

Minutes of the Planning Commission of the City of La Salle

A meeting of the La Salle Planning Commission was held Thursday, April 30, 2020 at 5:30 p.m. Chairman Tom Pigati presiding with proper notice being duly and continuously posted. The meeting was held via conference call through the WebEx platform with the committee members, petitioners and the public having the ability to participate in the meeting by dialing 312.535.8110 using access code 298-753-589 and password 5272553.

The meeting was called to order at 5:30 p.m. by Chairman Tom Pigati.

ROLL CALL

PRESENT: Tom Pigati, Nikki Baer, Charlie Faletti, Larry Happ, Bart Hartauer, Tyler Ketter, Jack Sadowski, Jeff Sloan, Don Spayer, Nicole Supan, Luke Tomsha

ABSENT: John Fletcher

OTHERS PRESENT: City Clerk Carrie Brown, Attorney Jim McPhedran, Building Inspector Andy Bacidore, Building Inspector Brian Brown, Economic Development Director Leah Inman, petitioners Spencer Szuda, Gary Quesse, Power Home Solar representative Paul Gryniuk, member of public William Lushina.

A quorum was present.

The Pledge of Allegiance was recited.

Chairman Pigati welcomed Nicole Supan to the Planning Commission and thanked her for her willingness to serve. He then briefly reviewed the general procedures for the meeting.

Chairman Pigati read the first petition of the evening which was the request of Bryan Law on behalf of Power Home Solar, LLC for a Special Use Permit to construct a roof-mounted solar development endeavor at the home of Spencer and Stacy Szuda located at 1202 Tonti Street. Chairman Pigati confirmed that all Planning Commission members had information concerning this petition, including specs and engineering plans.

Mr. Paul Gryniuk, National Sales Trainer with Power Home Solar, LLC explained that at the Szuda property, the company will be installing 14 solar panels on the south side of the roof in order to get the morning and evening sun. The panels are non-reflective so do not create a hazard to anyone driving on the road. The panels are durable and actually serve as protection for the roof as they are designed to deal with harsh conditions. He indicated that these panels still have 80% efficiency after 30 years of use. Mr. Gryniuk explained that in essence Mr. Szuda is taking ownership of his power and powering his own home.

Mr. Pigati inquired as to what type of contract the company has with Mr. Szuda. Mr. Gryniuk explained that Mr. Szuda is purchasing the panels and the installation. He explained that Power Home Solar works with the customer from start to finish by handling the installation, permitting, and take care of any service type issues. Mr. Gryniuk said Mr. Szuda will have a five- year workmanship warranty and the panels have a 20- year manufacturer warranty.

Nikki Baer asked if Mr. Szuda will be selling any excess power back to the power company. Mr. Gryniuk explained that this is a net-metering agreement. Mr. Szuda has

limited roof space so his system is not large enough to overproduce. He is essentially receiving a 35% offset. However, during the times he overproduces, the excess power that is produced, through a relationship with the power company, is sent to the grid and more or less stored for free, so that during the times where he needs more power it is pulled from those credits. So, in a sense it does go to the power company, but he is not receiving payment in the form of a check.

City Attorney Jim McPhedran asked Mr. Gryniuk if his company was in agreement with the following items:

1. That his company and Mr. Szuda agree to comply with the rules and regulations of the City pertaining to permitting and other requirements in City Ordinances.
2. That his company and Mr. Szuda agree to comply with any other governmental rules and regulations regarding decommissioning of the panels upon cessation of use.
3. That his company and Mr. Szuda agree that the exact location of the solar panels will be subject to approval by the Building Inspector and City Engineer of the City of La Salle.
4. That his company and Mr. Szuda agree that if the solar panels are non-operational for more than a year and a half, the Special Use Permit will terminate.

Mr. Gryniuk stated that his company and Mr. Szuda understand the terms and agree 100% to comply with all of the above terms and conditions.

Attorney McPhedran suggested that a copy of the General Notice to the public and the information provided by Power Home Solar, LLC and for the Quesse request be made part of the record as Exhibit #1.

Chairman Pigati then asked being the Szudas own the panels, if they choose in 15 years to remove the panels, what options are available to them. Mr. Gryniuk stated that the homeowner has several options, including removing the panels and reinstalling them at a new location, leaving the panels at the property giving the home a higher resale value or transferring the loan to the new homeowner.

Chairman Pigati wondered what would happen in 15 years if a more efficient energy source comes along. He asked who would be to decommission the system. Mr. Gryniuk explained that after 15 years the panels would be more or less paid for and after 30 years the panels remain 80% efficient. So, in his opinion, even if there was a more sustainable energy source, there would still be benefit in keeping the solar panels.

Attorney McPhedran asked Mr. Gryniuk to swear or affirm that the testimony he presented this evening was the whole and total truth. Mr. Gryniuk stated that his testimony was the whole and total truth.

Nikki Baer asked how long Power Home Solar has been in business. Mr. Gryniuk said the solar portion has been in business for the last four years, with the owners being entrepreneurs for the last 15 years. He continued by saying the company has done approximately 17,000 installs, have an A+ rating with the Better Business Bureau and have no unresolved customer service issues.

Chairman Pigati then asked if there were any other questions or comments from the public. There were no further questions and no comments or objections from the public.

It was then moved by Jeff Sloan and seconded by Charlie Faletti that we find the petitioner's request for the Special Use Permit for the construction and operation of a proposed roof mounted solar development endeavor with related fixtures and appurtenances on the premises commonly known as 1202 Tonti Street, which premises are presently zoned R-2, Single Family Residence, within the City of LaSalle, is overall compliant with parameters and requirements of the LaSalle Zoning Ordinance for the granting of a Special Use Permit, including, but not limited to, the petitioner's request being in the overall public good and further consistent with the purpose and intent of the LaSalle Comprehensive Plan and Zoning Ordinance, and I move that we recommend the granting of the petitioner's request for a Special Use Permit on the premises, subject to the following:

(a) That Power Home Solar, LLC, a North Carolina, LLC doing business, in amongst other places, within LaSalle County, Illinois through Brian Law, and its agents, and the owners, Spencer D. Szuda and Stacy A. Szuda, additionally comply with all rules and regulations of the City of LaSalle in regard to the obtaining of building permits and other requirements of the City of LaSalle Ordinances;

(b) That the party obtaining said Special Use Permit and the owners comply with all other governmental rules and regulations including, but not limited to those related to decommissioning of the site upon cessation of use;

(c) That additionally, notwithstanding anything else contained herein to the contrary, the exact location of the roof mounted solar development and related matters shall be subject to the joint approval of the Building Inspector and City Engineer of the City of LaSalle;

(d) That additionally, notwithstanding anything else contained herein to the contrary in regard to termination, the Special Use Permit shall also terminate in the event that the solar panel endeavor shall be non-operational for a period of in excess of one and a half (1½) years.

(e) That said Special Use Permit may be assigned provided that consent is obtained therefor from the City of LaSalle, which consent shall not be unreasonably withheld.

(f) Subject to such other terms as the City Council deems appropriate in the exercise of appropriate discretion.

ROLL CALL

AYES: Nikki Baer, Charlie Faletti, Larry Happ, Bart Hartauer, Tyler Ketter, Jack Sadowski, Jeff Sloan, Don Spayer, Nicole Supan, Luke Tomsha, Tom Pigati

NAYS: None

ABSENT: John Fletcher

Motion carried.

Chairman Pigati explained that this is a recommendation only. The recommendation will be given to the City Council for final approval. He suggested that the petitioners call in to the meeting. The City Council meeting will be held on Monday, May 4, 2020 at 6:30 p.m. City Clerk Brown stated that she will make sure both Mr. Szuda and Mr. Quesse have the call-in information for Monday's meeting. Mr. Szuda thanked the Planning Commission for their help and effort.

Chairman Pigati then explained the next petition and request to be that of Gary W. Quesse, William G. Quesse, Jr., James A. Quesse and Deborah Ann (Krusinski) Lyons as their interests may appear, for the rezoning of certain premises being commonly described as 2330 St. Vincent Avenue, within the City of LaSalle, LaSalle County, Illinois, presently zoned R-1, Single Family Dwelling, with said rezoning request to be changed from R-1 Single Family Dwelling to C-1 Neighborhood Shopping.

Mr. Gary Quesse stated that the goal of the petition is to obtain rezoning to C-1. He said most properties surrounding the property formerly owned by his parents zoned commercial. (Seeds of Change, Dollar General, Sanchez Tune-Up and Brakes, The Paramount Club). They would like to have the property zoned C-1 mainly for the purpose of resale. Mr. Quesse indicated that when his dad was alive, he was told the property was zoned commercial. When he passed, the family looked into this further discovered the property was in fact zoned R-1 single family residence.

Attorney Jim McPhedran asked Mr. Quesse if it would be correct that if the Planning Commission were to recommend the granting of this petition, that he and his family would agree not to use the property as R-4 Multiple Family housing. Mr. Quesse stated that they agree to that stipulation and would be willing to sign anything agreeing to that point. Attorney McPhedran also confirmed that all the testimony provided by Mr. Quesse was true and correct and that Mr. Quesse would swear or affirm to that. Mr. Quesse stated that all the testimony he provided was true and correct.

There were no questions from the Planning Commission members. There were also no objections from the public or public comments regarding the Quesse petition.

It was moved by Jeff Sloan and seconded by Luke Tomsha that we find that regarding the petition of Gary W. Quesse, William G. Quesse, Jr., James A. Quesse and Deborah Ann (Krasinski) Lyons, as their interests may appear, for rezoning of certain premises commonly known as 2330 St. Vincent Avenue within the City of LaSalle involving LaSalle County PIN 18-10-412-039, that we find that the petitioner's request is overall compliant with the parameters and requirements of the LaSalle Zoning Ordinance for the granting of such a zoning change for a commercial development, subject to the following:

1. The covenant and condition that the premises not be used for R-4, Multiple Family Housing as said term has been defined and interpreted under the City of LaSalle Zoning Ordinance is agreed to by the petitioners.
2. Subject to such other terms and conditions as the City Council should deem just and appropriate in the circumstances.

ROLL CALL

AYES: Nikki Baer, Charlie Faletti, Larry Happ, Bart Hartauer, Tyler Ketter, Jack Sadowski, Jeff Sloan, Don Spayer, Nicole Supan, Luke Tomsha, Tom Pigati

NAYS: None

ABSENT: John Fletcher

Motion carried.

Chairman Pigati again explained that this is only a recommendation to the City Council. The final decision will be made on Monday, May 4, 2020 at 6:30 p.m. Mr. Quesse was asked that he attend the meeting in case the council has any questions.

Chairman Pigati reviewed the third item up for consideration by the Planning Commission which was in regard to the requirement for a Special Use Permit for certain solar endeavors. Chairman Pigati explained that as solar panels become more popular, it is the thinking of the City that the Zoning Ordinance should be amended so that the requirement for a Special Use Permit be eliminated and instead the plans and permitting would be reviewed and approved by the Building Inspector and City Engineer. However, building permits would still be required. Attorney McPhedran said that the City Council would also have the right to input on this matter. He said the public would still have protection through the Building Inspector and City Engineer and through the rules the City Council would implement and deem appropriate. At this time, this would be a recommendation from the Planning Commission that it would no longer be required to obtain a Special Use Permit for solar panels endeavors. Attorney McPhedran stated that we have had several requests for these types of solar panels come through in recent months and he did not recall any objections from the public. As an additional point to consider, Attorney McPhedran explained that the issuance of a Special Use Permit requires additional resources such as time and expense. He said from the input he has heard this seems to be a reasonable approach to take. If the City finds that things are changing, the City Council can always revisit the issue and require Special Use Permits once again or add other appropriate conditions.

Chairman Pigati said if there is a problem with a certain contractor, the City would have the right not to issue the permits.

Chairman Pigati asked if any of the Planning Commission members had any questions or comments regarding the removal of the Special Use Permit requirement for solar panels.

Bart Hartauer said he thought it was a great idea. Nikki Baer asked for clarification if this recommendation pertains only to rooftop solar panels and not ground solar developments. Attorney McPhedran stated that it would apply to both types, but building permits would still be required. He continued by saying that depending on the circumstances there may be other requirements in the Zoning Ordinance having to do with accessory structures and zoning requirements that could apply to ground developments.

Attorney McPhedran stated that this is a work in progress. If any issues arise in the future, the topic could be revisited. Further discussion followed regarding how to handle rooftop solar panels versus ground developments.

Jack Sadowski said he does not think the panels are offensive, but we have mostly been talking about rooftop developments. He said ground developments are a bit different and wondered if a Special Use Permit could still be required for open lots or yard developments. Attorney McPhedran said he could make that part of the recommendation to the Council. Attorney McPhedran asked City Engineer Brian Brown if we had prohibitions in our ordinances regarding accessory structures in a residential area. Mr. Brown said there are prohibitions, but he was not sure if a solar development would be considered a structure. He stated that he believed that would have to be

further clarified and defined. Attorney McPhedran stated that if the Planning Commission feels strongly enough about this, they could recommend that ground solar developments still require a Special Use Permit.

Nikki Baer and Jack Sadowski indicated that having that exclusion would be their preference.

Don Spayer suggested that any panels in a yard should come before the Planning Commission, he was in favor of that option.

A straw poll vote was taken to get a sense if the Planning Commission preferred eliminating the Special Use Permit for all solar developments or for the rooftop type only.

Clerk Brown took a roll call straw vote and all Planning Commission members present were in favor of eliminating the requirement for a Special Use Permit for roof-mounted solar panels, but not for ground solar panels.

Mike Girton, member of the public, asked City Engineer Brown if someone buys a large shed and wants to put a solar panel on the roof, would they still need a permit. Mr. Brown said they would need a building permit and electrical permit so permission would have to come through the City.

Tom Pigati asked if someone wanted a panel on the side of a building, would that be included or would that be a Special Use? Nikki Baer said she had never seen one on the side of the building. Bart Hartauer said we have mostly seen the rooftop type, so if something different comes through it would have to be approved.

City Engineer Brown in thinking further about Mr. Girton's question, suggested that the recommendation could solely apply rooftop panels on residential homes or attached garages. Mr. Brown said he was unsure if enough power could be generated from panels on smaller structures to make it cost effective for the owner. Attorney McPhedran stated that sheds or other structures would still have a rooftop though. Tom Pigati asked the Planning Commission members if they had any objections to solar panels being placed on sheds, garages or other structures as long as there is a rooftop. There were no objections.

There were no further comments or questions from the Planning Commission members and no objections or comments from the public.

It was moved by Jeff Sloan and seconded by Nikki Baer that we recommend to the LaSalle City Council that City of LaSalle Zoning Ordinance #590 as amended from time to time, within Chapter 53 of the LaSalle City Code, including, but not limited to, Section 153.015 through 153.032 related to Zoning Districts and Section 153.075 et seq. related to Special Use Provisions, specifically in regard to Solar Panel Developments, be amended to provide that Solar Panel Developments of the roof-mounted type only in any Zoning District no longer be considered to be automatically subject to requiring the granting of a Special Use Permit in order to be implemented, but rather that Solar Panel improvements roof-mounted only and installations be subject to the building permit process and be further subject to such other rules, conditions and regulations as the LaSalle City Council should deem just and appropriate in the circumstances.

ROLL CALL

AYES: Nikki Baer, Charlie Faletti, Larry Happ, Bart Hartauer, Tyler Ketter, Jack Sadowski, Jeff Sloan, Don Spayer, Nicole Supan, Luke Tomsha, Tom Pigati

NAYS: None

ABSENT: John Fletcher

Motion carried.

The recommendation is to no longer require a Special Use Permit for any roof-mounted solar panel developments on any type of structure with a roof.

Chairman Pigati asked the Planning Commission members to keep their copies of Zoning Classifications sent to each member as reference for future petitions so they do not have to be recopied each time.

Moved by Charlie Faletti and seconded by Bart Hartauer to adjourn the meeting.

The meeting was adjourned at 6:33 p.m.



Carrie Brown, City Clerk