



MEETING MINUTES

LAND USE COMMISSION

Wednesday, May 10, 2023 | 7:00 PM
Lorraine H. Morton Civic Center, 2100 Ridge Avenue
James C. Lytle City Council Chambers

Members Present: George Halik, John Hewko, Jeanne Lindwall, Kiril Mirintchev, Max Puchtel, Kristine Westerberg and Matt Rodgers

Members Absent: Myrna Arevalo and Brian Johnson

Staff Present: Deputy City Attorney Alexandra Ruggie, Planner Katie Ashbaugh, Planning Manager Liz Williams, Community Development Director Sarah Flax, and Planner Michael Griffith

Presiding Member: Matt Rodgers

Call to Order

Chair Rodgers opened the meeting at 7:07 PM. A roll call was then done and a quorum was determined to be present.

Approval of Meeting Minutes

Commissioner Westerberg made a motion to approve the Land Use Commission meeting minutes from April 19, 2023. Seconded by Commissioner Puchtel. A voice vote was taken, and the motion passed 5-0 with two abstentions.

Commissioner Westerberg made a motion to approve the Land Use Commission meeting minutes from April 26, 2023 with minor name corrections. Seconded by Commissioner Puchtel. A voice vote was taken, and the motion passed 6-0 with one abstention.

New Business

A. Planned Development | 3434 Central Street | 22PLND-0012.

Charles Marlas, applicant, applies for a Special Use for a Planned Development and a Special Use to demolish the existing church and other site improvements in order to construct a new 2-story, 19,952 square foot building for a Daycare Center-Child, Kensington School, in the R2 Single-Family Residential District. The applicant seeks Site Development Allowances for: 1) Impervious surface coverage of 60.5% where 55% is permitted, 2) Detached accessory use, refuse enclosure, located within the south interior side yard where a detached accessory use is not permitted, 3) Off-street parking located within the southeast front yard where parking is not permitted, 4) Off-street parking located within the south interior side yard where parking is not permitted, 5)

Reduce the two-way driveway aisle width from 24' to 17', 6) Reduce the required transition landscape strip along the west rear property line from 10' to 5.6', 7) Eliminate the required 10' wide transition landscape strip along the south interior side property. 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. The Land Use Commission makes a recommendation to the City Council, the determining body for this case, in accordance with Section 6-3-6 of the Evanston Zoning Code.

Applicant Presentation

Reverend Kurt Condra, Unity on the North Shore ("Unity"), a non-profit organization, explained that the Unity congregation voted to sell the property and move to a more suitable Evanston home to fulfill their mission. Through a proposal process, they found Kensington School aligns with their mission of empowering individuals while continuing their work with preschool children. He stated that he believes the presence of Kensington School will preserve the quiet character of the neighborhood.

Jasmine Sassack, Executive Director of Unity, says Kensington School would be an ideal business to support the church's relocation. She addressed concerns about property values and presents data regarding other locations where Kensington School has positively influenced surrounding property values.

Elissa Foster, Vice President of Unity, addressed concerns about traffic patterns and the design of the Kensington School building. She explained that the Kensington School drop-off and pick-up times vary from traditional schools as detailed in the traffic study. Foster mentions the lower roofline of the proposed building compared to the existing church and the dedication of an easement to the neighboring property. She highlighted the collaboration with city engineers and state officials to manage any increase in traffic through timing adjustments of lights, which Kensington School has committed to cover. Ms. Foster concluded by mentioning the extension of sidewalks by Kensington.

Charles Marlas, Kensington School, introduced the architect Lance Lauderdale, the traffic consultant Michael Worthman from KLOA, and the civil engineer Jim Kapustiak from Spaceco. He presented the third version of the site plan, which provides a dedicated access point for the Williamsburg Co-op and restricts access to the parking lot, ensuring separate access for each entity. The plan maintains compliance with parking requirements and adjustments have been made to accommodate the existing easement.

Commissioner Questions

Commissioner Westerberg requested clarification on the easement. Ms. Ruggie stated that the city's position is that if an easement is created by necessity, it should be considered sufficient for the Land Use Commission's review. The location of the easement is a civil issue between property owners to be resolved outside of the Commission's scope.

Commissioner Halik asked if a three-story building or a smaller building footprint was considered to address the lack of green space and yet still accommodate the program. Mr. Marlas explained that a three-story building would not be ideal for operating a childcare center due to the challenges of navigating multiple floors in emergencies. He mentioned that they have successfully operated two-story locations in other areas but have not considered a three-story option.

Commissioner Westerberg asked about the placement of the refuse enclosure and questioned the possibility of having it inside the building. Mr. Marlas mentioned that having a dumpster inside a building is not something they have done before. Commissioner Westerberg expressed concern about the proximity of the refuse enclosure to the exit/entry point off Gross Point Road.

Commissioner Westerberg asked the applicant to address parking spaces. Mr. Marlas explained that they are providing 35 parking spaces, which comply with the minimum number required by the Zoning Code and will be sufficient for both staff and parents who wish to park and walk their children in, and they are willing to change operations if necessary.

Commissioner Mirintchev inquired about how the number of students (165) and the number of personnel (23) in relation to the student/teacher ratio was determined for the project. Mr. Marlas explained that the design of the building was based on the site's limitations and operational needs, aiming to meet the demand for childcare in the Evanston community. He stated that the ratios for different age groups are accounted for, with each room having an appropriate number of teachers to meet the required ratios.

Commissioner Lindwall asked for an explanation of the interactions between the project team and the Co-op. Mr. Marlas described the three different site plans that were developed to address the easement issue and the neighborhood's concerns with the third plan providing a dedicated easement for the Co-op's access. Mr. Condra explained that communication between the project team and the Co-op has been limited, with legal representation involved.

Chair Rodgers asked about traffic movements. Mr. Worthman responded that the proposed site will include a right-in and right-out access drive on Central Avenue in the southeast corner. The eastern drive on Central Avenue will be a right-out only, and for inbound traffic, left turns will be allowed. Signage and channelization will be utilized to guide traffic and ensure proper movements. The easement will be full access like it is now. Chair Rodgers asked how the left turn from Central Avenue works with traffic standing at lights. Mr. Worthman reviewed the stacking distance and said he did not foresee a queuing issue. Mr. Worthman stated that the access drive on the western end of Central Street is 21 feet back-to-back.

In response to Commissioner Puchtel's question about eastern entrance on Central Avenue, Mr. Worthman explained that changing that entrance to a right-in right-out

configuration would not be best because it would create traffic issues and inconvenience the neighbors. He emphasized that most of the school traffic comes from Central Avenue or Gross Point Road and the left turn onto Central is necessary for accessing the school. He assured that measures such as signage and channelization will be implemented to discourage traffic from using alternative routes through the neighborhood. Mr. Puchtel asked if there is a differentiation between parking spaces for staff and parents and Mr. Marlas responded that they don't formalize differentiation but are willing to make changes if necessary.

Mr. Kapustiak discussed the existing easements on the property in response to Commissioner Lindwall's question on utility relocation. The details of utility relocation would be worked out during the final engineering design and included in the easement agreement.

Public Comment

Chair Rodgers called for public comment.

Leslie Brown, 3517 Central Street, argued that the size and intensity of the school does not align with the existing neighborhood, and the increased traffic from the school would pose safety concerns for pedestrians. Ms. Brown questioned the affordability and need for another childcare center in the area and urges against approving the project.

Brian Mahoney, 2538 Gross Point Road, questioned the applicant's legal and equitable interest in the property, written notice of the hearing, and ambiguity in the application regarding whether it is on behalf of an individual or a corporation. Mahoney expressed concerns about the impact on property values, the lack of an easement agreement, and the existing traffic issues at the intersection. Planner Michael Griffith stated for the record that the Co-op property is one PIN and the taxpayer of record is First Williamsburg Co-op and so the notice went to the taxpayer of record consistent with state law and city ordinance. Deputy City Attorney Alex Ruggie added that the Land Use Commission hears many zoning relief applications of prospective buyers of property within the City and that the City does consider a prospective buyer a valid legal interest to make an application for zoning relief.

Constance E. Porteous, 3600 Central Street, expressed concerns about the proposed development due to the lack of appropriate sidewalks, the potential increase in traffic and accidents, increased garbage, loss of trees, and inadequate shade in the proposed playground area.

Peter Rootaan, 2544 Gross Point Road, president of First Williamsburg Corporation, expressed concerns about the proposed development due to the lack of pedestrian safety and enforceable traffic management. He confirmed their rights to the easement and questions how the proposal enhances the neighborhood.

Dylan Roberts, 3606 Central Street, expressed concerns about accommodating the additional traffic at the problematic intersection at Gross Point Road, Crawford Avenue,

and Central Street. He also questioned the affordability of Kensington School's tuition and emphasized the importance of considering the impact on the immediate community.

Kathy Leoni, 3253 Central Street, shared her perspective on neighborhood changes and emphasized the value of compromise and being a good neighbor. Leone expressed her preference for a locally owned preschool over a dense multi-unit rental or mixed-use development.

Sharon Meyers, 1123 Hull Terrace, stated that she believes Kensington School is a match for the neighborhood due to its design and its alignment with the surrounding area. She highlighted the benefits of a low-rise preschool, such as its light footprint and limited hours of activity compared to other potential developments. She emphasized the owner's investment in the community and willingness to listen and make changes.

Larry Raffel, 3509 Central Street, expressed his concerns that the proposed project will exacerbate intersection traffic and highlights the safety risks for pedestrians.

Terry Wendt, a professional urban planning and design consultant, emphasized that regardless of how the property is developed, there will be traffic generated. Wendt offered that the proposed plan offers a better physical neighbor and urban design perspective compared to the existing church layout and parking lot.

Terry Albaugh, 3508 Central Street, expressed support for the proposal, noting that increased traffic is expected regardless of the development type.

Joanne Ghiselli, 2546 Gross Point Road, raises concerns about the proximity of the garbage enclosure to her back porch, the impact on parking during winter, traffic issues in the neighborhood and suggests considering a smaller school as an alternative.

John Lindner, 3214 Thayer Street, expressed support for the Kensington School proposal, and highlighted the positive impact the school could have on the community. He said he believes that Kensington's presence will benefit housing quality and the future of children in the area.

Catherine Mathis, 2758 Lawndale Avenue, expressed her support for the Kensington School development. She mentioned the need for preschools in the area and suggests that the school could improve property values.

Chair Rodgers closed public comment.

Deliberations

Commissioner Halik said that the requested variations are not significant and that compared to other potential developments like multi-family housing or retail, the proposed Kensington School development would not worsen traffic issues. He emphasized that having a single manager for the site is advantageous as it provides a centralized point of contact for addressing any problems. He suggested that the

character of the neighborhood should be viewed from a broader perspective, considering the commercial nature of the area.

Commissioner Westerberg acknowledged that while the proposed facility may not directly benefit the neighborhood, there are public benefits to consider, such as adding a property to the tax roll and providing a needed service. She expressed disappointment with the colonial architecture and suggests that a more modern and contemporary design and less of a building footprint may be more suitable. Her main concern is the issue of traffic and suggests a condition that the applicant take measures to control traffic flow in the parking lot and that the city should monitor the situation and consider feedback from the neighbors. Overall, she said that more work should be done to address traffic concerns before moving forward with the project.

Commissioner Lindwall acknowledged that the current iteration of the project is an improvement compared to previous versions. She pointed out that the project cannot proceed without an agreement on the relocated easement and expresses hope that the issue can be resolved between the church, the applicant, and the Co-op. She highlighted that the drive width on the north-south leg is wider than the existing one, which is seen as positive. Overall, she expressed support for the current land use and site design and ideally would like the parties involved to reach an easement agreement before the project moves to City Council.

Commissioner Puchtel expressed appreciation for the applicant's efforts in creating the best solution for a school at the site. However, he expressed ongoing concern that the site is not suitable for a school or any other development due to traffic issues. He argued that adding more traffic and curb cuts to an already problematic intersection may not be the best decision.

Commissioner Mirintchev expressed his belief that having a school and daycare at the proposed site is a good idea and would serve the community well. He said Kensington is a reputable buyer in this field. However, he said he was concerned about the size of the project and its capacity. He said the building is too large for the site and that downsizing it would solve various issues such as parking, drop-offs, and movement of people and vehicles. He also criticized the mass and appearance of the building, suggesting that a more child-friendly and attractive design could be considered. He concluded by stating that the project needs work and is not ready to proceed to City Council.

Commissioner Hewko raised some technical questions regarding the easement and traffic issues. He inquired about the time frame for entering into an easement agreement. Mr. Griffith commented that staff recommends that the easement be noted on the plan prior going to City Council, a building permit cannot be issued without the easement agreement, and there is a one-year window to begin construction of the project once a special use is granted. Commissioner Hewko agreed with resolving the easement issue before proceeding to the City Council. He expressed the need for conditions to address traffic concerns. He expressed support for the school and

daycare concept and finds the proposed architecture aesthetically pleasing. He sought clarification on the extent of the sidewalk construction along Central Avenue. Mr. Griffith responded that currently the sidewalk ends on the east side of the church's driveway and the applicant is required to extend the sidewalk all the way to their west property line.

Commissioner Lindwall asked staff to clarify the conditions for the applicant to enter into an easement agreement and revise the plan to show the easement. Mr. Griffith stated that the site plan currently does not label the hashed area as an easement and recommends clarifying it as an access or ingress/egress easement.

Chair Rodgers expressed his general support for the project and believes it is a smart use of redevelopment for the area. He also said he likes the building's architecture. He shares similar concerns about the traffic flow on the property and the problematic intersection. He said he favored moving the Central Avenue driveway to the western side to distance it from the intersection. Commissioner Westerberg suggested adding a condition that the school dedicate staff for traffic control and ensure that the neighbors are aware of their presence.

The Chair then reviewed the Standards for Special Uses, Section 6-3-5-10.

1. Is one of the listed special uses for the zoning district in which the property lies: A school and a daycare for children is one of the approved uses within the R2 District so the standard is met.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance: The project is an adaptive reuse that puts the property back on the tax rolls which is what the comprehensive plan allows for and so the standard is met. Meeting the standard could be negatively impacted from a lens of public safety if traffic is not controlled.
3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: A school at this location will have a greater impact than the church but it will not be as great as other potential redevelopment, so the standard is determined to be met.
4. Does not interfere with or diminish the value of property in the neighborhood: A functioning thriving business in use in the neighborhood increases values as opposed to having a derelict building so the standard is met.
5. Is adequately served by public facilities and services: Services only may need to be relocated so the standard is met.
6. Does not cause undue traffic congestion: The site's internal circulation may be able to be improved though conditions to account for the nearby congested intersection which would help meet the standard. Reduction in the size of the school would further support meeting the standard.
7. Preserves significant historical and architectural resources: No testimony provided and so the standard is met.
8. Preserves significant natural and environmental resources: New landscaping will be provided and so the standard is met.

9. 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: None are anticipated so the standard is determined to be met.

The Chair then reviewed the Standards and Guidelines for Planned Developments in the R2 District, Sections 6-3-6-9 and 6-8-1-10.

1. 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: This standard is met based upon the unique triangle shape of the property which challenges how one traditionally thinks of a front, side and rear yards. Furthermore, the impervious surface lot coverage is higher than the development allowance but less than exists at present so there is a reduction right.
2. The proposed development is compatible with the overall character of existing development in the immediate vicinity of the subject property: The proposed building is not out of scale with the neighborhood, so the standard is met.
3. 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: The use and site does not cause a hazard but is being placed near a congested intersection reduces the ability to meet the standard however the left turn off Central Avenue provides positive compensation.
4. The proposed development aligns with the current and future climate and sustainability goals of the City: There is a reduction in impervious surface and the project is under LEED certification building guidelines so the standard is met.
5. 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): A school providing daycare, improved sidewalks, and an improved property are all public benefits, so the standard is met.

The Chair also noted the planning guidelines specific to Section 6-8-1-10 are also being followed. The Chair reviewed the staff recommended conditions and discussion occurred among commissioners. The Commission decided to remove the condition regarding the easement and a condition regarding traffic monitoring was added.

Commissioner Lindwall made a motion to recommend approval to the Planning & Development Committee of the City Council, for the property located at 3434 Central Street, zoning case number 22PLND-0012, with the following conditions:

1. The applicant shall monitor and control vehicle ingress/egress onto Central Street during peak hours.
2. Provide a permit from IDOT for any work within the Gross Point Road right-of-way.

3. Provide a revised photometric plan showing light levels measured to the property line. A maximum of 0 lumens is permitted at the property line.
4. After operations begin, if traffic added by the daycare center becomes an issue on Central Street, the right-out only turn onto Central Street will be restricted to outside peak traffic hours. If this is unsuccessful in resolving traffic issues, the owner will be required to engage an IDOT pre-qualified SCAT consultant to complete an analysis to retime the traffic signals.
5. Staff are not allowed to park in the neighborhood.
6. Comply with Tree Preservation Ordinance City Code Section 7-8-8.
7. Coordinate maintenance of existing trees along the west property line with the property to the west.
8. Make reasonable efforts to hire local contractors to do work to construct this childcare center.
9. Make reasonable efforts to hire Evanston residents to work at this childcare center.

Second by Commissioner Halik. A roll call vote was taken, and the motion failed, 3-4.

Planning Manager Liz Williams informed the Commissioners that if the vote is a tie, the recommendation goes to the approving body without conditions unless the Land Use Commission wants to contemplate the conditions after the vote. Previously discussed conditions are included in the staff report but not in the draft ordinance if they have not been re-contemplated.

Communications

There was none.

Public Comment

Mr. Mahoney commented on the easement and property values.

Adjournment

Commissioner Westerberg motioned to adjourn, Commissioner Lindwall seconded, and the motion carried, 7-0.

Adjourned 10:06 PM.

The next meeting of the Evanston Land Use Commission is a Special Meeting to be held on **Wednesday, May 24, 2023, at 7:00 PM, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.**

Respectfully submitted,
Amy Ahner, AICP, Planning Consultant

Reviewed by,
Katie Ashbaugh, AICP, Planner