

**PLAN COMMISSION
VILLAGE OF DEERFIELD
Minutes**

The Plan Commission of the Village of Deerfield called to order a Public Hearing Meeting at 7:30 P.M. on July 28, 2022 at Deerfield Village Hall.

Present were: Al Bromberg, Chairman
Sara Lubezny
Bill Keefe
Lisa Crist
Jennifer Goldstone
Blake Schulman

Absent were: Kenneth Stolman

Also present: Daniel Nakahara, Planner
Ben Schuster, Village Attorney

Chairman Bromberg swore in all who plan to testify before the Commission.

Public Comment on a Non-Agenda Item

There were no comments from the public on a non-agenda item.

PUBLIC HEARING

- 1) Public Hearing on the Request for Text Amendments to the Deerfield Zoning Ordinance, a Special Use for an Essential Services Antenna Support Structure for the Property Located at 909 Lake Cook Road and a Special Use to Allow a Village Owned Regional Storm Water Facility at 909 Lake Cook Road (WEC Business Services LLC and Village of Deerfield)**

Chairman Bromberg asked for proof of publication and certified mailing. Mr. Nakahara reported the legal notice was published in the Deerfield Review on July 7, 2022. And certified mailing receipts were provided by the petitioner.

The petitioner Susan Faber with Black and Veatch on behalf of WEC Business Services addressed the Commission. She stated that they are before the Commission for the proposal of a new tower to be located on the reservoir parcel. She is joined by WEC staff members Beth Godering, Construction Manager, Marvin Andrews, Real Estate, Joe Henderson, Facilities Manager and Andrea Danks with Peoples Gas.

Ms. Faber reported that they have submitted a complete application packet with all plans and completed all public notice requirements. She shared background on the project stating that the purpose of this proposal and the tower is to better serve gas customers and to continue to provide safe and reliable service. WEC Business Services is upgrading their communication network to allow faster response to gas emergencies, better communication with field staff, and to eliminate reliance on public networks that can often be overtaxed. In addition to servicing

Deerfield residents it will also connect North Shore Gas to Peoples Gas and serve Lake County, Cook County and the City of Chicago which together serves over 1 million customers.

Ms. Faber stated that they are seeking to erect a monopole communications tower 165 feet in height that will be sited next to the existing Crown Castle Tower that is at the Village reservoir parcel. She displayed images of photo simulations from several views including what it would look like to vehicle traffic from Lake Cook Road, Pfingsten Road, Edens Spur toll road, which is the closest view and would be seen at high speed, and the Rochelle Zell parking lot. She added that the impact of the sight of the tower is very appropriate with no significant impact.

Ms. Faber replied to questions that came up at the Prefiling Conference and read a prepared statement from WEC's Principal Infrastructure Solutions Analyst, Tyler Spindler. The statement is regarding interference and frequencies and explains how these sites are regulated. The statement read:

"All of the frequencies that WEC operates on are regulated by the FCC, the Federal Communications Commission. Any antenna systems that we deploy and radios that we install will meet with the rules and regulations placed upon those frequency bands by the FCC. For the initial deployment of the antennas, we are installing point to point microwave antennas. The frequencies used for these point to point links have been coordinated and submitted to the FCC. Through this regulated process, our coordinated frequencies are provided to all parties in the same geographic area and in the same frequency space. This allows others to provide comments and coordination before they go live in transmitting. Through this transparent process, new point to point microwave lengths are successfully deployed and placed in service. Any future antennas, any future radios, and anything in the future that is placed will follow the same regulations and the same process required for frequency bands that they operate in."

Ms. Faber summarized that it is regulated by the FCC, the Federal agency that has jurisdiction over wireless and communication facilities. The FCC regulates RF safety rules and emissions limits. Their proposed structure is properly licensed with the FCC, and it is required to operate in accordance with the FCC standards. WEC meets and exceeds these standards. It is a very regulated process, and they have to comply. She added that they do have a license agreement for use of the property with the Village. Mr. Nakahara confirmed that the Village's Cable and Telecommunications Commission did negotiate a license agreement for this property and if this proposal is approved, the license agreement would also go before the Board of Trustees for approval.

Chairman Bromberg confirmed that there have been no changes to the plans since the Prefiling Conference.

Commissioner Crist asked if they have a timeline for installation of the antennas. Ms. Godering replied that the construction of the tower would begin after January 1, 2023 and takes about two months. They pour foundations first and the tower and structure come in on a flatbed truck and are installed with a crane. The tower goes up in one day and then it takes a few days to put on the antennas. The equipment is then installed inside the shelter. Ms. Faber added that they will apply for all necessary building permits as required upon approval.

Commissioner Crist inquired if the Commission is only approving the height and not what goes on the tower. Commissioner Goldstone inquired if the antennas added to the monopole will not change the height of the structure. Mr. Schuster replied that the petitioners are limited by what

the Plan Commission approves as part of the Special Use and the height approved. The way the Special Use is granted makes the petitioners beholden to the plans submitted. And with the fact that the Village is the landlord, they will not have the freedom to change it at will. They would need approval for any changes, and they would have to go through a Special Use amendment if they ever decided to make modifications. Mr. Schuster also pointed out that under the license agreement as drafted, they cannot lease space on the pole to other providers, for example a cell phone provider. Mr. Nakahara added that the Village is the property owner and the co-petitioner with WEC.

Commissioner Goldstone asked how they determine what the appropriate height is for the monopole as it is not the same as the Crown Castle Tower. Ms. Faber replied that the engineering statement in the packet includes detail about how the height is determined. In this technology, the microwave dishes are point to point and need to operate in a zone where they can clear tree lines. Chairman Bromberg added that the two poles have nothing to do with each other and just happen to be near each other and one has to be higher to not have interference.

Commissioner Schulman asked what the term of the license is. Mr. Schuster replied that the lease term is 40 years as drafted, it has not been approved yet and will be reviewed by the Village Board of Trustees and they can determine the final length of the license. Commissioner Schulman also asked what the useful life is of this antenna. Ms. Faber replied that 40 years is the useful life of the antenna which is why this is the drafted lease term.

Mr. Nakahara stated that the Village is requesting Text Amendments and a Special Use approval in this petition. The Village of Deerfield owns 909 and 937 Lake Cook Road and there are no land use documents referring to the approval of a Special Use for a storm water facility on the 909 Lake Cook Road property. The site was originally annexed into the Village in 1987 when a pond occupied the site. The pond was reconstructed to become a stormwater retention facility for the Village which has been in existence for many years. The Village is addressing this matter by requesting a Text Amendment to add a storm water facility as a category in the P-1 zoning district as well as a Special Use for the regional storm water facility. The Commission is being asked to approve a text amendment and a Special Use for the proposed monopole and a Special Use for the storm water facility. Mr. Schuster added that there are several text amendments and two Special Uses as part of this petition. There is a text amendment to allow an essential service antenna support structure as a Special Use in the P-1 District, and a text amendment to allow an essential service antenna support structure to exceed the 35 feet height limit pursuant to a Special Use. The petition also includes a request for a Special Use itself for the essential services antenna support structure. In addition, two text amendments for the regional storm water facility. One amendment will make the facility a Special Use in the P-1 District, and the second is a text amendment to define Regional Storm Water Facility so that there is no confusion. Lastly, is the Special Use request for the storm water facility.

Commissioner Keefe asked what the definition is of a Regional Storm Water Facility. Mr. Schuster read that a Regional Storm Water Facility is defined as a man-made structure for the temporary storage of storm water runoff during times of elevated creek levels.

There were no comments from the public on this matter.

Chairman Bromberg stated that the Plan Commission has concluded public testimony and will deliberate their recommendation on this matter. He stated that this portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission. He

stated that the Plan Commission is a recommending body, a written recommendation will be forwarded to the Village Board of Trustees for final action on this matter.

The Plan Commissioners believed that the criteria has been met for the petitions and did not have any concerns with the various text amendments being proposed or any concerns for the Special Uses on the 909 Lake Cook Road property.

Commissioner Goldstone moved, seconded by Commissioner Keefe to approve the request for text amendments to the Deerfield Zoning Ordinance, a Special Use for an essential services antenna support structure for the property located at 909 Lake Cook Road and a Special Use to allow a Village owned Regional Storm Water Facility at 909 Lake Cook Road (WEC Business Services LLC and Village of Deerfield). Mr. Schuster clarified that the motion is for approval of all six text amendments before them. The motion passed with the following vote.

Ayes: Crist, Goldstone, Keefe, Lubezny, Schulman, Bromberg (6)
Nays: None (0)

Mr. Nakahara reported that this will go before the Board of Trustees on September 6, 2022.

DOCUMENT APPROVAL

1. July 14, 2022 Plan Commission Minutes

Commissioner Goldstone moved, seconded by Commissioner Lubezny to approve the document. The motion passed with a unanimous voice vote.

Items from the Staff

Mr. Nakahara reported on upcoming agenda items. The next meeting will be August 11, 2022.

Adjournment

There being no further discussion, Commissioner Schulman moved, seconded by Commissioner Goldstone to adjourn the meeting at 7:54 P.M. The motion passed with a unanimous voice vote.

Respectfully Submitted,
Laura Boll