

**Planning & Development Committee Meeting
Minutes of May 24, 2010
City Council Chambers – 7:05 pm
(or 15 minutes after the Administration Public Works (A&PW) meeting adjourns)
Lorraine H. Morton Civic Center**

ALDERMEN PRESENT: D. Holmes, L. Jean-Baptiste, A. Rainey, D. Wilson,
M. Wynne

STAFF PRESENT: A. Dean, B. Dunkley, G. Farrar, D. Marino, B. Newman
D. Spicuzza, L. Walker

PRESIDING OFFICIAL: Ald. Rainey

DECLARATION OF QUORUM

A quorum being present, Chair Rainey called the meeting to order at 6:47 p.m.

APPROVAL OF THE MAY 10, 2010 MEETING MINUTES

Ald. Holmes moved approval, seconded by Ald. Jean-Baptiste.

The minutes were approved unanimously, 4-0 (Ald. Wynne had not yet arrived).

ITEMS FOR CONSIDERATION

(P1) Approval of FY2010-2011 Emergency Shelter Grant Recommendation

Ald. Wilson moved approval, seconded by Ald. Jean-Baptiste.

Ald. Holmes said she has the same concerns she expressed at the last P&D meeting about Family Promises: that there is no kitchen, only a small kitchenette with a microwave. She said the Director emailed her that it is a permitted use in that building. She is also concerned about who watches children in the specified area and whether parents discipline their children. She asked whether City Staff has visited the operation.

Ms. Dean said she has been to the facility several times and that it is very nice.

Chair Rainey asked what is at the facility, to which Ms. Dean replied that there are books, a television, and computers divided by small walls, at kitchenette with a sink and a microwave and an office upstairs.

The Director of Family Promises, Ms. Rebecca Lillian, in response to questions, said the program is not a shelter. The homeless families who participate in the program sleep at participating churches and synagogues in the area. The family members bring a sack lunch to eat on the premises during the day. She explained that the kitchenette is for staff but participants may use it to make popcorn or warm soup in the winter for lunch.

In response to a question, Ms. Lillian said children are not cared for by staff. They are only cared for by their parents. She said there are a maximum of 3 families or 14 people total. Currently there are 2 families participating: 1 family of 5, 1 family of 4 and 3 individuals. The program is full until a family graduates. She explained the way the program works: At 5:00 p.m. the van driver who is on staff at Family Promises, takes the family to the congregation that is hosting for that week. Each family has their own room.

Ald. Wynne asked what school the children attend, to which Ms. Lillian answered that they all happened to be in the same school, and that a cab takes the 4 children to school each day.

Ald. Wynne asked the average length of stay in the program. Ms. Lillian explained that her branch is new, but the average participation length in branches across the country is 60 days. She said the first family started April 4th and the father just got a job so they will be leaving the program on June 15th.

Chair Rainey asked whether they get funding from other villages, to which Ms. Lillian replied that they have applied for funding from New Trier Township, the Village of Wilmette and Niles Township.

Chair Rainey asked her about issues with people sleeping in churches, such as sprinkler systems, escape routes, etc., to which Ms. Lillian replied that all of the participating facilities have been checked for fire safety and escape routes. She added that Grace Lutheran and St. Nicholas participate and that the Jewish Reconstructionist Congregation is considering participating.

Ald. Holmes asked that Community and Economic Development Dept. staff inspect the participating premises. Mr. Walker said he will ensure that they are in compliance with zoning regulations. Ms. Lillian said Family Promises leases the space from Connections for the Homeless, and that the president of Family Promises, Greg Peterson, made the arrangements. Chair Rainey said City staff will contact Connections for the Homeless.

Ald. Holmes moved to hold the \$6,000 until they are investigated and to approve the recommendations to the other organizations. Ald. Wynne seconded the motion.

The Committee voted unanimously 5-0 to recommend holding the \$6,000 for Family Promises and fund the other organizations as recommended.

(P2) Funding Information and Recommendation for Families in Transition Program Applicant

Ald. Wilson moved approval, seconded by Ald. Wynne.

The Committee voted unanimously, 5-0, in favor of recommending approval of the application.

(P3) Request to Amend Operating Hours Condition of the Special Use Permit for 555 Howard Street

Ald. Wynne moved to deny request, seconded by Ald. Wilson.

Chair Rainey asked to hold discussion so Atty. Bernard Citron of Thompson Coburn, representing the Yaqoob brothers, who own the gas station and convenience store at 555 Howard Street to speak. Mr. Citron stated that Evanston is one of the most diverse economic communities and that he is asking for fairness and equality. He said the laws on special uses must be reasonable. He said the special use governing 555 Howard Street states that the service station is allowed to be open 24 hours but that the convenience store may only be open until 4:00 on Saturday and closed on Sunday. He said other service station/convenience stores do not have these restrictions. He said if the owners knew of this restriction three and a half years ago when they purchased the business, they would not have done so. He said the special use restrictions have not been enforced until now. Mr. Citron said the owners have cooperated with the Police Dept. and that there have been very few problems related to the convenience store. He said there are 5 other service stations with convenience stores with different hours and explained that the owners make 2 to 3 cents on each gallon of gas sold, at best, that there are months where they break even, and that service stations stay in business through their sales at convenience stores. He said that in March, they added cameras at the request of the Police Dept. and that they have stopped selling certain items and have begun selling others at the City's request. He asked that they be allowed to work with the Police. He said the City collects \$100,000 in taxes from the station. He said if the City does not increase their hours of operation, they will have to close, which, he said, will not improve the neighborhood. He stated that staff's recommendation is not based on facts. He asked that the Committee recommend approval or ask Council to consider an increase in hours because the current hours are too short.

Ald. Wilson commented on the thick submission of materials and that the hours were in place for the existing business when the Special Use was approved. He asked what has evolved that is different now, to which Mr. Citron replied that there is more of a need to operate 24 hours now, but, he said, it was operating 24 hours, and what has changed is that the City has told them they no longer can operate 24 hours.

Ald. Wilson said ignorance of the law is not an excuse. Mr. Citron argued that the City issued their license, knowing they were operating 24 hours.

Chair Rainey said she has represented her ward since 1983 and there have been drastic changes since then, good and bad. She said her constituents have come down hard on her about the conditions at the station. She said there were not as many police calls with the previous owners.

Mr. Citron had obtained a list of police calls through a Freedom of Information Act (FOIA) request. The Police Dept. stated in the FOIA, the following reports are in direct relation to problems related to the neighborhood. Chair Rainey read from the list in the

report the first few items: shots fired; a verbal dispute and a robbery at gun point. She said things happen at this station because they can, adding that she does not want to close down the station. She said the taxes are great but they need civility. She said the police should not be property managers. She said maybe things will change if what they are saying is true and there is a new energy, but she would like to see.

Mr. Citron said if they cannot talk about 24 hours, why must they close at 4:00 on Saturday and all day Sunday. He said it is unreasonable.

Ald. Wilson asked how many other stations the owners own, to which Mr. Citron replied that they own one in Skokie. Owner, Mr. Nassar Yaquooob said either he or his brother is at the station 6 days a week and one of them is there 7 days a week. He argued that all of the incidents could still occur since the pumps are open 24 hours. He said 2 employees were at the station every night but now he cannot afford one, but is keeping him there just to collect money.

Ald. Jean-Baptiste asked why the hours were restricted.

Chair Rainey explained that it is in a B3 District where service stations are allowed, but convenience stores are a special use. They must be approved to ensure they do not negatively impact the community. She said if she sees a change in the neighborhood in a year, she might reconsider, since they have a good relationship with the police. She said the fact that they violated the law for all those years makes her not want to reconsider.

Ald. Jean-Baptiste suggested that if the Committee is creative in their approach perhaps they could arrive at a compromise. He said he understands that they have violated the law, but that this is an opportunity to compromise in order to achieve the City's objective.

Chair Rainey said they have plenty of customers buying gas 24 hours and right now she does not support the convenience store being open 24 hours.

Ald. Jean-Baptiste suggested tabling the issue for 3 months and reviewing the pattern at that point, and having Mr. Walker make an assessment of whether they are closing, to which Chair Rainey responded that she does not want to make adjustments to allow them to operate illegally.

Ald. Holmes said she understood about the special use and that they have not been operating legally, but looking at the police calls, they appear to be for the gas station, so would we not have the same problem? Chair Rainey responded that the convenience store is the attraction for action and she needs to see in the next 6 months whether that subsides, adding that she is shocked at the other committee members' willingness to go against her suggestion. Ald. Holmes replied that she is trying to understand the difference on police calls. Chair Rainey said there were not the same issues with the previous owners.

Ald. Wilson noted the aggressive panhandling issue. Mr. Citron noted that there were 22 incidents of traffic violations. Ald. Wilson asked Mr. Citron if it helps his clients' business to have the convenience store open during the day, to which Mr. Citron answered that it won't make a difference because people use convenience stores at night, stressing that the owners do not make any money on the sale of gas. He said his clients want to work with the City and that they have added cameras and are willing to add anything that the City requests, and that they have been operating legally ever since they were made aware of the law. Ald. Wilson said it is hard to imagine that they would buy a convenience store without knowledge of the hours of operation allowed by the special use. He said he is looking for some indication of change as to why the hours of operation should change. Mr. Citron replied that the owners have secured cameras and put up "no loitering" signs and they call the police if people loiter, and that they have stopped selling certain hats and shirts, as requested by the City. Ald. Rainey said she is in the neighborhood and there are still problems. Ald. Wilson said the efforts do not seem to be yielding results.

Ald. Wynne said there is a cost to having this many police calls and also a cost to the property values in the area, to be balanced against loss of \$100,000 in revenue collected from the sale of gas. She suggested the convenience store be allowed to be open on Sunday. She noted that it took a long time and many incidents before they made the site safer and it does not appear they are practicing good stewardship of the site. Mr. Citron responded that they had 8 cameras and they installed more at the Police Department's request, and that any time the police want videos they provide them, and that they record everything and keep it for 2 weeks. He stressed that the convenience store is where they make money and that his client is behind on his mortgage because of the decrease in hours. He said they are working with the Chief of Police to rectify the crime problem.

Ald. Jean-Baptiste commented that he would have expected the owners to meet with Ald. Rainey to come to an agreement. He also mentioned that he is surprised that with counsel as sophisticated as Mr. Citron they should have discovered the limitations of the special use before they bought the property. He said the client's counsel had a belligerent attitude and together with the violation of the special use, he said he believes Ald. Wynne has a point. He asked Mr. Citron if perhaps as a compromise they could be allowed to be open on Sunday and be closed from 12 a.m. - 4 a.m.

Chair Rainey said she met with Attorney Shapiro, the Police Chief, Mr. Walker and Mr. Dunkley in the Aldermanic Library. She said Mr. Walker finally had to end the meeting because of the inability to compromise on the part of the business owners, because if they are not allowed to be open 24 hours, they will have to close their business. Chair Rainey said she would have agreed to extend the hours to 7a.m. to 7p.m. on Saturday and Sunday.

Mr. Citron said they are going to close the store and file suit: the recommendation of 7a.m. to 7p.m. will not keep them open. The compromise does no good.

Ald. Wilson argued that the Committee was trying to make an informed and appropriate decision, adding that they are trying to improve the circumstances and usually there is a plan presented that shows that it could achieve results. He asked if what they are doing will have an impact in 90 days. Mr. Citron replied that if the police calls increase the owner will hire security. He said they are competing with 5 service stations in the area that have longer hours than them. He requested being open with a window only to the convenience store from 12 a.m. to 4 a.m., to which Chair Rainey replied that hours of 7 a.m. to 7 p.m. is the motion on the floor.

Ald. Wilson proposed a friendly amendment to review the situation in 30 days. Chair Rainey insisted on 3 months. She said giving them 7 a.m. to 7 p.m. far exceeds what is in the special use. She said she would encourage them to hire a security guard now.

Mr. Ferrar said it is appropriate to vote and that Mr. Citron's comments are done.

The Committee voted unanimously 5-0 to recommend amending the special use to allow the convenience store to be open 7 a.m. to 7 p.m., 7 days a week, and to allow the gas pumps to be open 24 hours, and for the situation to be reviewed in 90 days, based on incidents.

(P4) Resolution 32-R-10 Designating the Portion of Dempster Street between Ridge Avenue and Asbury Avenue with the Honorary Street Name Sign, "Rabbi Peter Knobel Way" in honor of Rabbi Peter S. Knobel

Ald. Wilson moved to approve the resolution, seconded by Ald. Jean-Baptiste.

The Committee voted unanimously 5-0 to recommend approval of Resolution 32-R-10.

(P5) Resolution 33-R-10 Designating the Portion of Forest Avenue between Kedzie Street and Keeney Street with the Honorary Street Name Sign, "Lauterbach Way" in honor of Ned and Albe Lauterbach

Ald. Wynne moved to approve the resolution, seconded by Ald. Holmes.

The Committee voted unanimously 5-0 to recommend approval of Resolution 33-R-10.

ITEMS FOR DISCUSSION

(PD1) Information on the Families in Transition Program

Chair Rainey asked whether the Committee would like to defer this item for discussion until the next meeting.

The Committee agreed to defer the discussion until next meeting.

(PD2) Update on Evanston Foreclosure Activity in April, 2010

Chair Rainey asked whether the Committee would like to defer this item for discussion until the next meeting.

The Committee agreed to defer the discussion until next meeting. Chair Rainey said she would like to see addresses for the foreclosure report of April 2010.

COMMUNICATIONS

There were no communications.

ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Bobbie Newman