

**Planning & Development Committee Meeting  
Minutes of September 8, 2008  
Council Chambers – 7:00 p.m.  
Evanston Civic Center**

Aldermen Present: A. Hansen, D. Holmes, L. Jean-Baptiste, E. Moran, A. Rainey, E. Tisdahl, C. Wollin, M. Wynne

Staff Present: K. Cox, B. Dunkley, D. Marino, B. Newman, D. Spicuzza

Aldermen Absent: S. Bernstein

Presiding Official: Alderman Wollin

**DECLARATION OF QUORUM**

Chair Wollin called the meeting to order at 7:28 p.m., a quorum being present.

**APPROVAL OF THE August 8, 2008 MEETING MINUTES**

**The Committee voted unanimously 8-0 to approve the August 8, 2008 minutes.**

**ITEMS FOR CONSIDERATION**

(P1) Motion for Approval of Subdivision Plat for the Property Located at 604 Judson  
Consideration of a request to subdivide a single lot into two lots for the purpose of constructing two single family dwellings. Recommended for approval by the Preservation Commission and Staff.

**This item was withdrawn to be considered at the September 22, 2008 to allow the Public Works Dept. more time to analyze it,**

(P2) Ordinance 98-O-08 – Request to Amend the Conditions on a Special Use with Related Major Variations at 430 Asbury Avenue (“Farmer’s Best Market”)

Consideration of a request by Farmer’s Best Market, lessee, for relief from certain conditions imposed by the terms of Ordinances 43-O-99 and 143-O-99 for a Special Use and related major variations for the purpose of operating a drive-through facility at 430 Asbury Avenue in order to allow for the economically-contributing renovation of, and operation of a commercial grocery store within the currently-vacant retail store on the subject property. Staff recommends approval.

**Aldermen Rainey and Hansen moved approval of the ordinance.**

**The Committee voted 8-0 to approve the motion.**

(P3) Ordinance 99-O-08 – Special Use for a Convenience Store – 2536 Ewing Avenue

Consideration of the Zoning Board of Appeals recommendation for approval of a Special Use for the 7-Eleven Store. See discussion below.

**Ald. Moran moved that the ordinance be Introduced as drafted. The revised ordinance will be considered for adoption at the September 22, 2008 P&D meeting.**

**The Committee voted unanimously 8-0 to approve the motion.**

(P4) Recommended Denial of a Special Use for a Food Store Establishment to be Allowed to Operate Between Midnight and 6:00 a.m. at 2536 Ewing Avenue

Zoning Board of Appeals and Staff recommends denial of the application to allow this 7-Eleven Store, in a residential neighborhood, to operate from midnight to 6:00 a.m. See discussion below.

**Ald. Moran moved that the motion be denied.**

**The Committee voted unanimously 8-0 to deny the motion.**

A discussion ensued and Ald. Wollin suggested discussing both items P3 and P4 together regarding the 7-Eleven Store:

Ald. Wollin called the public to speak:

Mr. Jeff Smith of 2724 Harrison, representing the Central Street Neighbors' Association, stated that their organization favors 7-Eleven having a convenience store at the Ewing location but it is different than most establishments in the neighborhood because it extends into the residential neighborhood by virtue of being on a side street. Therefore 24 hour operation is inappropriate and their organization supports the recommendation of staff and the ZBA to deny 24 hour operation of the 7-Eleven, with additional recommendations regarding lighting and noise, adding that no-one wants loading at 6 a.m. behind their house. He said the business is a valuable asset to the community and they'd like to keep it, but they are trying to strike a balance between the needs of the business, the business needs of the neighborhood and the legitimate desires of the residents, owners, and tenants in the neighborhood.

Mr. Rick Hulse of 2739 Lincoln Street stated that the 7-Eleven being open from midnight to 6 a.m. and early deliveries are a community issue. Being two blocks back from Central Street he can feel the impact of all the issues that have been brought up such as noise, the disruptive factor of being open from midnight until 6 a.m. and the early delivery times. He said in his observation you can see it and feel it as far south as Colfax, which is 4 blocks away from Central Street. They had an issue Saturday night, as an example, when the police were drawn into the community at 10:30 p.m. to handle crowds of young people coming out of the store and migrating down Ewing loudly spreading litter and noise, before curfew, but it raises the point that they have crowd control, litter, noise and issues before curfew and there is no point in adding that problem to late night hours over night, which is why he and his neighbors object to it.

Ms. Betsy Waller 2741 Harrison lives kitty-corner from the 7-Eleven. She mentioned that 40 people came to the Zoning Board of Appeals meeting to voice their concern about the problems the 7-Eleven is causing to the neighborhood. She has lived there for 23 years and there were only two managers of the White Hen in previous years, who worked pretty well with the neighbors to solve little problems and they hope to do so with the 7-Eleven. She and her neighbors are

vehemently opposed to the 7-Eleven operating 24 hours because they have a lot of issues that they need straightened out as it is. Regarding just the Special Use permit to operate, they have 5 problems:

- 1) She requested that deliveries be limited to during the day (the way White Hen did) because now they are coming as late as 10:00 p.m., and garbage is being picked up at 5:00 a.m. This is very disruptive. She requested that deliveries and garbage pickup be limited to between 7 a.m. and 7 p.m., the same as construction (noise) hours.
- 2) The delivery trucks idle for 45 minutes, when the legal limit is 5 minutes, which is extremely disruptive. They are the biggest noise factor. She said that the manager of the Jewel on Greenbay has told her that he does not allow the truck drivers making deliveries to let their trucks idle.
- 3) The lights: When the store was a White Hen Pantry, the lights were turned out late in the evening before they closed and after closing as a courtesy to neighbors. She is requesting that as many outside and inside lights as possible be turned off after closing, except those required for security. She added that she believes the current manager would like to cooperate but he is possibly being constrained by corporate policy.
- 4) Ms. Waller also asked that 7-Eleven adhere to the litter collection requirement. She also said that young people congregating in front of the store is a problem and that the White Hen manager took an active role in discouraging kids from hanging out at the store.

Ms. Barbara Levin of 2726 Central Street stated that she lives 300 feet from the 7-Eleven. She added that the new fire facility's doors are being blocked by the delivery trucks and this will be a problem when the fire station is finished. It also prevents residents from using the alley for access. The youngsters are troublesome and boisterous, and they are out sometimes before and sometimes after curfew. They block the way for people walking past. She hopes that a manager could help with disbursing the crowd.

Ald. Wollin asked whether this is a new problem, or if it was going on when the store was a White Hen.

Ms. Levin answered that over the years she has seen young people congregating but neighbors have been saying they are more troublesome recently.

Ald. Moran said the general sense in the community is that the store serves a useful purpose but there is no support for 24 hour operation. He said that the request for 24 hour operation is part of company policy and it is incumbent upon the manager within his job responsibilities to pursue the request until they are told it will not be allowed. He recommended the following conditions be incorporated into the ordinance:

- 1) Deliveries are limited to between 6 a.m. and 9 p.m.
- 2) Strict compliance with the City's anti-idling (5 minute limit) ordinance is to be enforced
- 3) The brightest of the external lights will be turned off at 9:00 p.m.; lower brightness lights will be allowed to stay on until closing
- 4) Minimize interior lighting after closing to that which is required for security, after closing
- 5) Store managers and operators must work to minimize the impact of people congregating in front of the store

Ald. Wynne suggested that regarding the idling issue, a sign should be posted on the building stating that idling is not allowed for more than 5 minutes. She reminded Ald. Moran to address the garbage pickup hours in the list of conditions.

Ald. Moran changed the conditions of the deliveries and garbage pickup to be between 7 a.m. and 7 p.m.

Ald. Holmes suggested that the problem of youth loitering be discussed by members of the community, to which Ald. Moran replied that it is hard to identify where the youth come from. They come from outside the neighborhood as well as within it.

Ald. Jean-Baptiste suggested a "No Loitering" sign be posted on the building and the police be called to enforce, adding that the store managers are not equipped to enforce the law outside of the store.

Ald. Rainey suggested that they have the Youth Advocate Team stop there at times and see if they can engage the youth in a conversation. She said in her ward they established 7a.m. to 7p.m. operation for a convenience store in a gas station because after a certain hour it became a gathering place and there were 30 to 50 calls to the police a month. Zoning officials saw that they were operating after their designated hours. She asked that a staff member explain how they plan to enforce the regulations.

Mr. Bill Dunkley, Zoning Administrator, responded to Ald. Rainey, saying that when they get a report of a violation of a zoning ordinance, a notice is sent to the manager or owner of the store, citing what the exact violation is, a remedy and the amount of time they have to comply. The Zoning Division personnel follow up to see whether they are complying. If they are not complying they are fined. Fines can go up to \$1,000 a day, which is rare. They are working in conjunction with the Property Standards Department to enforce the regulations. The ultimate penalty is to revoke their certificate of zoning compliance, which means they can no longer occupy the property.

Ald. Rainey said that the convenience store in her ward is still operating even though all this was done.

Ald. Tisdahl asked whether we have ever revoked a business's zoning certificate. Mr. Dunkley replied that he does not know.

Mr. Marino said the threat of revoking has had effect in some cases.

Ald. Hansen said if we keep fining and it does no good, why do we keep doing it? Mr. Dunkley replied that once expiration has passed, there are ways to prolong the expiration date but they will try to prosecute with as much speed as possible.

Ald. Wollin called up the two representatives of the 7-Eleven, Mr. Greg Kuczaj, Field Consultant and Mr. Manish Patel, Franchisee, how they would like to address the problems. Mr. Kuczaj stated that he and Mr. Patel discussed the problem of congregating of kids before the meeting. He is not there in the evening so he has not witnessed the problem of the youth congregating, but inside the store is an issue for them and they have added cameras and surveillance equipment inside and outside of the store to protect themselves and in case there was a problem. It is in their best interest to not have kids loitering inside and outside the store. Regarding the deliveries, he said that most of the purveyors come in the evening and that he understands that the trash pickup is happening at about 7 a.m. He will ask the garbage pickup to be between 7 and 8 a.m. Mr. Patel said the trash is picked up at 8:30 a.m. Mr. Patel said the lights are currently turned off at midnight, when the store closes. The lights are on the pole sign at Ewing and Central, on top of the awning and under the soffit. Ald. Moran asked that they turn off the lights above the awning

and at Central Street at 9 p.m. Ald. Wollin suggested they leave the one on Central Street on until they close and leave the one above the store until 9 p.m. Mr. Kuczaj replied that it is not his decision to make but he will recommend it to the appropriate people. Mr. Patel said that he has not had to call the police. When the youth are in the parking lot and he tells them they must leave within 5 minutes, they do. Mr. Kuczaj said they are trying to get more of a police presence in the store.

Ms. Mitchell of 2740 Harrison said that her husband has talked to the youth. She said there are Seagrams bottles found on the ground and that some of them were skitching on cars last Saturday night. The Friday before, the kids were hanging on to cars also. Some are old enough to drive.

Ald. Wollin said that the fine for underaged drinking is \$500. She added that the item is only for discussion tonight and it can be voted upon with the conditions to be put in the revised ordinance at the next meeting.

Ald. Jean-Baptiste said there must be “No Loitering” signs as well as “No Idling” signs posted and the police must be called when the youth do not abide by the laws.

Ald. Moran summarized the conditions:

- 1) All deliveries and garbage pickups are to be between 7 a.m. and 7 p.m.
- 2) Brighter external lights will be turned off at 9 p.m.
- 3) All lights are turned off at the close of business each day except those required for security purposes
- 4) Strict compliance required of anti-idling ordinance and a sign will be posted
- 5) Management and operators will work with neighbors and police to minimize the impact of the youth gathering in the store area
- 6) A “No Loitering” sign will be posted
- 7) Delivery trucks are prohibited from blocking fire trucks’ and other emergency vehicles’ access to the alley

## **ITEM FOR DISCUSSION**

### **(PD1) Report of City of Evanston Downpayment Assistance Program**

Ms. Donna Spicuzza, the Housing Planner, summarized the report that was enclosed in the packet.

The program has been in operation for 4 months and has been well received. The process has been developed to get more banks to participate. They have made 5 loans so far. They are working on getting the word out and continuing to promote the program.

The Downpayment Assistance Program provides grants for downpayment or closing cost assistance to first time homebuyers who want to buy a house in Evanston. It uses funds from the Federal Home Program and from the local Affordable Housing Fund. The grants can be up to \$30,000. They can go up to \$20,000 if a person’s income is between 80% and 100% of median, which would be \$75,000 for a household of 4. People under 80% of median, which is \$60,300 for a household of 4, can get a grant of up to \$25,000. The grants are forgiven over 5 to 10 years, depending on the amount. Up to \$15,000, the grants are forgiven over 5 years. If the homeowner remains an owner occupant and does not sell the property, the loan is completely forgiven after 5 years. Grants of over \$15,000 are forgiven over 10 years.

The report shows the four lenders that are currently participating. The most recent is Harris Bank, which signed up in August. National City Bank signed up in July. 1<sup>st</sup> Bank & Trust of Evanston and Evanston Housing Corporation signed up in May. 1<sup>st</sup> Bank and Trust and the Evanston Housing Corporation have made loans so far. 27 people representing \$530,000 in grants, have submitted eligibility forms where they state their income and provide information about their interest in a home and how much they have for a downpayment. \$350,000 was committed for a minimum of 12 grants. Two more reservations have come in. Most are for condo units.

Some applicants are interested in purchasing single family foreclosures that are being sold on the open market through realtors, which represent some good opportunities, but also new problems: They may be damaged from water and electricity having been turned off, or they may have lead based paint, so it will take more care on their part to make sure they and the purchaser are aware aware of the condition of the property and what it would take to make it habitable. Some of the lenders have the possibility of providing purchase rehab loans. They might be able to combine rehab funds from the City's rehab program. They are trying to get it more stabilized. They have been addressing it case by case.

Ald. Wollin asked whether the new federal money we may get can be used for this program, to which Ms. Spicuzza replied that the federal money has a number of components. Regarding rehabilitating foreclosed property there are limitations but it is possible, since one is that the property must be acquired for less than market value. They will be investigating this possibility.

Ald. Wollin commended the program. She said it looks as though the remaining money will probably be committed by the end of the first year of operation. Ms. Spicuzza replied that it is possible, or maybe before. She will report back to the Committee if there are any adjustments that they recommend based on their experience. She added that people are able to access the information and they like the program, and she believes it will get a lot of use.

### **ADJOURNMENT**

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

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Bobbie Newman