that the owner of record is the applicant's spouse and that the family resides full time at the property. She also asked whether nearby properties with front driveways lacked alley access, noting that this is common on Evanston streets, and received confirmation. Commissioner Berlin expressed concern that the driveway was constructed after prior denial and asked whether installation of an accessibility ramp had been seriously evaluated as an alternative.

Attorney Katarina Carrick confirmed that Mr. Ali lives full time at the property and that similar nearby properties with front driveways do not have alley access. She stated that ramp alternatives had been explored but were determined to be too steep to function safely given the site conditions, though she could not confirm whether formal contractor pricing had been completed.

Commissioner Mangum asked for clarification on the permit and violation history, specifically when the permit was applied for and how the violation occurred.

Attorney Katarina Carrick explained that the work began in late spring or early summer with a contractor and that a stop work order was issued once it was determined the driveway was not permitted under zoning regulations, noting that approvals should have been obtained before construction began.

Development Services Supervisor Jeremiah Bebo Confirmed there was a permit submitted November 2024. He also confirmed the zoning violation was reported June 4th of 2025

Commissioner Mangum summarized her understanding that the permit was denied, construction proceeded anyway, a stop work order was issued, and the work was then completed after the stop work order.

Attorney Katarina Carrick confirmed that sequence and explained the decision to complete the work was made after the site was already excavated, stating the family chose to finish the driveway rather than leave the property in an unfinished condition while pursuing approvals.

Chair Lindwall asked whether restoring the area to grass or dirt was considered after the stop work order was issued.

Attorney Katarina Carrick responded that she was unsure whether alternatives were considered, noted the site was already excavated and prepared for a parking pad, and acknowledged that completing the work was not an ideal decision.

Commissioner Johnson questioned why the applicant proceeded with work after both a permit denial and a stop work order, noting that this was unusual and asking for clarification

on the applicant's reasoning following the initial permit denial.

Attorney Katarina Carrick stated that a contractor was managing the work and may not have clearly communicated the permit denial to the owners, noting a language barrier as their native language is Turkish. She explained that the owners believed they could reapply and were unaware that a zoning variance was required before proceeding.

Commissioner Puchtel asked whether the contractor had been informed that the work was not allowed and stated that, from the Commission's perspective, it appeared the applicant disregarded a denied permit.

Attorney Katarina Carrick responded that while the City likely communicated the denial to the contractor, that information did not appear to be clearly conveyed to the property owner and applicant. She acknowledged that she understood how the situation appeared and agreed that it looked like the permit denial had been disregarded.

Baris Herdan, son of the applicant, stated that his parents contacted a contractor only to obtain pricing and were not aware that a permit application had been submitted or denied. He said the contractor stopped communicating and did not inform them of any permit issues, so the family had no knowledge of a denial at that time.

Commissioner Puchtel sought clarification on whether a permit application had actually been submitted and whether the family was aware of it.

Baris Herdan, son of the applicant, explained that the work was completed by a different contractor after the first contractor stopped communicating and the family was unaware of any permit application or denial. He stated that the second contractor also did not inform them that a permit was required and proceeded with the work. He noted the family felt compelled to complete the work because the property had been excavated and access to the home was disrupted.

Baris Herdan explained that the family was unaware of an earlier permit denial, believing an initial contractor failed to communicate and later disappeared, and that the parking accommodation is intended to support a household member with severe mobility limitations who currently requires assistance. Commissioners questioned why rear parking, ramps, lifts, or other alternatives could not be used and raised concerns about creating a permanent front-yard driveway as a long-term change inconsistent with typical development patterns. The applicant responded that rear access options were impractical due to multiple stairs, distance, weather conditions, and interior layout, and argued that disability accommodation laws support added flexibility to allow safe, dignified access to the home.

Chair Lindwall asked whether there were any additional comments from commissioners and, hearing none, thanked the applicant and witnesses for their testimony. She then asked if any members of the public, either in person or on Zoom, wished to speak on the item, and confirmed that no public speakers were present. Chair Lindwall noted that the applicant was permitted to make a closing statement but indicated that the record was already well developed, after which she formally closed the public testimony and opened the matter for

commission deliberations and general discussion.

Development Services Supervisor Jeremiah Bebo confirmed the property has a permitted two-car garage and rear yard parking pad, and street parking is only allowed on the west side. Public Works flagged concerns about the front driveway being too close to a fire hydrant and parkway tree, though exact distances are unknown.

Commissioner Johnson clarified the street is narrow, with legal on-street parking up to the applicant's property, and asked about rules for distance between the driveway, fire hydrant, and parkway tree for safety and tree health. Jeremiah Bebo confirmed Public Works had concerns about both but didn't know exact measurement requirements. Johnson also asked about the rear swing-out gate; Bebo said it's allowed under current zoning code, though staff would discourage it.

Chair Lindwall asked if the rear parking pad could be extended closer to the house and about pedestrian safety with new curb cuts. Jeremiah Bebo said it's possible depending on impervious calculations and minor or major variation approval, and agreed pedestrian safety is a concern even if property impacts are minimal. Lindwall acknowledged and moved on to other commissioners' comments.

Chair Lindwall Moved to review STANDARDS FOR MAJOR VARIATIONS 6-3-8-12.E

1. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties;

Chair Lindwall stated "While I believe that the property values of adjoining properties will not be affected, I believe that the potential impact of a driveway in that location may have an adverse impact on pedestrian safety. So I do not believe that standard is met."

2. The requested variation is in keeping with the intent of the zoning ordinance;

Chair Lindwall remarked "I believe this standard is not met because the intent of the zoning ordinance is to avoid additional curb cuts and driveways on streets where there is access through the alley. Also, there is an issue potentially with the impact on the street trees and the fire hydrant... and again going back to the pedestrian potential conflicts, that's an issue."

3. The alleged hardship or practical difficulty is peculiar to the property;

Chair Lindwall commented. "This is a property that is even larger than the R1 zoning requirements... and there is no real hardship or practical difficulty associated with the configuration of the property."

4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;

Chair Lindwall noted “This is a property where when the property was purchased it was clear that the garage was in the rear of the property and there was not a curb cut... so that standard is not met, especially in view of the fact that there are already four parking spaces associated with this property.”

5. The purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or

While granting of the variation will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the Land Use Commission or the City Council, depending on final jurisdiction under Section 6-3-8-2 of the Zoning Code has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to any of the standards of Section 6-3-6-3 of the Zoning code;

Chair Lindwall explained “While the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract income from the property, the purpose of the variation is not to extract additional income. So the standard is met.”

6. The alleged difficulty or hardship has not been created by any person having an interest in the property; and

Chair Lindwall observed “While the alleged difficulty or hardship is related to the applicant’s decline in health, the parking pad was constructed without a permit and at least members of the applicant’s family have been driving over the city curb illegally... this situation before the commission is in fact self-created. So this standard is not met.”

7. The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Land Use Commission issues its decision or recommendation to the City Council regarding said variation.

Chair Lindwall expressed “The variation requests are not the least deviations necessary to construct an improvement that will provide the necessary accessibility. I believe there are other alternatives that should have been explored... so I believe that standard is not met.”

Chair Lindwall Questioned the Commission of there were any disagreements with her findings. There were none.

Motion: Puchtel

Second: Committee Member Arevalo

Chair Lindwall clarified the voting process, explaining that a “motion in the positive” means a vote to approve the variation requests, while a “no” vote would deny them.

Commissioner Berlin acknowledged understanding the explanation and confirmed clarity on

how to cast their vote.

For Action

Motion Failed 0-8-1

Ayes:

Nayes: Mirintchev, Arevalo, Mangum, Lindwall, Johnson, Puchtel, Berlin, and Harris-Ferree

Absent: Mabadi

Chair Lindwall announced the vote results: zero in favor and eight against, so the motion failed and the major variation request was denied. She suggested working with staff to explore solutions using the rear yard that could accommodate the client.

D. NEW BUSINESS

A. Special Use | 1710 Maple Avenue | #25ZMJV-0051

Viewpoint Consulting LLC d/b/a Dogtopia of Downtown Evanston, applicant, requests a Special Use to allow a Daycare Center - Domestic Animal and Kennel (section 6-12-2-3) at 1710 Maple Avenue in the RP Research Park District. The use currently operates at 900 Clark Street and is proposing to relocate to the Maple Avenue location. The Land Use Commission makes a recommendation to the City Council, the determining body for this case, in accordance with Section 6-3-5 of the Evanston Zoning Ordinance. PIN: 11-18-117-013-0000

Neighborhood Land Use Planner Meagan Jones read this into record.

Sarah Lewis, owner/operator of Dogtopia downtown Evanston, presented her request to relocate her business from 900 Clark Street to 1710 Maple Avenue. She was joined by her husband, Carey, and supporting witnesses including George Kisiel, land use consultant; Sarah Barnes, zoning counsel; and Eric Miller Klein, acoustical engineer. Ms. Lewis described the business as a full-service indoor dog daycare, overnight care, and spa, emphasizing safety, health, noise and odor control, and community engagement. The facility will maintain the same capacity and services, and will not take dogs outside. Noise and odor mitigation measures, including an acoustical study, were discussed.

George Kisiel reviewed the special use standards and noted that the relocation meets all requirements. The use is already permitted in the RP district, supports the comprehensive plan by promoting a vibrant mixed-use downtown, has minimal traffic impact, no negative effect on property values, and complies with all zoning and state regulations. The relocation fills a long-vacant storefront while continuing to provide a valued community service. No additional concerns were raised, and all witnesses remained available for questions.

Commissioner Puchtel asked Sarah Lewis to clarify the motivation for relocating Dogtopia from 900 Clark Street to 1710 Maple Avenue. Sarah Lewis explained that the move allows her to secure more favorable long-term lease terms and ensure the business can remain in

Evanston for the foreseeable future, while planning for future fixed costs. She confirmed that the capacity, services, and nature of operations at the new location will remain essentially the same as the current site.

Commissioner Berlin asked Sarah Lewis about noise standards and other site considerations for Dogtopia's proposed move to 1710 Maple Avenue. Sarah Lewis explained that the new location, being near residential units, is subject to stricter Illinois code noise standards than the current location, and that additional noise mitigation measures will be implemented. Commissioner Berlin also inquired whether other downtown locations were considered. Sarah Lewis confirmed she explored alternatives but found that this location best balances walkable access for customers. Finally, Commissioner Berlin expressed concern about potential safety risks for older adults in the condo building due to dog traffic. Sarah Lewis responded that separate entrances, a green space buffer, and building layout mitigate these concerns, and she does not foresee safety issues.

Chair Lindwall asked Sarah Lewis about overnight boarding operations and noise impacts. Sarah Lewis explained that dogs boarded overnight are housed in back rooms away from street-facing windows, with separate playrooms for small and large dogs, consistent with their current facility layout. She noted that all overnight dogs are also daycare dogs who are active during the day and typically settle quietly at night. Chair Lindwall also asked about the sound testing process and potential impacts on residential units above the space. Sarah Lewis stated that residents above were not notified of the sound test and were not disturbed, and described planned sound mitigation measures, including concrete construction and additional gypsum soundproofing materials. She emphasized that the sound report showed most detectable noise originating from the storefront, which is why significant mitigation is planned there to address potential impacts to nearby residential units, including those with open windows or balconies.

Chair Lindwall opened Public testimony.

Gul Agha, the president of the Optima Views Condominium Association, spoke in opposition to the proposed Dogtopia relocation, citing concerns about traffic congestion, pedestrian safety, noise, hygiene, and emergency preparedness. He noted the high volume of deliveries, ride share activity, and pedestrian traffic in the area, particularly involving seniors, children, and medical patients, and argued that additional dog drop off and pickup activity would worsen conditions. He raised concerns about interactions between dogs and vulnerable pedestrians, potential overnight barking affecting residential units above, and limits of noise regulations. He also questioned fire safety, waste management, impacts on landscaping, and evacuation procedures for dogs in an emergency. He urged the Commission to deny the request, stating the location was inappropriate for a residential building and that financial considerations did not justify the risks.

Chair Lindwall asked Mr. Agha if Optima Views permits dogs and if barking is an issue. Mr. Agha responded that there are rules against barking but that is hard to enforce when dogs are responding to other dogs. The dog owner has to take care of that issue and in that case it's a 1:1 ratio but that ratio of dogs to Dogtopia employees is very different.

Kyle Navins, an Evanston resident of five years, spoke in opposition to the proposed

development associated with the relocation of Dogtopia. He argued that the move is driven by plans to redevelop 900 Clark Street into a high-rise that would displace existing community-serving businesses. He expressed concern that the proposed 358-unit tower prioritizes studio and one-bedroom units, resulting in predominantly transient housing rather than long-term community stability. He also criticized the lack of on-site parking, stating that it would shift parking demand onto city streets and public garages. He concluded that the proposal primarily benefits the developer while placing burdens on current residents and urged the Commission to reject the plans.

Chair Lindwall reminded attendees that the proposed redevelopment of 900 Clark Street was not on the agenda for the evening and would be considered separately at a future time. She clarified that the hearing was limited to the appropriateness of Dogtopia's proposed new location and asked that any remaining public testimony focus on that specific item.

Pat Blumen, a resident of Optima Views, testified in opposition to the proposed Dogtopia relocation. She stated that she shared and expanded upon concerns raised by the condominium association president, emphasizing traffic congestion, frequent dog pick-ups and drop-offs throughout the day, and limited curb space already in constant use. She noted that alternative drop-off locations, including the alley or nearby garage, are impractical. Ms. Blumean raised pedestrian safety concerns, particularly for seniors and patients visiting nearby physical therapy clinics, and described personal mobility challenges navigating sidewalks with dogs present. She also questioned the reliability of the sound study, stating that street noise travels vertically to upper floors of the building and expressed concerns about sanitation and increased rodents due to dog waste.

Chris Doherty, a resident of 1720 Maple, testified that based on his daily observations, Dogtopia customers do not walk to the facility but instead arrive by car and stop directly in front of the building to drop off dogs. He stated that unlike Clark Street, curb space on Maple Avenue is already fully occupied, and the proposed location would result in frequent double-parking, U-turns, and traffic congestion throughout the day. Mr. Doherty concluded that it is unrealistic to expect customers to park elsewhere or use garages and walk their dogs, making this location unsuitable for the level of vehicle activity it would generate.

Leah Rajstein, a resident of 1720 Maple and a 20-year Evanston resident, testified in opposition, citing concerns about pedestrian safety due to increased traffic, double parking, and frequent vehicle turning movements. She stated that noise mitigation would be ineffective, noting that sound travels between floors despite concrete construction. Ms. Rajstein also emphasized that residents pay high taxes for a safe, high-quality living environment and argued that the proposed use would place additional stress on residents, including those accessing nearby medical services.

Kathy Oswald, a 20-year resident of 1720 Maple, testified in opposition, noting that dog care facilities are typically located in industrial areas, commercial corridors, or standalone buildings rather than directly adjacent to residential units. She expressed concern that the proposed location is immediately next to residential apartments and would exacerbate existing parking congestion and double parking along Maple Avenue. Ms. Oswald urged the Commission to deny the request.

Sarah Lewis thanked the Commission for the opportunity to explain Dogtopia's operations and the importance of the business to her customers and employees. She stated that relocating nearby would allow the business to remain in Evanston long term and provide greater financial stability. She requested approval to proceed with the move.

Chair Lindwall Closed Public testimony and opened Commissioner deliberations

Commissioner Berlin asked staff whether alternatives had been discussed to reduce curbside parking impacts at the Maple Avenue location, noting that Maple is busier, more residential, and more congested than Clark Street. Department Services Supervisor Jeremiah Bebo responded that staff discussed modest adjustments such as expanding or modifying existing loading zones, and noted that the Maple site already has designated loading spaces and time-managed operations that could mitigate congestion compared to the current location.

Commissioner Johnson asked city staff about current capacity and usage of the Maple Avenue garage, whether parking and traffic staff had concerns about increased demand, and whether enforcement strategies were discussed to address double parking. Neighborhood Land Use Planner Meagan Jones responded that garage occupancy varies but there is remaining capacity, staff did not identify major concerns with accommodating the relocated use, and while enforcement was not specifically discussed for this case, parking configuration changes and broader enforcement conversations are ongoing at the city level.

Commissioner Harris-Ferree asked whether the alley could serve as an access option and raised questions about the existing 30 minute loading zones on Maple Avenue, including who primarily uses them and whether adjustments such as additional or shorter time limit loading zones could reduce congestion. Department Services Supervisor Jeremiah Bebo explained that the alley is not a through route and is used primarily for building services, and that the loading zones are public but originally intended to support the residential building, with ongoing staff discussions about potential reconfiguration.

Chair Lindwall noted that she regularly drives this stretch of Maple Avenue, observed that loading zone availability varies by time of day, and stated she was generally supportive of the project provided loading zone adjustments and soundproofing measures adequately address traffic and residential impacts.

City staff confirmed they have not received any formal complaints or known issues related to the applicant's current location since its approval. Several commissioners expressed general support for the relocation, noting the business's positive track record, proximity to the existing site, available parking capacity, and that enforcement issues fall outside the commission's purview. There was discussion about potential impacts on condo unit marketability, with recognition that while some residents may view the use as controversial, others may see it as a benefit in a pet friendly building.

Chair Lindwall reviewed the conditions

Condition 1: Hours of Operation

The hours of operation shall remain 6:30 a.m. to 7:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. Saturday and Sunday. No commissioners raised objections to the proposed hours. The hours were generally viewed as consistent with surrounding uses.

Condition 2: Employee Parking Employees shall not park on the street during hours of operation. Commissioners agreed this condition was important to reduce on street congestion. No additional modifications were suggested.

Condition 3: Short Term Parking and Loading Zones on Maple Avenue

The applicant shall continue working with the City to establish additional on street short term parking and or loading zones in front of the property on Maple Avenue. Commissioners discussed whether one or more spaces could be converted and emphasized the need for flexibility rather than a fixed number. Staff confirmed the language was intentionally broad to allow ongoing coordination.

Condition 4: Lease of Garage Parking for Employees

Prior to issuance of a certificate of occupancy, the applicant shall execute a lease with the City for two additional parking spaces in the Maple Avenue garage for employee use. Commissioners noted this condition helps offset street parking demand. No objections were raised.

Condition 5: Contingency Plan for Unclaimed Animals

Prior to issuance of a certificate of occupancy, the applicant shall submit a contingency plan to the Zoning Administrator addressing situations where an animal is not claimed by its owner. Commissioners did not raise concerns but viewed this as a standard operational safeguard.

Condition 6: Compliance With Codes, Testimony, and Acoustical Improvements

The applicant shall construct and operate the facility in substantial compliance with all applicable code requirements, representations made to the Land Use Commission, and all recommended improvements contained in the acoustical report. Commissioners specifically discussed and agreed that the sound mitigation measures should be explicitly included as a condition. Staff confirmed the applicant indicated willingness to comply.

Condition 7: Recording of Ordinance

The applicant shall record the ordinance approving the special use with the Cook County Recorder of Deeds. No comments or concerns were raised regarding this condition.

Motion: Commissioner Puchtel moved to add an additional condition requiring the applicant to construct all improvements recommended in the acoustical report, including soundproofing measures to protect residential units. The motion was intended to clarify and strengthen the noise mitigation requirements prior to approval of the special use.

Seconded: Commissioner Berlin

The chair clarified that the motion and second were specifically related to requiring implementation of all improvements recommended in the acoustical consultant's report. A roll call vote was initiated on the added condition.

Item Approved 8-0

Ayes: Chair Lindwall, Commissioner Aravelo, Commissioner Berlin, Commissioner Harris-Ferree, Commissioner Johnson, Commissioner Mangum, Commissioner Minitchev, Commissioner Puchtel

Nayes:

Absent: Mabadi

Abstained:

Chair Lindwall Reviewed the Special use Standards

Standards 6-3-5-10 Special Use Standards

1. It is one of the special uses specifically listed in the zoning ordinance;

Chair Lindwall:

“Both the daycare center, domestic animal, and kennels are special uses within the RP research park district.”

2. It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time;

Chair Lindwall:

“The proposed special use is compliant with the comprehensive general plan and zoning ordinance. It will fill a vacant space on a street with a mix of uses including residential, offices, retail, restaurant, healthcare, and promotes the goal of retaining and enhancing diversity of businesses, commercial and industrial areas as desirable locations of economic activity.”

3. It will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole;

Chair Lindwall:

“This represents a relocation of an existing facility. It does not add any new similar doggy daycare or kennels to the immediate vicinity.”

4. It does not interfere with or diminish the value of property in the neighborhood;

Chair Lindwall:

“ Dogtopia currently operates across the street from the proposed site and has not had any issues to staff knowledge. We do not believe there are any negative impacts to property values anticipated with the proposed relocation.”

5. It can be adequately served by public facilities and services;

Chair Lindwall:

“The proposed site is within an existing building served by public services and facilities and infrastructure.”

6. It does not cause undue traffic congestion;

Chair Lindwall:

“The proposed special use is not anticipated to increase traffic congestion beyond which is already present within the immediate vicinity. Supervised pickup and drop off and leasing of the additional parking spaces and the proposed changes included in the conditions related to loading should help mitigate the traffic in the area.”

7. It preserves significant historical and architectural resources;

Chair Lindwall:

“ The building and property where the use will be located is not historically significant. It’s an attractive building but not historically significant.”

8. It preserves significant natural and environmental features;

Chair Lindwall:

“The proposed use is going to go into an existing storefront. Therefore this is really not an applicable standard.”

9. It complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation.

Chair Lindwall:

“The proposal will comply with all applicable regulations.”

Commissioner Puchtel moved to recommend approval of the special use request for 1710 Maple Avenue, Case No. 25-ZM-JV-000051, including all conditions outlined in the packet beginning on page 60, as well as the additional condition adopted by the Commission requiring the applicant to implement all improvements recommended in the acoustical report. (as outlined below).

1. Hours of operation remain 6:30 am – 7:00 pm Monday through Friday and 10:00 am – 5:00 pm on Saturday and Sunday;
2. Employees are not to park on the street during hours of operation;
3. The applicant will continue to work with the City on establishing additional on-street short-term parking and loading spaces in front of the property on Maple Avenue;
4. Prior to issuance of a Certificate of Occupancy, the Applicant shall execute a lease with the City for two additional parking stalls within the City-owned Maple Avenue garage facility.

5. Prior to issuance of a Certificate of Occupancy, the Applicant shall submit to the Zoning Administrator a contingency plan for those times when an owner fails to claim his/her animal(s).
6. Applicant shall incorporate recommendations from the Acoustical Risk Assessment & Noise Control Plan into construction of the space.
7. Applicant shall construct the associated improvements to the Subject Property as described herein, as authorized by the terms of this ordinance in substantial compliance with all applicable City Code requirements and the Applicant's testimony and representations to the Land Use Commission, the P&D Committee, and the City Council; and
8. Applicant to record Ordinance approving the Special Use with the Cook County Recorder of Deeds.

Motion: Puchtel

Second: Committee Member Arevalo

For Action

Motion Passed 6-2-1

Ayes: Mirintchev, Arevalo, Lindwall, Johnson, Puchtel, and Harris-Ferree

Nayes: Mangum and Berlin

Absent: Mabadi

Chair Lindwall stated that, with six votes in favor and two opposed, the motion carries. The positive recommendation will be forwarded to the City Council for consideration.

She noted that this concludes the case, and the Commission would then proceed to the next item on the agenda.

B. Planned Development | 3434 Central Street | #25PLND-0021

Senior Planner Sam Hubbard read the request into the record, which was an application from Charles Marlas, requesting approval of a Special Use for a Planned Development and a Special Use to allow a "Daycare Center, Child", to allow demolition of the existing church and construction of a two-story children's daycare on the subject property in the R2 Single-Family Residential District. The application seeks approval of six Site Development Allowances as outlined within the Staff Memo:

The applicant may seek and the Land Use Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development. Staff is recommending approval of the application subject to several conditions of approval.

The applicant described Kensington School's long-standing, family-owned operation, serving children ages six weeks to five years, with staggered parent drop-off and pickup between 6:30 a.m. and 6:30 p.m., no curbside loading, no evening or weekend activity, and all parents and staff required to park on site, resulting in lower peak traffic impacts than

traditional schools.

The proposal has integrated site design and operational refinements made in response to prior commission and neighborhood feedback, including revised access configurations on Central Street and Gross Point Road to restrict turning movements, eliminate neighborhood cut-through traffic, and resolve long-standing easement and utility issues with the adjacent co-op property. The applicant outlined the requested Site Development Allowances, including reduced landscape strip widths, increased impervious surface coverage, parking within front and side yard setbacks, increased fence heights for safety and screening, modified rear parking setbacks, and a reduced drive aisle width, all described as minimal and necessary to accommodate the building, playground, and circulation while maintaining buffering to nearby residences.

Consultants presented supporting information on architecture, civil engineering, stormwater management, landscaping, sustainability, and traffic, noting reductions in impervious area compared to existing conditions, use of permeable pavers and underground detention, added trees and green space, and traffic analysis showing sufficient roadway capacity with distributed access and staggered arrival times. The applicant also identified public benefits associated with the project, including new public sidewalks, a \$25,000 contribution for sidewalk improvements, and an ongoing tuition assistance and sustainability incentive program, and stated that the proposal represents a compatible, low-impact daytime use that meets a demonstrated community need for early childhood education.

Reverend Kurt Condra, senior minister of Unity Church and an Evanston resident, stated that Unity has approached the sale and redevelopment of the site with the intention of achieving the highest and best outcome for neighbors, church members, and the broader community. He explained that Kensington School aligns with Unity's educational legacy and mission, and that the proposed plan resolves long-standing easement and infrastructure issues in a way he believes benefits the adjacent co-op. He urged the Commission to approve the request, noting Kensington's commitment to community service and thoughtful development.

Commissioner Johnson asked the applicant team to explain the benefits and drawbacks of not placing the building in the front yard as encouraged by the zoning ordinance and how that choice affected the requested allowances. Architect Lance Lauderdale explained that placing the building in the front yard would require more zoning variances, create safety issues by locating the playground near the intersection, eliminate access from Gross Point Road and force all access onto Central Street, and push parking directly against adjacent residential properties. He stated the proposed layout reduces impacts by buffering residences with the playground, concentrating parking and traffic along Gross Point Road, and requiring fewer overall allowances.

Commissioner Mirintchev asked about traffic signal performance at the nearby intersections, noting existing difficulties with left turns and questioning whether improvements might be needed. Traffic Engineer Michael Worthman responded that the traffic study shows sufficient capacity, and that the City will monitor operations after construction and may require a follow-up signal timing study and adjustments if issues arise.

Commissioner Mirintchev raised concerns about the long-term functionality of the complex multi-leg intersection near the site, noting prior incremental improvements but suggesting the

City consider a more comprehensive planning or reconstruction effort. Mr Hubbard responded that a broader redesign is not part of the current proposal, but acknowledged the concern and stated it could be relayed to Public Works, with additional analysis triggered if traffic impacts emerge following project implementation.

Commissioner Johnson asked whether expanding the use of permeable pavers throughout the parking lot could reduce impervious surface coverage closer to the 55% maximum allowed in the R2 District. Lance Lauderdale explained that even if all parking were constructed with permeable pavers, the impervious coverage would still exceed the limit due to the minimal credit allowed by code, noting that the project would only be reduced to approximately 56%. He also clarified that stormwater is routed to an underground detention vault with a gravel, open-bottom design to promote on-site infiltration before discharge to the storm sewer system.

Commissioner Johnson asked about coordination with the co-op regarding abandonment of existing water and sanitary lines and reconnection of the co-op buildings to utilities under Gross Point Road. Mr. Lauderdale explained that the applicant proposes abandoning the existing utility lines that run through the middle of the site and replacing them with new water and sanitary connections routed entirely on the subject property, connecting to existing utility vaults without disturbing the co-op's property. He emphasized that the co-op's internal utility lines serving the three buildings would remain untouched and continue to branch from those existing vault locations.

Chair Lindwall asked how the relocated utility and access easements would be constructed without disrupting the co-op. Mr. Lauderdale explained that construction would be phased so the new west-side access drive and utility connections would be built first, ensuring uninterrupted access for the co-op, consistent with the court judgment requiring continuous access.

Chair Lindwall also clarified the dimensions of the 26-foot-wide easement, noting that it includes a 20-foot drive aisle, a five-foot landscape strip, and remaining width for curb and gutter. In response to questions about drop-off behavior, Mr. Lauderdale confirmed that the main building entrance is accessed from the on-site parking lot and the doors along Central Street serve as emergency exits only, which provides no incentive for parents to park on Central Street. He also noted that pedestrian considerations are included in traffic studies and would be further coordinated with IDOT during final approvals, and confirmed that the drive aisles and parking areas are code compliant.

Commissioner Berlin asked the traffic engineer to explain why the traffic study used 2022 counts increased by 20%, noting that 2022 reflected COVID-era travel patterns and questioning whether higher growth assumptions had been considered given post-pandemic return-to-work trends.

Mr. Worthman explained that the 2022 base counts were first increased by 20% to account for suppressed COVID volumes, then further projected to 2031 using CMAP growth forecasts, adding an additional 4.2%. In total, traffic volumes were increased by approximately 25% before project-generated traffic was added, and city staff reviewed and accepted this methodology without requiring updated counts.

Commissioner Berlin asked how the City would identify whether traffic signal timing issues at the nearby intersections needed to be addressed after the project is built.

Mr. Hubbard responded that issues could be identified through multiple channels, including complaints from residents or businesses, observed accident patterns, or concerns raised by a council member, any of which could trigger further review. He also added that the traffic study's 20% adjustment was based on a comparison between pre-pandemic (2018) traffic volumes and 2022 counts, which showed approximately a 20% difference.

Chair Lindwall asked whether consideration had been given to the Tree Preservation Ordinance, particularly as it relates to the proposed five-foot landscape strip along the western property line.

Mr. Hubbard responded that the plans were reviewed by Forestry and Public Works staff, who did not raise major concerns, but noted that the project will still be required to comply with the Tree Preservation Ordinance through the permitting process, including payment of mitigation fees for any tree removals. He also added that the Cook County Circuit Court summary judgment requires site access for the co-op to be maintained throughout construction, and while this could be added as a condition, it is already legally required.

Chair Lindwall discussed the possibility of continuing the hearing until a future date or continuing forward by opening up for public comment. Commissioner Berlin and Commissioner Johnson expressed a willingness to continue forward with the hearing and other Commissioners agreed. Chair Lindwall then opened the hearing to public testimony.

Public Testimony

Amy Hauenstein presented coordinated testimony on behalf of nearby residents opposing the proposal, arguing that the scale and intensity of the proposed daycare represent a land-use mismatch in a low-scale residential area. She raised concerns about overbuilding the site, inconsistencies in classroom and staffing assumptions, understudied traffic and parking impacts at an already complex intersection, increased impervious surface and infrastructure strain, and lack of alignment with Envision Evanston housing goals. She concluded that the proposal fails to meet Special Use standards and urged the Commission to deny the requested approvals.

John Metzger, a nearby resident, testified that the Gross Point/Central/Crawford intersection is already severely congested, often requiring multiple signal cycles to pass through, with additional pressure from traffic funneling north from Old Orchard Road. He also questioned proposed rezoning changes on the south side of Central Street, noting they appear inconsistent with existing conditions and do not benefit current homeowners. He expressed concern that any added traffic would worsen what he described as one of the most problematic intersections in Evanston.

Constance Porteous, a long-time resident of Central Street, expressed concerns about pedestrian safety at the Central and Gross Point intersection, stating that drivers frequently ignore crosswalks and that additional daycare-related traffic would increase risk. She noted that drop-off and pick-up traffic, service vehicles, and waste collection would coincide with

already heavy traffic periods in an area without adequate sidewalks. She also questioned staffing assumptions and argued that the site would be better suited for affordable housing to support families and schools, consistent with Envision Evanston goals.

Brian Mahoney raised procedural and substantive concerns, questioning whether the applicant had legal standing to file the application and reiterating that the site would be better suited for housing rather than a daycare. He emphasized that traffic at the Central/Gross Point intersection is already severe, that daycare drop-off coincides with rush hour, and that increased traffic would pose safety risks, particularly for senior residents of the adjacent co-op. He urged the Commission to consider housing as a more appropriate long-term use and to avoid worsening existing traffic and safety conditions.

Katherine Lindner spoke in support of the proposal, noting her long-term residency in Evanston and familiarity with the challenges churches face in maintaining properties. She expressed empathy for Unity Church's situation and stated that Kensington appears to be a strong partner, encouraging the Commission to approve the request.

Terry Albaugh, the owner of the property immediately west of the site, spoke in support of the proposal, noting that redevelopment of the property is inevitable and that the daycare represents a lower-impact, daytime use compared to denser residential alternatives. He stated that the building is reasonably sized, well landscaped, and similar in scale and hours to the existing church use, and expressed that the access road and buffering elements would benefit his property.

Mr. Marlas thanked the commission for their time and for staying late, acknowledging the uncertainty about future redevelopment of the site and noting that other potential uses could raise greater density concerns. They emphasized their long history of being responsible community partners and expressed a commitment to serving Evanston families and being a positive presence in the neighborhood, before requesting favorable consideration of the proposal.

Chair Lindwall closed Public Testimony and opened Commissioner Deliberations

Motion: Commissioner Berlin Moved to extend this meeting past 11pm.

Seconded: Commissioner Johnson

Item Approved 7-1

Ayes: Chair Lindwall, Commissioner Aravelo, Commissioner Berlin, Commissioner Harris-Ferree, Commissioner Johnson, Commissioner Mangum, Commissioner Minitchev,

Nays: Commissioner Puchtel

Absent: Commissioner Mabadi

Abstained:

Commissioner Johnson asked whether Public Works requires minimum separation distances between water and sewer mains and whether any concerns were raised about the proposed

utility layout. Mr. Hubbard responded that Public Works reviewed the utility plans and did not identify separation as a concern, noting that the configuration reflects existing conditions tied to the co-op's utilities, which the applicant cannot alter off-site, and that the utilities are separated once they enter the subject property.

Chair Lindwall noted that the separation requirement between sewer and water lines has changed, explaining that while a 10-foot separation was previously required during utility upgrades, the State has since waived that requirement, so it no longer applies.

Chair Lindwall stated that she had previously voted against the project due to unresolved concerns about the co-op easement and uncertainty regarding IDOT's position on the Gross Point access. She noted that those issues have since been resolved through the reconfiguration of the project and clarified agency input, and she is now supportive of the proposal. She emphasized the importance of maintaining access to the co-op at all times during construction and that the co-op access drive be completed prior to any substantive construction on the Kensington site. She suggested that an additional condition could be added to explicitly memorialize that sequencing, even though it is already required by court order.

Commissioner Berlin expressed concern about relying on a wait-and-see approach to traffic and safety impacts at the Gross Point–Central–Crawford intersection, noting the gap between traffic studies and lived experience and acknowledging that any future development on the site would likely increase impacts. Mr. Hubbard responded that the Commission could potentially add a condition of approval to encourage the developer to make a contribution to the City to be used to study possible traffic improvements to the Gross Point–Central–Crawford intersection, although this is something that the City Council could also discuss and require. Chair Lindwall noted that public benefits were more under the purview of the City Council as opposed to the Land Use Commission.

Commissioner Johnson stated that he was generally supportive of the project. While the building placement at the rear of the lot is not consistent with typical zoning patterns or the walkable commercial character along Central Street, the proposed layout represents the best overall arrangement after multiple iterations. He noted that placing parking and access closer to neighboring residential properties would be more consistent with the ordinance but would create greater negative impacts on those residents. Based on this balancing, he concluded that the proposed configuration is the least harmful option and that the applicable standards are met.

Commissioner Puchtel acknowledged the extensive work by the applicant and design team and stated that, if the goal were simply to make a daycare work on the site, the proposal represents a well-considered solution. However, he expressed ongoing concern that the use itself may not be a good fit for the property and that the negative cumulative impacts are difficult to avoid. He noted that despite improvements over multiple iterations, he could not get past a general sense that the project remains incompatible with the site.

Chair Lindwall clarified that the Commission's role is not to identify or speculate on alternative or "better" uses for the site, but to evaluate the application before it. She

emphasized that the Commission's charge is to determine whether the proposed use meets the applicable standards for approval, not to compare it against hypothetical future uses.

There was discussion about whether it was within the Commission's purview to include language addressing proactive traffic mitigation. It was noted that an existing condition already requires future signal capacity and timing studies by the applicant if traffic problems arise, which was viewed as a partial way to address concerns. While this approach was acknowledged as imperfect, it was generally seen as a reasonable step within the Commission's authority. Rather than adding a new formal condition, it was suggested that continued discussions between staff and the applicant about traffic issues could be framed as a recommendation prior to the item going to City Council, rather than as an enforceable condition.

Chair Lindwall began to review the of the standards for zoning approval.

6-3-5-10 Special Use Standards:

1. It is one of the special uses specifically listed in the zoning ordinance;

Chair Lindwall stated:

"The project is one of the special uses specifically listed in the zoning ordinance. Child daycare centers and planned developments are listed as allowable special uses in the R2 District."

2. It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time;

Chair Lindwall stated:

"The development is in keeping with the purposes and policies of the adopted Comprehensive General Plan and the zoning ordinance as amended from time to time. As noted, the development is compatible with the Comprehensive General Plan in that it helps provide amenities for working parents."

3. It will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole;

Chair Lindwall stated:

"In consideration of the conditions of approval related to the resolution of any future traffic issues, the proposal will not cause a negative cumulative impact on the immediate area. The existing church would be considered a special use, so essentially we are swapping one special use for another."

4. It does not interfere with or diminish the value of property in the neighborhood;

Chair Lindwall stated:

“The site plan has been designed to minimize impacts on neighborhood properties and will not interfere with or diminish the value of property in the neighborhood. In several instances, the development will enhance existing infrastructure, including improving access to the co-op development by providing a private access drive rather than going through the church property. The proposal includes extending sidewalks along the south side of Central Street for the length of the property and a proposed contribution toward additional sidewalk improvements in the vicinity.”

5. It can be adequately served by public facilities and services;

Chair Lindwall stated:

“There are adequate public facilities and services to serve the proposed development, and no large-scale upgrades are needed to accommodate the development. The relocated utility lines and new utility connections that will be required will represent upgrades to current existing conditions.”

6. It does not cause undue traffic congestion;

Chair Lindwall stated:

“The applicant has submitted a traffic study indicating there will be minimal effect on the level of service at the surrounding roadways. The conditions provide for ongoing evaluation of any increased traffic that may occur at the intersection. This is a very difficult intersection. I drive it on a really regular basis, and I don’t know that the daycare center would make it any worse than it already is.”

7. It preserves significant historical and architectural resources;

Chair Lindwall stated:

“There are no significant historical or architectural resources located on the subject property.”

8. It preserves significant natural and environmental features;

Chair Lindwall stated:

“While there will be a number of trees removed, new landscaping will be added, and there is nothing particularly significant on the site in terms of natural or environmental features.”

9. It complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation.

Chair Lindwall stated:

“The applicant is required to comply with all applicable ordinances except to the extent that such regulations have been modified through the planned development process or the grant of a variation.”

Chair Lindwall then asked if there were any disagreements to these standards

Commissioner Puchtel stated he was concerned about the traffic and disagrees that standard number six was met.

Chair Lindwall then reviewed the Planned Development Approval Standards

6-3-6-9 Planned Development Standards:

A. The requested Site Development Allowance(s) will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties that is beyond a reasonable expectation given the scope of the applicable Site Development Allowance(s) of the Planned Development location.

Chair Lindwall stated:

“ The development has been carefully designed to minimize impacts on neighboring properties, with the parking areas sited along Gross Point Road and Central Street so as not to directly abut any residential property. The building and play areas are centralized within the site to prevent substantial adverse impacts from the proposed use on the enjoyment or property values of adjoining properties that is beyond a reasonable expectation. The building utilizes high-quality masonry materials and is of a scale that is compatible with surrounding structures.”

B. The proposed development is compatible with the overall character of existing development in the immediate vicinity of the subject property.

Chair Lindwall stated:

“The subject property is located along Gross Point Road, which is an arterial street and contains a variety of uses including multifamily, short-term residential rehabilitation, commercial, and office uses.”

C. The development site circulation is designed in a safe and logical manner to mitigate potential hazards for pedestrians and vehicles at the site and in the immediate surrounding area.

Chair Lindwall stated:

“The site has been designed with restricted access points to neighboring streets to mitigate potential hazards. Conditions of approval related to the resolution of future traffic issues will ensure that the proposal addresses potential hazards should they arise.”

D. The proposed development aligns with the current and future climate and sustainability goals of the City.

Chair Lindwall stated:

“The site will include permeable pavers in certain portions of the parking lot, and the proposed parking lot lighting will be dark-sky compliant. In addition, the building will meet the energy standards that the City requires.”

E. Public benefits that are appropriate to the surrounding neighborhood and the City as a whole will be derived from the approval of the requested site development allowance(s).

Chair Lindwall stated:

“The applicant has agreed to reconstruct sidewalks abutting the site, extend the sidewalk along the south side of Central Street to the western edge of the property, and has proposed to contribute \$25,000 for sidewalk improvements in the vicinity of the subject property.”

Chair Lindwall asked that with the exception to Commissioner Puchtel’s disagreement with the finding on Standard Six, were there any additional concerns regarding the standards. Hearing none, the Chair stated that the Commission could proceed to a vote.

Commissioner Puchtel moved to recommend approval of the requested special uses for 3434 Central Street (Case No. 25-PLND-0021), subject to all thirteen (13) conditions listed in the packet.

Motion: Puchtel

Second: Berlin

For Action

Motion Passed 6-2-1

Ayes: Arevalo, Mangum, Lindwall, Johnson, Berlin, and Harris-Ferree

Nayes: Mirintchev and Puchtel

Absent: Mabadi

Chair Lindwall announced that, with six votes in favor and two votes opposed, the motion passed. The positive recommendation would be forwarded to the City Council for consideration. She noted that the applicant would continue working with staff on next steps and stated that this concluded the public hearing.

E. OTHER BUSINESS

A. Election of Officers for 2026

Chair Lindwall stated that the agenda included the election of officers for 2026. She explained that she expected to miss at least three, and possibly four, meetings in the upcoming year. She noted that she had discussed this with Commissioner Puchtel, who indicated his willingness to serve as Chair, with Chair Lindwall serving as Vice Chair. She asked whether any other commissioners were interested and noted that a motion would be needed to nominate and vote on the officers.

Commissioner Berlin made a motion to nominate Commissioner Puchtel to be Chair and Commissioner Lindwall to become Vice Chair

Motion: Berlin

Second: Committee Member Harris-Ferree

For Action

Motion Passed 8-0-1

Ayes: Mirintchev, Arevalo, Mangum, Lindwall, Johnson, Puchtel, Berlin, and Harris-Ferree

Nayes: None

Absent: Mabadi

Commissioner Lindwall congratulated Chair Puchtel

F. PUBLIC COMMENT

G. ADJOURNMENT

Chair Puchtel moved to Adjourn the meeting