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# **THE VILLAGE OF BLOOMINGDALE**

DUPAGE COUNTY, ILLINOIS

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## **ORDINANCE**

**NUMBER 2021 - 16**

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### **AN ORDINANCE**

**AMENDING ORDINANCE 89-07 AND GRANTING  
THE SPECIAL USE TO ALLOW FOR AN INDOOR RECREATIONAL  
FACILITY FOR THE PROPERTY COMMONLY KNOWN AS  
400 W. ARMY TRAIL ROAD, BLOOMINGDALE, ILLINOIS.  
PETITIONER, D1 TRAINING/BLOOMINGDALE SQUARE, L.P. (AN  
ILLINOIS LIMITED PARTNERSHIP**

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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 10th day of May 2021

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**ORDINANCE 2021- 16**

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THE SPECIAL USE TO ALLOW FOR AN INDOOR RECREATIONAL FACILITY  
FOR THE PROPERTY COMMONLY KNOWN AS  
400 W. ARMY TRAIL ROAD, BLOOMINGDALE, ILLINOIS.  
PETITIONER, D1 TRAINING/BLOOMINGDALE SQUARE, L.P. (AN ILLINOIS  
LIMITED PARTNERSHIP)**

**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**, Ordinance No. 89-07 was adopted on February 27, 1989, which granted rezoning of the subject property from B-1 to B-3, General Service Business District and a Planned Development to permit the construction and operation of a retail shopping center (Bloomingdale Square Shopping Center) to include only retail and restaurant uses;

**WHEREAS**, Bloomingdale Square, L.P. (an Illinois Limited Partnership), the owner of the Bloomingdale Square shopping Center, which includes the property commonly referred to as 400 W. Army Trail Road, Bloomingdale, Illinois (hereinafter referred to as the “Subject Property”); intends to lease the Subject Property to D1 Training (hereinafter referred to as “Petitioner”), who in turn has requested a special use to operate an athletic-based training facility at said Subject Property as fully described in the Planning and Zoning Commission’s Findings of Fact, which is attached hereto a made a part hereof as “Exhibit A”;

**WHEREAS**, the proposed indoor facility will utilize approximately 5,200 square feet and will offer instructor-led group education sessions utilizing strength and conditioning programs, catered to athletes of all skill levels and goals;

**WHEREAS**, the Village Planning and Zoning Commission (hereinafter referred to as the “Commission”) conducted a public hearing identified as PC Case No. 2021-102 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 April 7, 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 – Amendment to Ordinance 89-07**

The Village Board hereby amends Ordinance No. 89-07, which requires that the uses be restricted to restaurant and retail, to allow for a service-oriented use within the shopping center.

**Section Five - 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 Six - 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  
10th day of May, 2021.

  
\_\_\_\_\_  
Franco A. Coladipietro, Village President

ATTEST:

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

Exhibit A  
Findings of Fact





**Village of Bloomingdale  
Planning and Zoning Commission**

201 S. Bloomingdale Road  
Bloomingdale, IL 60108  
Tel: 630-671-5694  
Fax: 630-893-1596

**MEMORANDUM**

**To:** President Coladipietro & Board of Trustees

**From:** Len Jaster, Chairman  
Bloomingdale Planning and Zoning Commission

**Date:** April 7, 2021

**Subject:** Planning and Zoning Commission's Findings of Fact and Recommendations  
D1 Training/Chris Hess ("Petitioner")  
Special Use to allow for D1 Training, an indoor recreational facility.  
400 W. Army Trail Road  
PC Case No. 2021-102

**I. PROJECT SUMMARY AND REQUESTED RELIEF**

The Petitioner, D1 Training, is looking to locate D1 Training, an indoor athletic facility, in the former Avenue clothing store, in Bloomingdale Square Shopping Center. The facility is approximately 5,200 square feet and located in the tenant space immediately adjacent and to the east of Michaels. Pursuant to 11-8D(4) of the Village of Bloomingdale's Zoning Ordinance, an "indoor recreational facility" requires a special use. In addition to a special use request, when the shopping center was approved in 1989, specific provisions were written into the ordinance related to permitted uses within the center that the property would be subject to. In terms of the proposed use, Ordinance 89-07 established that only restaurant (without drive-throughs) and retail would be permitted in the center. Due to the fact that indoor recreational facilities are considered a "service" use by the Village's zoning code, it does not fall within the limitations of the approving ordinance, which requires that the uses be restricted to restaurant and retail. Therefore, an amendment to Ordinance 89-07 is also required to allow the use.

Based on the material submitted, D1 Training, was founded in 2001 in Nashville, Tennessee and was expanded into a franchise model in 2016. The company currently has 60 locations in over 20 states. Based on the submittal, the company was established for the purpose of providing indoor training services based on their 5-component instructional programs, designed by D1's National Head Speed and Strength Panel, used by competitive and elite athletes.

The proposed athletic facility will utilize 5,200 square feet, which consists of a large open turf area and about 1,000 square feet devoted to weights. When first entering, you would check in before continuing to the workout area. Just beyond the check-in area is the washrooms.

The Petitioner has indicated that it will have two shifts and maintain approximately two to three coaches per shift. In addition to the coaches, they will have a Front Desk Specialist, per shift, and a General Manager onsite. Based on the Petitioner's submittal and testimony at the public hearing, the projected hours of operation would be:

Monday through Friday – 5 a.m. to 9 p.m.

Saturday – 7 a.m. to noon  
Sunday – By appointment only

## II. PLANNING AND ZONING COMMISSION DELIBERATION AND FINDINGS:

The Planning and Zoning Commission reviewed the staff report dated March 12, 2021, as well as hearing a presentation from the Director of Community and Economic Development and testimony from the petitioner, at the public hearing on April 7, 2021. Based on the information presented by staff and the petitioner regarding the use, the Commission was comfortable with the request presented at the hearing.

## III. RECOMMENDATION OF THE PLAN COMMISSION -- No. 2021-102:

Moved by Commissioner Flood, seconded by Commissioner Coleman to recommend in favor of the special use to allow for an indoor recreational facility (D1 Training Center), as well as an amendment to Ordinance No. 89-07, to allow for a service use (D1 Training Center) on the property commonly known as 400 W. Army Trail Road – Bloomingdale Square Shopping Center (“Subject Property”)

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### The Roll Call Vote for #2021-102:

**Ayes:** Commissioners Flood, Coleman, King and Chairman Jaster

**Nays:** None

**Absent:** Commissioners Vitacco, Troiola and Damato

**Motion Declared Carried**

**Other Considerations:** None

**Minority Report:** No

Respectfully submitted,

Len Jaster, Chairman  
Planning and Zoning Commission  
April 7, 2021

## IV. Findings of Fact and Recommendations -- No. 2021-102 – Statutory Requirements

**Current Zoning of Subject Property – B-3/PD General Business District**

### Adjacent Zoning and Land Uses:

North: Stratford Planned Development  
South: Unincorporated  
East: Stratford Planned Development  
West: Stratford Planned Development

**Comprehensive Plan** - The Comprehensive Land Use Plan for the Village of Bloomingdale, updated in 2010, classifies the site as being appropriate for commercial and institutional uses.

**IV. Procedural Requirements:**

**Date of Meeting:** April 7, 2021    **Petition No.:** PZC No. 2021-102

**Supporting Data:** See list of exhibits and staff reports, **Attachments "A"**

Yes    Statement of compliance and evidence demonstrating that the proposal will conform to the standards established for the special use.

**Affidavits:**

<u>Yes</u>	Publication	<u>Yes</u>	Compliance
<u>Yes</u>	Disclosure	<u>Yes</u>	Posting

**Notice:**

N/A    Fire Protection District

Yes    Notice sent to the persons to whom the current real estate tax bills are sent, if any, as shown on the record of the local real estate tax assessor for all lots lying within 250 feet of the property lines of the lot for which the special use is sought (Copy of list attached).

Yes    Publication of a notice of the time, place and purpose of the public hearing on the proposed amendment by the Village Clerk in a newspaper of general circulation within the Village of Bloomingdale not more than 30 days nor less than 15 days in advance of such hearing (Copy of notice attached). Date of Publication: **March 18, 2021**

Yes    Posting by the applicant, for a period of not less than 10 days prior to the public hearing, of the Notice as furnished by the Village Clerk.

The notice shall be posted on the property for which the amendment is sought as follows:

Unimproved Lot: Not more than 15 feet from the front lot line and not less than four feet above and not more than six feet above the ground and placed in a manner so as not be obscured from the street

Improved Lot: On the front entrance door of the improvement thereon, or placed in a similar manner as for an unimproved lot

**Written Protest:**

No    Written protest received which is signed and acknowledged by the owners of 20% of the frontage proposed to be altered.

No    Written protest received which is signed and acknowledged by the owners of 20% of the frontage directly opposite the frontage proposed to be altered.

No    Written protest received which is signed and acknowledged by the owners of 20% of the frontage immediately adjoining or across the alley from the frontage proposed to be altered.

No    Copy of the written protest served by the protestor(s) on the applicant for the proposed special use.

No    Copy of the written protest served by the protestor(s) on the attorney for the applicant for the proposed special use.

**Public Testimony at the Hearing - No**

**Hearing/Meeting:**

Yes    Public hearing/meeting on the proposed Special Use approval. Date(s) of

hearing/meeting or continuation thereof: **April 7, 2021**

Date Hearing/Meeting Closed: **April 7, 2021**

Yes A concurring vote of a majority of Planning and Zoning Commission members present (with a minimum of four concurring votes) recommending granting or denying an application for the proposed special use was had at the meeting held on the following date: **April 7, 2021**

Yes Report to the Village Board containing the number of Planning and Zoning Commission members present and the names of those voting for or against the motion.

Yes Written findings of fact and recommendations submitted to the Village President and Board of Trustees by the Planning and Zoning Commission within 45 days after the close of the hearing on the proposed special use.

**Attachment "A" - List of Petitioner's Exhibits and Submittals for #2021-102:**

No.	Item	Prepared By	Date
1	Proposed Interior Floor Plan	Interior Architects	N/A
2	Business Narrative	Interior Architects	3/3/2021
3	Parcel Info	DuPage County GIS	N/A
4	Maps (Land Use, Zoning & Parcel)	DuPage County GIS	N/A
5	Site Photos	Interior Architects	N/A
6	D1 Training Interior Photos	Interior Architects	N/A

**Attachments "B"**

Staff report from Community and Economic Development Coordinator dated March 12, 2021  
Legal Description and Property Information

**Legal Description and Property Information**

PARCEL 1: LOT 1 IN STARK'S SECOND ASSESSMENT PLAT OF PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1955 AS DOCUMENT 774285, EXCEPTING THEREFROM THAT PART TAKEN UNDER DOCUMENT NO. R79-27720, ALL IN DUPAGE COUNTY, ILLINOIS

PARCEL 2: THE WESTERLY 462.29 FEET (AS MEASURED ALONG THE CENTER LINE OF ARMY TRAIL ROAD AND PARALLEL WITH THE WEST LINE OF STARK'S SECOND ASSESSMENT PLAT) OF THAT PART OF THE EAST 1/2 OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTHERLY LINE OF ARMY TRAIL ROAD AS DEDICATED BY DOCUMENT R79-28379, NORTH OF THE NORTHERLY LINE OF THE ILLINOIS CENTRAL RAILROAD AND EAST OF THE WEST LINE AND THE WEST LINE EXTENDED SOUTH OF STARK'S SECOND ASSESSMENT PLAT RECORDED AS DOCUMENT 774285, (EXCEPT THAT PART THEREOF FALLING WITHIN LOT 1 OF SAID ASSESSMENT PLAT) IN DUPAGE COUNTY, ILLINOIS

PARCEL 3: A NON-EXCLUSIVE PERPETUAL EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 AS CREATED BY RECIPROCAL EASEMENT AGREEMENT MADE AS OF FEBRUARY 23, 1989 AND RECORDED MAY, 1989 AS DOCUMENT R89- BY AND BETWEEN TOYS "R" US, INC, A DELAWARE CORPORATION AND BLOOMINGDALE LIMITED PARTNERSHIP, A COLORADO LIMITED PARTNERSHIP, FOR PEDESTRIAN AND VEHICULAR INGRESS, EGRESS, DELIVERY AND PASSAGE IN AREAS DESIGNATED THEREFOR AND FOR PARKING IN AREAS DESIGNATED FOR PARKING OVER THE COMMON AREA OF THE LAND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:: COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 20, WITH THE CENTER LINE OF ARMY TRAIL ROAD, SAID POINT BEING 370.25 FEET AND NORTH 00 DEGREES 09 MINUTES WEST OF THE CENTER OF SAID SECTION 20 THENCE SOUTH 88 DEGREES, 39 MINUTES, 40 SECONDS EAST ALONG THE CENTER LINE OF ARMY TRAIL ROAD, A DISTANCE OF 937.84 FEET; THENCE SOUTH 00 DEGREES, 09 MINUTES, 00 SECONDS EAST A DISTANCE OF 50.02 FEET TO THE SOUTH LINE OF ARMY TRAIL ROAD (DEDICATED AS PER DOCUMENT R79-13181, RECORDED FEBRUARY 14, 1979) FOR A POINT OF BEGINNING; THENCE SOUTH 88 DEGREES, 39 MINUTES, 40 SECONDS EAST ALONG SAID SOUTH LINE OF ARMY TRAIL ROAD, A DISTANCE OF 270.02 FEET; THENCE SOUTH 00 DEGREES, 09 MINUTES, 00 SECONDS EAST A DISTANCE OF 590.74 FEET TO THE NORTHERLY LINE OF THE ILLINOIS CENTRAL RAILROAD RIGHT OF WAY; THENCE NORTH 71 DEGREES 24 MINUTES 30 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID RIGHT OF WAY, A DISTANCE OF 285.04 FEET; THENCE NORTH 00 DEGREES, 09 MINUTES, 00 SECONDS WEST, A DISTANCE OF 506.17 FEET TO THE SOUTH LINE OF ARMY TRAIL ROAD AND THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS;

AND

A PARCEL OF LAND IN THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND SOUTH EAST 1/4 OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 20 WITH THE CENTERLINE OF ARMYTRAIL

ROAD, SAID POINT BEING 370.25 FEET AND NORTH 00 DEGREES 09 MINUTES WEST OF THE CENTER OF SAID SECTION 20

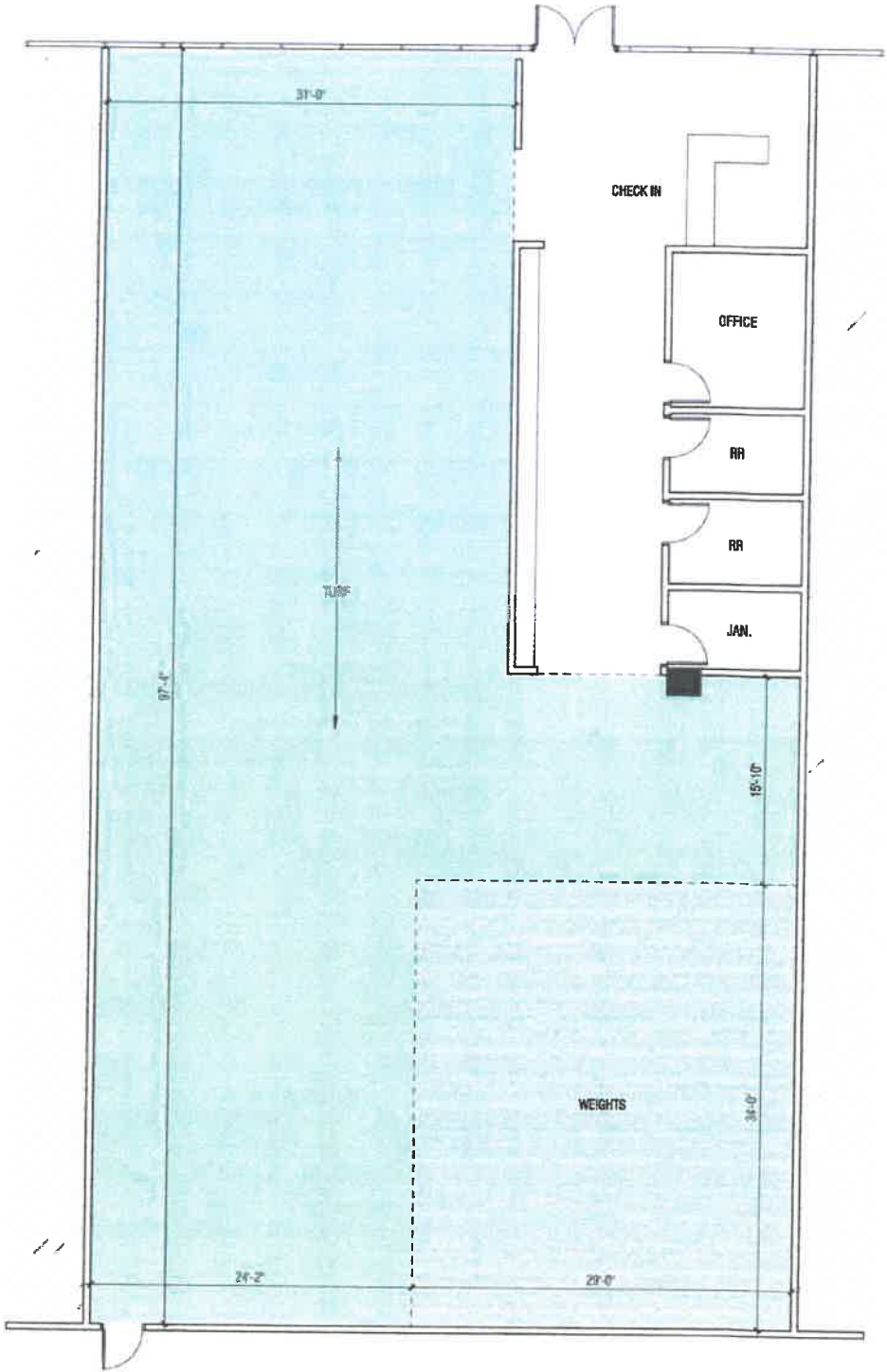
THENCE SOUTH 88 DEGREES, 39 MINUTES, 40 SECONDS EAST ALONG THE CENTERLINE OF ARMY TRAIL ROAD, A DISTANCE OF 1209.16 FEET; THENCE SOUTH 01 DEGREES, 20 MINUTES, 20 SECONDS WEST PERPENDICULAR TO THE CENTERLINE OF ARMY TRAIL ROAD, A DISTANCE OF 50 FEET TO THE SOUTH LINE OF ARMY TRAIL ROAD (DEDICATED AS PER DOCUMENT R79-13181, RECORDED FEBRUARY 14, 1979) FOR A POINT OF BEGINNING; THENCE SOUTH 88 DEGREES, 39 MINUTES, 40 SECONDS EAST ALONG SAID SOUTH LINE OF ARMY TRAIL ROAD, A DISTANCE OF 351.71 FEET TO THE WEST LINE OF STARK'S 2ND ASSESSMENT PLAT (DOCUMENT NUMBER 774285, RECORDED SEPT 22, 1955); THENCE SOUTH 00 DEGREES 09 MINUTES EAST ALONG THE WEST LINE AND THE WEST LINE EXTENDED SOUTH OF SAID STARK'S 2ND ASSESSMENT PLAT, A DISTANCE OF 700.89 FEET TO THE NORTHERLY LINE OF THE ILLINOIS CENTRAL RAILROAD RIGHT OF WAY; THENCE NORTH 71 DEGREES, 24 MINUTES, 30 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID RIGHT OF WAY, A DISTANCE OF 371.28 FEET; THENCE NORTH 00 DEGREES 09 MINUTES WEST, A DISTANCE OF 590.74 FEET TO THE SOUTH LINE OF ARMY TRAIL ROAD AND THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Common address: 400 West Army Trail Road  
Bloomington, Illinois

P.I.N. Number: 02-20-400-012

Exhibit B  
Approved Plans

**D1 TRAINING BLOOMINGDALE SQUARE  
SPECIAL USE PERMIT – INTERIOR LAYOUT**



**PROPOSED FLOOR PLAN**



Exhibit C

Consent

The undersigned, Chris Hess, as representative of Hess Ventures, Inc. d/b/a D1 Training, Petitioner for and on behalf of Bloomingdale Square, L.P. (an Illinois Limited Partnership), owner of the Subject Property, described in the foregoing Ordinance 2021-16 ("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 10 day of JUNE, 2021

Chris Hess  
Chris Hess – D1 Training

Its: PRESIDENT, OWNER

SUBSCRIBED AND SWORN to before me

this 10th day of June, 2021.

Nora Saucedo

Notary Public



Sean Devine  
Sean Devine – Bloomingdale Square, L.P.

By: Sean Devine

Its: Authorized Agent

SUBSCRIBED AND SWORN to before me

this 10th day of June, 2021.

Nora Saucedo

Notary Public

