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# **THE VILLAGE OF BLOOMINGDALE**

DUPAGE COUNTY, ILLINOIS

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## **ORDINANCE**

**NUMBER 2021 - 02**

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**AN ORDINANCE GRANTING  
THE SPECIAL USE TO ALLOW FOR AN INDOOR RECREATIONAL  
FACILITY FOR THE PROPERTY COMMONLY KNOWN AS  
360 W. ARMY TRAIL ROAD, BLOOMINGDALE, ILLINOIS.  
PETITIONER, USA STREET SOCCER INC. (d/b/a CHICAGO  
STREET ATHLETIC CENTER)**

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Franco A. Coladipietro, Mayor

Jane E. Michelotti, Village Clerk

Vince Ackerman  
William Belmonte  
Bill Bolen  
Frank Bucaro  
Patrick Shannon  
Judi Von Huben

Village Board

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Published in pamphlet form by authority of the  
President and the Board of Trustees of the Village of Bloomingdale  
on this the 11th day of January 2021

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CENTER)**

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**WHEREAS**, the Village of Bloomingdale, DuPage County, Illinois (the “Village”) is a home rule unit of local government under Article VII, Section 6 of the 1970 Illinois Constitution and, except as limited by such Section, it may exercise any power and perform any function pertaining to its government and affairs;

**WHEREAS**, the Village is authorized by the Illinois Municipal Code, *65 ILCS 5/11-13-5*, to vary its zoning regulations where there are practical difficulties or particular hardship in observing those regulations for the use, construction or alteration of buildings or structures or the use of land;

**WHEREAS**, USA Street Soccer Inc., d/b/a Chicago Street Athletic Center (hereinafter referred to as “Petitioner”) has requested a special use for the property commonly referred to as 360 W. Army Trail Road, Bloomingdale, Illinois (hereinafter referred to as the “Subject Property”);

**WHEREAS**, the Petitioner, pursuant to the Village of Bloomingdale Zoning Code is required to obtain a Special Use to operate an indoor recreational facility, the Petitioner desires to operate a business providing indoor training services for youth athletes as fully described in the Planning Commission’s Findings of Fact, which is attached hereto and made a part hereof as “Exhibit A”;

**WHEREAS**, the proposed indoor facility consists will utilize 10,000 square feet and will offer areas within the space for soccer, baseball, basketball and futsal. The space will also

contain a retail area for the purpose of selling uniforms, t-shirts, memorabilia and training equipment;

**WHEREAS**, the Village Planning and Zoning Commission (hereinafter referred to as the “Commission”) conducted a public hearing identified as PC Case No. 2020-110 to consider the Petitioners’ request and to hear testimony on the proposal, and as a result of said hearing the Commission has issued a recommendation approving the Petitioner’s request as it pertains to this matter, all pursuant to proper notice and in compliance with the laws of the State of Illinois and Ordinances of the Village;

**WHEREAS**, the Commission found the request to be reasonable in that the requested zoning relief is appropriate under the standards adopted by the Village’s Zoning Regulations applicable to the Petitioner’s Application;

**WHEREAS**, the Commission made positive findings of fact dated November 17, 2020 in support of said Application;

**WHEREAS**, the Commission recommended approval of the Petitioners’ request by the Board of Trustees of the Village; and

**WHEREAS**, the Board of Trustees hereby finds that the granting of the requested approvals will have no detrimental impact on the health, safety or welfare of the public in general and further finds that the Petitioners have demonstrated practical difficulties or particular hardships in the application of the Zoning Regulations of the Village Code.

**NOW, THEREFORE, BE IT ORDAINED**, in open meeting assembled by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois pursuant to its home rule powers as follows:

**Section One - Recitals**

The Board of Trustees hereby find that all of the recitals hereinbefore stated as contained in the preamble to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section Two - Adoption of Findings and Recommendations**

The Board of Trustees hereby adopts the Findings and Recommendations of the Commission as if fully set forth herein, as Exhibit “A”, which is attached hereto and made a part hereof.

**Section Three - Description of Property**

The property subject to the requested relief is fully described in Exhibit A, which is attached hereto and made a part hereof.

**Section Four – Grant of Special Use**

The corporate authorities of the Village of Bloomingdale hereby grant the special use as required by the Village of Bloomingdale Zoning Code as requested by the Petitioner and fully described in Exhibit A which adopted herein by reference.

**Section Five - Compliance and Conformity with Plans and Specifications**

The relief and approvals granted in this Ordinance shall be further contingent upon the substantial conformance with the plans, specifications and documents, which were submitted to the Commission and to the Board of Trustees, and which are set forth in the petitioner’s exhibits attached herein, as Exhibit B (the “Approved Plans”), which are attached hereto and made a part hereof, and shall govern except where they are inconsistent with the specific terms of this Ordinance.

**Section Six - Conditions to Zoning Relief and Conflict Clause**

The Subject Property is subject to all terms and conditions of applicable ordinances and regulations of the Village, including, without limitation, zoning ordinances, building codes, subdivision regulations and regulations concerning the construction and design of antennas and satellite stations; provided, however, the specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the Village to the extent that there may be any conflict. The grant of this special use is limited to the specific business operation described herein.

**Section Seven - Penalty**

Any person violating the terms and conditions of this Ordinance shall, following prior notice thereof by the Village to such offending person and such opportunity to correct such violation(s) as the Village may determine appropriate, be subject to a penalty not exceeding \$1,000.00, with each and every day that such violation of this Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other actions they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees of the Village.

**Section Eight - Effective Date**

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law; provided, however, this Ordinance shall not take effect until the Consent (a copy of which is attached hereto and made a part hereof as Exhibit C) is executed by the Petitioner and by the owner, thereby memorializing its agreement to be bound by the terms and conditions contained within this Ordinance. Such execution shall take place within forty-five (45) days after the passage and approval of this Ordinance or within such extension of time as may be

granted by the Board of Trustees by motion prior to the expiration of said forty-five day (45) period. If the Consent is not executed within forty-five (45) days after passage and approval of this Ordinance or within an extension of time granted during said forty-five (45) day period, this Ordinance shall be void and of no force or effect, and the request for relief identified herein shall be deemed abandoned.

**Section Nine - Recording**

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees.

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**DECIDED** pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman	X			
William Belmonte			X	
Bill Bolen	X			
Frank Bucaro			X	
Patrick Shannon	X			
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>2</b>	

**PASSED AND APPROVED** by the Village of Bloomingdale Board of Trustees on the 11th day of January, 2021.

  
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Franco A. Coladipietro, Village President

ATTEST:

  
\_\_\_\_\_  
Jane E. Michelotti, Village Clerk

Exhibit A  
Findings of Fact



Exhibit B  
Approved Plans

Exhibit C

Consent

The undersigned, Frank DeAngelo, as representative for USA Street Soccer, Inc. Petitioner for and on behalf of Bloomingdale Court/Washington Prime Group, owner of the Subject Property, described in the foregoing Ordinance 2021- 02 ("Ordinance"), having read a copy of the Ordinance, do hereby accept, concur, and agree to develop, use and maintain the Subject Property in accordance with the terms and conditions stated in the Ordinance, to the extent that the Owner has use and control over the Subject Property as of the date of the approval of the Ordinance. This consent shall be binding upon all parties in interest and all successors and assigns to the Subject Property.

DATED this 11<sup>th</sup> day of January, 2021.

[Signature]  
Frank DeAngelo – USA Soccer, Inc.

By: FRANK DEANGELO

Its: PRESIDENT

SUBSCRIBED AND SWORN to before me  
this 11<sup>th</sup> day of January, 2021.

[Signature]  
Notary Public  
(SEAL)



[Signature]  
Matt Guglielmo - Washington Prime Group

By: Matt Guglielmo

Its: Avec General Manager WPG

SUBSCRIBED AND SWORN to before me  
this 11<sup>th</sup> day of January, 2021.

[Signature]  
Notary Public  
(SEAL)

