

**AN ORDINANCE GRANTING AN AMENDMENT
TO AN EXISTING SPECIAL USE PERMIT
FOR THE COMMONWEALTH EDISON DUNDEE SUBSTATION
LOCATED AT 31W979 PENNY ROAD**

WHEREAS, the Village of Barrington Hills ("Village") is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, Section 5-10-7 of the Village's Zoning Code authorizes the Zoning Board of Appeals ("ZBA") to recommend, and the Board of Trustees to approve, special uses within the zoning districts of the Village; and

WHEREAS, Section 5-3-4(B) of the Village Zoning Code permits electric substations as an authorized public utility and service use within the R-1 zoning district; and

WHEREAS, Section 5-5-3 of the Village Zoning Code permits electric substations as an authorized public utility and service use within the R-1 zoning district, pursuant to special use approval; and

WHEREAS, the Board of Trustees of the Village, on January 27, 1992, approved Resolution 92-2, granting a special use permit to Commonwealth Edison Co., to permit modifications to the existing Dundee Substation located at 31W979 Penny Road ("Property"); and

WHEREAS, Commonwealth Edison Co., as the owner of the Property, has applied for an amendment to the existing special use permit to allow for further improvement and modernization of the Dundee Substation at the Property, which is located in the R-1 Residential District, and is identified by Property Index Nos. 01-19-100-003 and -004; and

WHEREAS, on August 21, 2019, at regular meeting, the Zoning Board of Appeals ("ZBA"), with a quorum present and voting on this matter, held a public hearing on the application for an amendment to the existing special use permit, prior to which time a notice of the public hearing was published in a timely manner in the Daily Herald as well as posted in the Village Hall, and individual notice was provided to all property owners as required by the zoning code and notice of said hearing was properly posted on the Property; and

WHEREAS, in support of its application for zoning relief, dated June 14, 2019, a copy of which shall be retained on file with the Village, ComEd reported that the primary purpose of the need for the amendment to the existing special use permit is to allow the conversion of the existing Dundee Substation to a state-of-the-art "smart" substation, through the demolition of two older switchgear equipment enclosures and the installation of a single enlarged equipment enclosure offering the latest in switching technology, which enclosure shall be set back as shown on the Dundee Substation Proposed Site Plan dated June 13, 2019, and submitted as part of the application; and

WHEREAS, in addition to specific items set forth on the Proposed Site Plan, ComEd also presented information relative to its requirement for warning signage on the north fence line of the secure portion of the Property, and for exterior lighting of the switch gear enclosure and within the secured area of the Substation; and

ORDINANCE NO. 19 - 15

WHEREAS, Section 5-10-7(D) of the Village Zoning Code provides that for each application for a special use, the ZBA shall report to the Board of Trustees of the Village its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest; and

WHEREAS, Section 5-10-7(E) of the Village Zoning Code establish standards which the ZBA deems to have been met before it may recommend approval of the special use permit or any amendment thereof; and

WHEREAS, at the close of the public hearing, the ZBA made all necessary findings of fact, as set forth in the attached Exhibit A, as to compliance with the standards set forth in Section 5-10-7(E) of the Village Zoning Code, and recommended that the requested amendment to the special use be granted, subject to the amendment of condition a, the maintenance of conditions b. and c. as set forth in Resolution No. 92-2 and the addition of two new conditions addressing lighting and signage, thus providing for the following conditions:

1. Storage/Parking. Machinery, equipment and other items may be stored by Commonwealth on the Property on a temporary basis only. In no event shall the Property be used by Commonwealth for the permanent storage of machinery, equipment or other items. Additionally, the parking of a maximum of twenty-four (24) vehicles owned by ComEd or its employees shall be allowed.
2. Lighting. Exterior security lighting shall be allowed as described by ComEd set forth herein.
3. Signage. Warning signage as required by law and/or ComEd shall be allowed as described by ComEd as set forth herein.
4. Inspection and Clean-up. Once every month period from the effective date of this Ordinance, ComEd shall inspect the Property for the dumping of garbage, waste or other debris and when necessary, conduct a clean-up thereof. In addition, whenever present on the property, employees or agents of ComEd shall promptly remove from the Property all garbage, waste, and other debris.
5. Easements and Rights-of-Way. In order to gain access to the Property, ComEd, its agents or employees, shall not enter into private property beyond the scope of ComEd's easements or rights-of-way.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality the following:

Section One: The ZBA's findings of fact and recommendation as set forth in Exhibit A is accepted and incorporated herein by reference.

Section Two: The amendment to the existing special use permit for the purposes set forth herein is hereby granted, subject to the amendment of condition a., the maintenance of conditions b. and c. as set forth in Resolution No. 92-2 and the addition of two new conditions addressing lighting and signage , thus providing for the following conditions:

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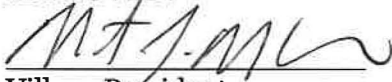
Section Three: If any part or provision of this Ordinance shall be held or deemed invalid, such invalidity shall not have the effect of rendering another part or provision of this Ordinance invalid.

Section Four: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 27th day of August, 2019.

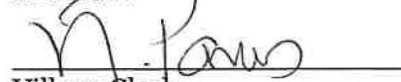
Ayes: 6 Nays: 0 Absent: 1

APPROVED:



Village President

ATTEST:



Village Clerk