

**Planning & Development Committee
Minutes of February 27, 2006
Council Chambers – 6:30 p.m.
Evanston Civic Center**

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

Staff Present: J. Wolinski, C. Brzezinski, J. Carroll, G. Morgan, K. Cox, E. Szymanski, J. Brownlee

Presiding Official: Alderman Rainey

DECLARATION OF QUORUM

Chair Rainey called the meeting to order at 7:00 p.m.

APPROVAL OF THE SPECIAL MEETING MINUTES OF JANUARY 31, 2006 AND THE REGULAR MEETING MINUTES OF FEBRUARY 13, 2006

Ald. Wynne moved approval of both the January 31, 2006 Special Meeting Minutes and the February 13, 2006 minutes, seconded by Ald. Jean-Baptiste. The minutes were unanimously approved 9-0.

ITEMS FOR CONSIDERATION

(P2) Ordinance 38-O-06 – Planned Development for 1613 Church Street

This item was held in Committee and will be the first item on the agenda for the March 13, 2006 meeting.

(P3) Ordinance 32-O-06 – Adoption of the 2003 International Energy Conservation Code

Ald. Wynne moved approval of Ordinance 32-O-06, seconded by Ald. Bernstein.

Mr. Wolinski informed the Committee that this ordinance is for adopting the International Energy Conservation Code, 2003 Edition. This code has been supported by both the Environment Board and the Energy Commission and will fill the gaps between what the State has adopted as the 2000 Energy Code with the 2001 supplement and also with the 2003 International Residential Code and International Building Code. As pointed out in the memorandum, this code will make sure that virtually every type of structure built in Evanston complies with the Energy Conservation Code. Mr. Wolinski stated that they are not proposing adding any new staff for this code and that there will be a self-certification process by the State of Illinois Licensed Architects that will be substantial that their plans are in compliance with this code and also that the field work done by the contractor will also be self-certified. Ald. Bernstein asked if this is all prospective versus retro-active. Mr. Wolinski confirmed that this is for new construction, additions, and substantial rehabilitations from the time of adoption forward.

Chair Rainey acknowledged Mr. Len Sciarra, Environment Board Member, and Mr. Joel Freeman, Energy Commissioner. Mr. Sciarra thanked the P&D Committee for addressing this matter on their agenda. He noted that the 2003 version is more stringent than the 2001 version, primarily in the area of lighting. He said that this is particularly important for Evanston due to the current demand on our electrical distribution system. He went on reading from a prepared

statement which outlined the importance of the 2003 International Energy Conservation Code (IECC) represents basic good construction and that this code establishes minimum regulations for the design of energy efficient buildings and structures. He said that it is crucial to get the energy savings in at the beginning of a project to realizing the ultimate goal of reduced peak demand and reduced energy consumption. Mr. Sciarra noted that the majority of corporations and institutions that own their buildings already build to this code, Northwestern being an example. He said that nothing in the State law enacting the 2001 IECC prevents municipalities from enacting a more stringent energy conservation codes or standards and uniformity with the State of Illinois Energy Conservation Code should not be a major factor in this decision to enact the more current 2003 version. Mr. Sciarra stated that Evanston should lead by example in the environment area which he believes everyone is working for. Both the Environment Board and Energy Commission believe the Evanston should be a leader on issues of sustainability and he quoted from the Comprehensive General Plan of 2000 on specific points regarding this issue. He informed the Committee that he and Mr. Freeman work with energy codes everyday and are available for any questions or to assist in the planning stages for planned developments or other the constructions of other building structures.

Ald. Moran expressed his concern with not receiving any analysis on the impact of this statute within the correspondence presented in their packets regarding this item. He recalled past discussions on this matter about the differences between State code and the municipal implemented code and would like to see these comparisons again. He said it is important to understand what the implications are for adopting an ordinance like this. He asked if the construction industry have been solicited of their opinions on the impact of this code. Mr. Wolinski responded that they have been discussing the energy conservation code issues with contractors and developers for at least the last 18 months regarding the State adoption of the 2000 and 2001 Energy Conservation code and they were informed that once the State adopts this code and begins enforcement, the City of Evanston will begin enforcement as well. The 2003 code covers a couple of areas primarily in lighting and power that is not part of the State code at the present time. He said, as far as conversation with contractors and developers, this has taken place over the last year and a half. Ald. Moran questioned the actual content of those conversations and how much information was given and he believes it is uncommment upon the City to have a grasp of the impact and implications are of this ordinance. He reiterated that the limited amount of information forwarded to the Committee in this packet does not address the questioned he is concerned with. He appreciated the representatives of the Energy Commission and Environment Board being present and understands the perspective they bring to this, however if they are to have a balanced discussion about the wisdom of adopting this code, then it would be beneficial to also have the construction industries feedback that would be impacted by this code. He is not comfortable at this point to vote on this matter without review of further information. Mr. Wolinski clarified that what he meant by conversations with contractors and developers is that it was informative to this industry that when the State decided to adopt the 2000 and 2001 Energy Codes that this was going to become the law of the State and that all municipalities were going to have to conform. He said that this more or less was the stance of the staff recommendation up until approximately the past 6 months and the Energy Commission and Environment Board have felt that this has not gone far enough since there were gaps in what they were promoting. He stated that the direction here is that they would adopt this ordinance so that they would have both the State Energy Code, 2000 and 2001 versions, and the 2003 International Energy Conversation Code to fill those gaps.

Ms. Brzezinski explained first that the State code, which will go into effect April 10th, covers all new commercial buildings and residential buildings that are taller than 3-stories; the code does

not cover residential buildings less than that. She continued that last May, the City adopted the 2003 International series of codes that covers all construction building, which the 1 & 2 family residential code already has built into it minimum energy code standards such as installation and mechanical systems but do not include lighting. Therefore, what they are left with in the gap between the State code are for above 3-stories residential buildings, which were not being addressed here in Evanston under the 1 & 2 family dwelling residential code. Ms. Brzezinski stated that the code requirements are very similar between the 2003 and the State code of 2000 with the 2001 supplements. She said there are few differences, which Mr. Sciarra mentioned earlier, particularly with the electrical aspects. She noted that as far as what the contractors think of this code, they have already had for the last 8 months, the residential portion and quite honestly staff has not had much negative feedback. She said as more and more communities have adopted this code, which the City of Chicago has had in place for more than 3 years, it is not unfamiliar to the construction industry. Ms. Brzezinski said that they were originally told by State representatives that they were going to adopt the 2003 version, which is why the City didn't initially and they thought it was just leaving out just 1 & 2 family residential, it turns out that it left out 3-stories and down. Therefore, as the State went through their legislative process, it changed some from what they were initially informed of through Julie Hamos' office. She reiterated that this code will bridge that gap between the two codes. In response to Ald. Moran's concerns, she explained that this code is something that more and more contractors, owners, and developers are getting familiar with. She noted that the financial implications as far as submittals and other specific costs, that she would be happy to research or investigate further.

Ald. Wynne said that one of her concerns has been somewhat addressed by Ms. Brzezinski regarding what other communities surrounding Evanston have adopted this International code that they are addressing here. She retracted that it was mentioned that the City of Chicago has had this in place for several years and asked what other surrounding communities have adopted this code. Ms. Sciarra responded that Glenview has adopted this code, noting that the entire Glen project was developed using the 2001 code, Naperville has the 2003 code, Normal, Rockford, Peoria, Lincolnwood are some additional communities that have also adopted this code. He said that there are approximately 26 municipalities in Northern Illinois that have adopted either the 2001 or 2003 codes. Ald. Wynne noted that Evanston is clearly not the first community to adopt this code, therefore the majority of contractors are not just learning of about this code and have knowledge about the adoption of this code throughout the State of Illinois. She appreciates Ald. Moran's request for additional information and understanding the financial implications, however part of their entire strategic plan discussion has been that Evanston "thinks" it is green but in actuality is not as green as it should be, especially in keeping with other surrounding communities. She believes this code is taking Evanston a step in the right direction, especially with the level of construction going on right now. She said it would be such a shame for Evanston to miss any more of this new construction coming under the latest energy code that they could possibly have. Ald. Wynne stated in her opinion, it seems that if even the City of Chicago has moved forward on this by several years that there can't be many contractors that operate here in Evanston that are not familiar with this code.

Ald. Moran responded that there have been many time in Evanston's history where they were not necessarily looking to jump on the same track as the City of Chicago. He said that this might be a good indicator, however he is not convinced nor completely comfortable with the fact that just because other municipalities have adopted this code that it necessarily means that Evanston should do so as well. He reiterated his concern for what is best for Evanston and how this will financial impact on development here and the cost implications that could effect homeowners here as well. He said that they are operating under the State ordinance that applies to Evanston

right now and have since the State adoption of that ordinance and the fact that Ms. Brzezinski talks about the differentiation between what was adopted by the State and this particular ordinance suggests that there was negotiation that was conducted in the State legislature that differentiated between different proposals that clearly lead some to believe that what would be mandated by this ordinance was not what our State Legislators were looking to have happen. He still feels uncomfortable with voting on this based on the information forwarded to the Committee in their packet and that it would be beneficial to review the financial implications and to consider the construction trades feedback on this matter.

Ald. Tisdahl stated that she is excited about finally voting in favor of the addition of this energy code and having the opportunity to support this. She admits that it may be more demanding than the State code, which she is grateful of, and the increased demand will increase energy conservation, which is what the City of Evanston has been wanting to do. She understands that the inclusion of this ordinance is a doable deed, which she corresponds with knowing that the City of Chicago and many other municipalities have adopted this code and have implemented, in accordance with Ms. Brzezinski's comments. Ms. Brzezinski confirmed that the requirements of this code is completely doable and understood by the majority of the construction industry and fully supports this because it fills a gap of an area that was not covered under the current code. She even backs any financial implications that incur due complying by this code because it is in unison with the adoption of all other building codes that are required to be adopted to update in keeping with the current code requirements.

Chair Rainey concurred with staff's comments and recommendation, however she does find Ald. Moran's request for additional information to be logical and would be helpful to see at this point in moving forward with this issue. She noted that this item is up for introduction this evening and asked staff if they could provide the requested information by Ald. Moran by the next meeting. Ms. Brzezinski responded that staff could provide that information and noted that all of the background research and analysis was forwarded to the Committee from previous discussions on this matter, but can be retrieved and forwarded again. The Committee members all agreed to this.

Ald. Jean-Baptiste asked Ald. Moran who in his opinion should receive notice of the adoption of this code. Ald. Moran responded that somehow all of the construction industry should be notified of Evanston's current consideration on adoption of this code even if they are aware of other municipalities and the City of Chicago's position. He acknowledged that this could be a difficult task, but his main concern at this point is the need to know the impact on the construction industry, whether positive or negative, and he is very interested in their feedback since it will effect their business, as well as the financial impact that will be filtered down to the homeowners. He said that it would also be helpful to review a comparison analysis of the differentials between the code updates. Mr. Sciarra responded by recalling the previous information and correspondence forwarded to the Committee, which was extensive and covered cost analysis on residential cost estimates and commercial cost estimates and the projected years it would cost to recover the added expense to comply by the requirements of this code. The estimated projected time analysis for both residential and commercial expanded over a period of approximately 3-5 years for total cost recovery. Mr. Sciarra, Mr. Freeman, and Ms. Brzezinski assured that all previous correspondence and analysis is available and can be forwarded to the Committee before the next scheduled meeting.

The P&D Committee members discussed this further and concurred that it would be beneficial to review some financial analysis and impacts incurred with the inclusion of this code and to see a comparison breakdown of the differentials between the 2000 and 2003 energy codes. As far as

the construction industry feedback at this point, Ald. Bernstein pointed out that there will definitely be some contractors that support this and some that will have opposition to the code. However, that is anticipated with any other code adoptions and revisions and is expected in lieu of having to keep up with current State code requirements and regulations as they occur. Ald. Wynne addressed Ald. Moran recalling that all the information he is requesting for further review was assuredly forwarded to this Committee from previous discussions and he should have examined that information then. She noted that this matter has not just been considered by this Committee and has been in the pipeline for some time now. However, she will concur with her fellow Committee members that more information should have been included with this item in their packet for consideration at this time. Chair Rainey amended the motion to introduce this item this evening and refer back to Committee with the requested information to be provided to by the next regularly scheduled meeting. Ald. Bernstein moved the amended motion, seconded by Ald. Tisdahl. The vote was 8 in favor of the motion and 1 voting nay (Ald. Moran).

(P9) Ordinance 36-O-06 – Special Use Request for a Type 2 Restaurant at 1625 Chicago Avenue
THIS ITEM WAS TRANSCRIBED BY COURT REPORTER LAURA BERNAR, IN ACCORDANCE WITH THE KLAEREN RULES. THEREFORE DETAILED MINUTES ARE AVAILABLE WITHIN THE ATTACHED TRANSCRIPT.

ADJOURNMENT

The meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Jacqueline E. Brownlee

PLANNING & DEVELOPMENT COMMITTEE
 CITY OF EVANSTON
 2100 RIDGE AVENUE
 EVANSTON, ILLINOIS 60204

FEBRUARY 27, 2006
 7:00 P.M.

BOARD MEMBERS PRESENT:

MS. ANN RAINEY, Chairman; MS. CHERYL WOLLIN, Alderman; MR. LIONEL JEAN-BAPTISTE, Alderman; MS. DELORES A. HOLMES, Alderman; MR. EDMUND B. MORAN, Alderman; MS. ANJANA HANSEN, Alderman, MR. STEVEN BERNSTEIN, Alderman; MS. ELIZABETH TISDAHL, Alderman

STAFF MEMBERS PRESENT:

MS. ELLEN SZYMANSKI - Assistant Corporation Counsel
 MR. JAMES WOLINSKI - Director of Community Development
 MS. JACKIE BROWNLEE - Executive Secretary

RE: 36-O-06
 1625 CHICAGO AVENUE

MADAM CHAIRMAN RAINEY: We're going to get started. First of all, anybody here to hear the Hines, the Church Street townhouse use. Anyone here for that? Just so you know, we're not going to deal with that tonight. I'm not sure if the word got out to everyone, but we attempted to make a huge, we made a huge effort, attempted to reach everyone. The reason we are not, we are excluding that from our agenda tonight, is we did not receive the transcript until late this afternoon. So we will have that at the top of our list at our next meeting on March 13.

The Mather project is not in committee tonight. It is on the Council floor, but that will be held for the March 13 also. So we'll get on with the rest of our business tonight.

First item is the Church Street project which we are holding until next week.

Moving right along. The next item we have is Ordinance 36-O-06 special use for a type two restaurant at 1625 Chicago Avenue D&D Dogs. I don't know what this Wild Dogs is.

Can we have a motion?

ALDERMAN WYNNE: I move approval.

CHAIRMAN WOLLIN: Second.

MADAM CHAIRMAN RAINEY: Okay. Any discussion before we hear from the applicant? Okay. Could you introduce yourselves and give your address and your connection to the project.

MR. M. DOUVIKAS: Good evening. I'm Matthew Douvikas. This is my brother Billy. The address is 1625 Chicago Avenue. What other information would you like us to have?

MADAM CHAIRMAN RAINEY: Whatever you -- I mean you came up to the podium; whatever you'd like to share with us.

MR. DOUVIKAS: Well, my brother and I would like to run a Wild Dogs fast food restaurant based on the model that is currently running at D&D Dogs on Noyes Street. And it's basically going to be a hot dog, gyros, burger fast food restaurant. And it's come to our attention that there are some issues that have come across like garbage disposal that we've recently acquired some dates from Onyx, and I can present those to you if you like.

MADAM CHAIRMAN RAINEY: Alderman Wynn?

ALDERMAN WYNNE: How long have you owned D&D Dogs?

MR. B. DOUVIKAS: Twenty years.

ALDERMAN WYNNE: This is your family business?

MR. B. DOUVIKAS: My father is right over there.

ALDERMAN WYNNE: So that's what I wanted to make sure, that you've been a long-term restaurant --

MR. B. DOUVIKAS: Long time in the neighborhood.

ALDERMAN WYNNE: I think you mentioned staff has already addressed one of our biggest concerns in our downtown with Type 2 restaurants is later, and we have initiated about two years ago downtown well, actually throughout the city a

program to address litter problems that are created by the presence of Type 2 restaurants. And so that's something that's very, very important to us to make sure that the litter program is understood by you and your staff and is adhered to, because we're much stricter about enforcement than we used to be.

MR. B. DOUVIKAS: I read over the litter collection program in downtown Evanston, I believe it was 200 yards.

ALDERMAN WYNNE: 250 feet. And you're responsible for all garbage; not just yours. But if you run into something from Whole Foods, you know, you need to pick it up.

MR. B. DOUVIKAS: I agree to this.

MADAM CHAIRMAN RAINEY: Alderman Wollin?

ALDERMAN WOLLIN: Is this, is it my understanding that this is owned by the North Shore Hotel.

MR. B. DOUVIKAS: Yes, ma'am.

ALDERMAN WOLLIN: How long is your lease?

MR. B. DOUVIKAS: It's five-year and a five-year option. Two representatives from North Shore are currently here also.

ALDERMAN WOLLIN: And part of the arrangement was to have an additional trash bin in the front of the sidewalk; is that correct?

MR. B. DOUVIKAS: It was. We brought it up at the ZBA meeting and they said that we have to go through a, I guess another source through -- it's the City's approval. We'll put it out there, but it has to be approved by the City. They have to -- the pick-up is our responsibility.

ALDERMAN WOLLIN: I guess that's my question. Is there a design element to the trash can?

MADAM CHAIRMAN RAINEY: I didn't know about that.

ALDERMAN WOLLIN: It's part of the plan if they want to put in additional garbage can in front and whatnot. Will you be responsible for taking care of the garbage?

MR. B. DOUVIKAS: Yes.

MADAM CHAIRMAN RAINEY: So why don't we make sure that there's a contact so that there can be that there.

ALDERMAN WOLLIN: We'll take care of it.

MADAM CHAIRMAN RAINEY: One thing that I thought was interesting in the transcript was a woman who is an alley neighbor came and -- I mean people waited to speak, but she said that they have a very clean alley. But I have a question for you. What's with the name of this place? It's hard for me to see Wild Dog Restaurant at the North Shore Hotel. It's just hard. And why is that the name? What's the --

MR. B. DOUVIKAS: We felt that D&D Dogs isn't that appealing anymore for a downtown Evanston location where, you know, a lot of young people, a lot of students come into the area.

MADAM CHAIRMAN RAINEY: And Wild Dogs, see, that's to me it has violent connotations.

MR. DOUVIKAS: We wouldn't want to discriminate towards the residents of Evanston, you know, keep the students in mind only, but we were thinking of something that would separate us a little bit from the current D&D Dogs location just north of the city center and go with something a little bit edgier; but that's something up for discussion as well will.

MADAM CHAIRMAN RAINEY: But as a customer I find that a negative name, but that's just me.

Alderman Bernstein and then Alderman Wollin.

ALDERMAN BERNSTEIN: I would suggest that you continue your dad's operation to the extent that you can, and any relationship you have to D&D Dogs on Noyes Street is going to stand you in good stead because you run a wonderful operation so I know that this is, you're setting out, you're breaking out, don't diminish that name and the importance it has; plus the fact that you're going to be serving a different contingency, constituency, but, you know, that's not for us to decide in this committee.

With respect to the ventilation, are you going to vent into a common hood? Do you have --

MR. B. DOUVIKAS: It's a one-story building.

ALDERMAN BERNSTEIN: So it's not -- Okay. And where does the ventilation system come out in relationship to North Shore Hotel? I know that they're more concerned than I should be because it's their residents involved.

MR. M. DOUVIKAS: It vents out about, what is it, like three store fronts to the north of North Shore Hotel.

ALDERMAN BERNSTEIN: It's far enough away. Could you have a blower blowing it north away from hotel?

MR. DOUVIKAS: Whatever we need to do not to be a nuisance to the residents at North Shore.

ALDERMAN BERNSTEIN: They run a very, very good operation at D&D Dogs. Your father is to be commended. And do as well as he's done, and you'll do us proud.

MR. B. DOUVIKAS: Thank you.

MADAM CHAIRMAN RAINEY: Okay. Did Alderman Wollin?

ALDERMAN WOLLIN: My last question, and I think I talked to you about this, Matt, on the phone, was signage. You know, Chicago Avenue is a much more downtown kind of venue than Noyes Street, and so I'm hoping, and the signage goes through another sign review board. But I really want it to be in keeping with the classiness of Chicago Avenue.

MR. M. DOUVIKAS: Absolutely, Miss Wollin, absolutely.

MADAM CHAIRMAN RAINEY: Okay. What's your time frame?

MR. B. DOUVIKAS: We're looking to open between May and June actually.

MADAM CHAIRMAN RAINEY: Thank you very much.

MR. M. DOUVIKAS: Thank you for having us.

MR. B. DOUVIKAS: Thank you very much.

MADAM CHAIRMAN RAINEY: All right.

ALDERMAN BERNSTEIN: Did we vote?

MADAM CHAIRMAN RAINEY: Any other comments, anybody else have anything to say? Hearing none, all those in favor of recommending introduction for this Type 2 restaurant called Wild Dogs?

(Chorus of ayes.)

MADAM CHAIRMAN RAINEY: Any opposed?

(No response.)

(Which were all the
proceedings had.)

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, LAURA BERNAR, being a Certified Shorthand Reporter doing business in the City of Des Plaines, Illinois, County of Cook, certify that I reported in shorthand the proceedings had at the foregoing hearing of the above-entitled cause. And I certify that the foregoing is a true and correct transcript of all my shorthand notes so taken as aforesaid and contains all the proceedings had at the said meeting of the above-entitled cause.

LAURA BERNAR, CSR
CSR NO. 084-003592k