

**Planning & Development Committee
Minutes of June 8, 2009
Council Chambers 7:00 p.m. – 8:20 p.m.
Evanston Civic Center**

Aldermen Present: D. Holmes, L. Jean-Baptiste, R. Rainey, D. Wilson, M. Wynne
Staff Present: J. Chambers, K. Cox, B. Dunkley, D. Gaynor, S. Jackson, D. Marino, J. McCrae, B. Newman, R. Russell
Presiding Official: Alderman Wynne

DECLARATION OF QUORUM

Chair Wynne called the meeting to order at 7:25 p.m., a quorum being present.

APPROVAL OF MAY 26, 2009 MEETING MINUTES

Ald. Rainey moved approval of the minutes. Ald. Holmes seconded the motion.

The Committee voted unanimously 5-0 to approve the May 26, 2009 meeting minutes.

ITEMS FOR CONSIDERATION

(P1) Consideration of Request for Approval of 1540 Fowler Avenue Plat of Subdivision

Ald. Rainey moved to approve the subdivision. Ald. Jean-Baptiste seconded the motion.

The Committee voted unanimously 5-0 to approve the plat of subdivision at 1540 Fowler Ave.

(P6) Sidewalk Café for Type 1 Restaurant, Fraiche Bakery & Café

Ald. Rainey moved to approve the subdivision. Ald. Holmes seconded the motion.

The Committee voted unanimously 5-0 to approve the sidewalk café.

Chair Wynne advised the owner of Fraiche Bakery & Café to pick up their litter and everyone else's in the surrounding area.

(P2) Ordinance 38-O-09 Permitting a Special Use for Type 2 Restaurant, Subway at 1133 Emerson Street

Mr. Dunkley explained that 1133 Emerson is the end storefront and that there are conditions regarding appliances, litter collection, litter pickup and that deliveries be made in the alley that is just north of the shopping center, not in the parking lot, though there is no entrance or exit in the rear of the building. Delivery people will use dollies to transport the deliveries to the entrance at the front. Trash will be taken out the front door to be picked up in the rear. He said that all of the stores in this shopping center use the alley.

Ald. Rainey said it does not make sense to bring food from the rear to the front and that she has businesses in her ward that require that the deliveries are done in the parking lot in the front. Mr. Dunkley said there is a central area that is set up where trucks must park when doing deliveries.

Ald. Wynne asked the applicant and owner of the Subway, Mr. Verani, whether he felt that this created a hardship, to which he responded that he is willing to work with the neighbors and the rest of the tenants to work out the best solution.

Ald. Holmes moved to recommend introduction of the Special Use. Ald. Wilson seconded the motion.

The Committee voted unanimously 5-0 to recommend introduction of the ordinance at City Council.

(P3) Ordinance 39-O-09 Permitting a Special Use for Type 2 Restaurant, Subway at 3330 Central Street

Mr. Dunkley explained that the ZBA recommends approval of the special use for the Subway at 3330 Central Street but there was concern of potential traffic congestion: the parking lot is shared with a Starbuck's with a drive-through around the back which generates a fair amount of traffic. He said the proposed space was previously a wireless communications store that has been vacant.

Ald. Jean-Baptiste asked Ald. Tendam to speak about his communication in the packet regarding his concerns. Ald. Tendam said the consensus of the 6th Ward is that this is a good idea. They would like to welcome the Subway to the 6th ward but the big issue is the traffic. He said despite the fact that the Starbuck's is a drive-through it still generates a considerable amount of parked cars and he himself has parked at the CVS lot across the street to go to the Starbuck's. He said he believes the solution to the traffic issue is to find a way of controlling the cars exiting the lot. Cars exiting on the west side of the lot must turn right as there is a barrier preventing a left hand turn. Cars exiting onto Central can turn left onto a left turn lane onto Crawford, which is one of 3 lanes westbound and 2 lanes eastbound. He said limiting the turning there is a thought but it adds more traffic to an area of Central Street that 6th ward constituents are concerned about because it is near a park and school crossing. He said he is not sure that there is any ideal solution but he believes it deserves a study. He would like to see someone measure the effectiveness of limiting the turning and perhaps suggesting some alternatives to that. The problem there would be that if the traffic onto Central is limited, people might be tempted to actually go through the Starbucks drive-through, turn again and go onto Crawford. He said until the restaurant is installed it is hard to anticipate, but he thinks there should be some way of gauging just how much of a problem this could pose.

Ald. Rainey asked Mr. Marino if arrangements could be made for Mr. Verani to meet with Mr. Dahal, Senior Traffic Engineer, who has genius ways of working out traffic problems, and have him make a requirement to add to the special use, to which Mr. Marino replied that he would arrange it.

Chair Wynne introduced Mr. Verani to Ald. Tendam who explained that the concern is for traffic exiting the parking lot across two lanes of eastbound traffic. Ald. Tendam agreed with Chair Wynne to introduce the special use at Council and refer it back to the Planning & Development Committee until the traffic issue is resolved.

Mr. Ken Cox pointed out that they were discussing hanging the Special Use for this one particular site on something that affects the shopping center as a whole, which seems incongruous. If there is a

concern about the traffic flow, then the item could be referred to Public Works for a study but making it a condition of this particular special use when it is not the only use that creates traffic is the issue. Also the owner of the special use would not have control of the traffic flow to and from the shopping center as a whole, so attaching it as a condition of this ordinance could be unbalanced.

Ald. Rainey asked that we take a look at it and see how we can make it work. One way we can make it work is to insist and encourage the current applicant to meet with Rajeev Dahal because that whole shopping center might need to be addressed and it would be great if we can kill two birds with one stone. She said they can re-think adding it as a requirement to the special use, but that they should think positively on how to make it work so the residents of the 6th ward can have a Subway.

Mr. Verani said as a franchisee he is willing to work with the City. He said if this becomes a challenge, he wants to work together to resolve it. Mr. Marino said staff will work with Mr. Dahal and Mr. Verani as soon as possible to resolve the problem.

Ald. Rainey moved to introduce the special use and return it to Council. Ald. Jean-Baptiste seconded the motion.

The Committee voted unanimously 5-0 to recommend introduction of the Special Use at Council and to return the Special Use to the Planning & Development Committee, to give the applicant time to resolve the traffic issues.

(P4) Ordinance 40-O-09 Permitting a Special Use for Berglund Animal Hospital at 2515 Gross Point Road

Mr. Dunkley explained that the Berglund Animal Hospital has been operating for 40 years at this location and they propose to demolish the current structure and rebuild a larger, more modern structure to operate at the same capacity. He said the parking area which the hospital has used for many years is on public land: to reconcile that, it is proposed that the owners of the property arrange a lease for the parking spaces, which is being reviewed and will go to the Parking Committee and then to the Administration and Public Works Committee as a resolution. Because there is no opposition to the special use, staff has brought the ordinance before the Committee for introduction and recommend that it be held until the lease is executed so they can be presented at the Council level together because the special use cannot be approved until the parking requirement is satisfied.

Mr. Dunkley explained at Ald. Jean-Baptiste's inquiry, that when the animal hospital was established it was a permitted use. The zoning ordinance was subsequently updated to make animal hospitals special use, so they have been operating as a legal nonconforming use.

Chair Wynne suggested to send the item to Council and hold the item in Council until the July 13th P&D meeting, after the Parking Committee meets on June 24.

Mr. Cox advised that once an ordinance is introduced in Council it can only be held for one meeting. He advised that if it is held for longer, it must be tabled.

Ald. Jean-Baptiste moved to hold the item in Committee. Ald. Holmes seconded the motion.

Ald. Rainey asked that if it is delayed beyond the introduction and approval, that they suspend the rules so they can approve it and move it through. She said she has some issue with the parking requirement. Mr. Dunkley clarified that it is his determination, based upon the fact the animal hospital as a business is not planning to expand their customer base or the floor area that is devoted to

serving their customers: it is purely storage and laboratory equipment areas that are currently apparently in hallways so it is time for another facility. He said we have the hindsight because that parking has served them and their customer base for years and since they don't foresee an expansion of their customer base, it should continue to serve them. Ald. Rainey asked whether there is any problem with the lease, to which Mr. Dunkley replied that there is no problem at all. It is just a matter of it going through the proper legislative approvals.

The Committee voted unanimously 5-0 to hold the item in Committee.

Ald. Jean-Baptiste advised the representatives of the Animal Hospital to attend the Parking Committee meeting.

(P5) Recommended denial of application for Convenience Store Special Use for Ocean's Liquors at 1615 Sherman Avenue

Mr. Dunkley explained that there was a public hearing at the Zoning Board of Appeals (ZBA) meeting, at which the applicant proposed the full service liquor store. He said the ZBA voted 3 to 2 to recommend denial of the application, and that the basis of that recommendation was in the transcripts: the negative cumulative affect standard and the negative impact on nearby property values.

Ald. Fiske said she supports ZBA's decision to deny and hopes that the committee will also, because her constituents do not support it and it is her policy on any special use. She said when there is a special use that runs with the land, she wants to make sure that it really does have the support of surrounding property owners and business owners and this application does not.

Ald. Rainey mentioned that there was no opposition by the public at the ZBA meeting, to which Ald. Fiske replied that she had received many emails in opposition to it. Chair Wynne asked what the concerns of her constituents were, to which Ald. Fiske replied that this application for a convenience store in this neighborhood came right after the convenience store that was suggested for the building on Davis and Sherman, and that they had the same concerns about this use. She said she has not had one positive communication supporting it, but she has had many comments not in favor. She said the ZBA tends to be fairly supportive of uses and she agrees that their analysis of this was correct and that it would have a negative impact on the area and they do not want that.

Chair Wynne thanked her.

Ald. Rainey said she thought it was a good location and there is a need to fill a vacant store. Her reason for not approving it was the total unfamiliarity with the business by the operators. When ZBA asked the applicant about the liquor license that the Jewel has, he did not know that the Jewel has a liquor license, and it is walking distance from that store. She wondered whether that is a standard to deny. She added that one thing that is always curious in the system is that they are not approving a convenience store, that the special use has nothing to do with the liquor license, and she would be surprised if the candidate were to get a liquor license. She said she is not sure if they would want a convenience store without a liquor license. She said the City should amend the ordinance to define uses. Chair Wynne agreed.

Ald. Wilson agreed that the store would have a negative cumulative affect and would adversely affect the properties in the community, so he said he agrees with the recommendation for denial.

Ald. Rainey said it came up at the hearing, and she asked Mr. Cox whether the aldermen could go to the ZBA and testify on items that are coming to the Council for final decision unless it is their own property, to which Mr. Cox answered that he did not have the ZBA rules in front of him and he would get the answer to her as soon as possible. Ald. Rainey said Ald. Wilson voted on the matter in ZBA and also here, to which Mr. Cox replied that the Council rules do not speak about a former commissioner or ZBA member hearing an issue and then thereafter having a new position as alderman, hearing the same issue again, and that nothing appears to raise a problem with that and everything that is even close to that has to do with a person holding two positions simultaneously.

Chair Wynne said ZBA applies narrower standards than P&D. She said she would like to know the answer to Ald. Rainey's inquiry also.

Ald. Jean-Baptiste moved to accept the denial of the special use. Ald. Rainey seconded the motion.

Mr. Opina, the applicant of the special use, handed out an estimate of monthly sales for the proposed store which came from First Liquor of Evanston. He said he went online and researched them and found out that they have \$500,000 to \$1,000,000 of sales per year. He took the \$500,000 and reduced it to \$480,000 because his store is about half the size so he figured he would make about half of what they make. He said he also did estimates based on annual sales of \$360,000 and \$240,000. He said his father would be managing the store full time and his mother about 4 times a week. He had passed out tax reports of his parents' store in Highwood, Illinois from 2005 through 2008, including an estimate of 2009, and they do about \$2,000,000 in annual sales. Concerning his lack of experience, he said he has an accounting degree from University of Wisconsin, Madison, he was a teller at school and he is currently a teller supervisor at Lake Forest Bank and Trust. He said he realizes that it seems that he does not have experience but his parents are very capable of running a business and having their support and guidance will help him be successful. He said he would be in charge of closing the books at the end of the day. He had passed out a plan of the store. He asked what the Committee's concerns are.

Ald. Rainey asked how many vacancies are in the first floor of the building, to which he replied that there are two, one had been a Hallmark store and the other, Dr. Wax record store.

Chair Wynne said her concern from reading the transcript was his lack of experience in running a liquor store because it is a fairly complicated business to run. There are many issues that come up when you sell liquor that don't arise with other businesses. She is concerned that the level of staffing at the store would not be adequate and she was surprised that he did not understand that grocery stores in Evanston sell liquor, which told her that he did not have a good grasp of the Evanston market. She told him Evanston is very way about liquor sales and have great concern about underage drinking and how these businesses are run. She said the transcript indicated that his experience in the liquor business is pretty thin. She said that clearly his parents are experienced food marketers, but that does not necessarily give her much security that this business would be run as well as theirs adding that she is not familiar with their business. Mr. Opina replied that right next door to his mother's store is Jerry's Liquors and he has been getting all of his information and data from that business as to who delivers, what kind of expenses are applied to the business and they have been showing him the business. Chair Wynne asked whether he has worked there, to which he replied that he has not.

Ald. Wilson said we do not have an indication that the demand is not being met for this particular product which he is intending to sell, which is principally liquor. He said that being the case

definitely pushes it into this cumulative negative affect aspect. He explained that if there are too many liquor stores it will create problems with supply and demand but also it will increase the risk of again underage drinking and all the things that the Chair was indicating as well. He agreed with Chair Wynne that a liquor store is a special kind of operation and he believes there is a tendency for that to potentially adversely affect values of the properties in the immediate area, which is also a concern he has with the location.

Ald. Holmes asked whether his parents would be giving up their businesses to help him run his business, to which he replied that his father would quit his second job at Sunset Foods and his mother who works half days at her store would, on her days off, help him. Chair Wynne commented that he has very dedicated parents. Mr. Opina agreed, saying they are great.

Chair Wynne said given that information, it has been moved and seconded to accept the ZBA's recommendation of a denial.

The Committee voted unanimously 5-0 to accept the recommendation for denial of the special use.

ADJOURNMENT

The meeting was adjourned at 8:06 p.m.

Respectfully submitted,

Bobbie Newman