
THE VILLAGE OF BLOOMINGDALE
DUPAGE COUNTY, ILLINOIS

ORDINANCE
NUMBER 2019 - 30

**AN ORDINANCE GRANTING
A SPECIAL USE
FOR THE PROPERTY COMMONLY REFERRED TO AS
152 STRATFORD SQUARE DRIVE, BLOOMINGDALE, ILLINOIS
PETITIONER, KILL SHOT AXE THROWING, LLC (d/b/a BULL &
BEAR AXE THROWING)**

Franco A. Coladipietro, Mayor

Jane E. Michelotti, Village Clerk

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

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Bloomingdale
on this the 14th day of October, 2019

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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, Kill Shot Axe Throwing, LLC, d/b/a Bull & Bear Axe Throwing (hereinafter referred to as “Petitioner”) has requested a special use for the property commonly referred to as 152 Stratford Square Drive, 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 axe throwing and laser tag as fully described in the Planning Commission’s Findings of Fact, which is attached hereto a made a part hereof as “Exhibit A”;

WHEREAS, the proposed indoor facility consists of six ranges (12 lanes) for axe throwing and a laser tag arena, located immediately behind the axe throwing ranges. Each use will take up approximately 4,500 square feet of the 9,000 square foot tenant space;

WHEREAS, the Village Planning and Zoning Commission (hereinafter referred to as the "Commission") conducted a public hearing identified as PC Case No. 2019-104 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 September 3, 2019 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 pursuant to Section Four of 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 "C" (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 "B") 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			X
William Belmonte	X			X
Bill Bolen	X			X
Frank Bucaro	X			X
Patrick Shannon	X			X
Judi Von Huben	X			X
Franco A. Coladipietro (only if necessary)				X
TOTAL	6	0	0	7

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the
14th day of October, 2019.



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 Coladietro & Board of Trustees

From: Len Jaster, Chairman
Bloomingdale Planning and Zoning Commission

Date: September 3, 2019

Subject: Planning and Zoning Commission's Findings of Fact and Recommendations
Kill Shot Axe Throwing ("Petitioner")
Special Use to allow for Kill Shot Axe Throwing & Laser Tag, an indoor recreational facility.
152 Stratford Square Drive
PC Case No. 2019-104

I. PROJECT SUMMARY AND REQUESTED RELIEF

The Petitioner, Kill Shot Axe Throwing, LLC., is looking to operate an axe throwing and laser tag facility, in the Stratford Square Mall. The facility would be in tenant space F20, which is an approximately 9,000 square foot space, just outside of Kohls. Pursuant to 11-8D(4) of the Village of Bloomingdale's Zoning Ordinance, an "indoor recreational facility" requires a special use.

The Petitioner's proposal includes 6 ranges (12 lanes) for axe throwing and then a laser tag arena, located immediately behind the axe throwing ranges. Based on the information submitted, it appears that each use will make up approximately 4,500 square feet of the 9,000 square foot tenant space.

The Petitioner stated that he will maintain approximately three (3) employees per shift, depending on the day of the week, but could eventually be as many as 8-10, on busier days. They plan to operate within the operating hours of the mall, with the projected hours of operation being:

Monday & Tuesday – Private Parties and Events
Wednesday & Thursday – 4 p.m. to 9 p.m.
Friday – 4 p.m. to 11 p.m.
Saturday – 1 p.m. to 11 p.m.
Sunday – 1 p.m. to 9 p.m.

The Petitioner indicated that hours may be extended during holidays, or open earlier during the summer, but that the extended hours would still fall between the normal operational hours of the mall. In terms of capacity, the Petitioner indicated that the proposed facilities have the physical capacity to accommodate 20 individuals at one time, for laser tag and an additional 60 people for the axe throwing, at any given time.

II. PLANNING AND ZONING COMMISSION DELIBERATION AND FINDINGS:

The Planning and Zoning Commission reviewed the staff report dated August 26, 2019, as well as hearing a presentation from the Director of Community and Economic Development and testimony from the petitioner, at the public hearing on September 3rd, 2019. The Commission questioned, and the Petitioner confirmed, that they were not interested in selling alcohol or serving food. Certain Commissioners questioned the specifics of the axe throwing, such as materials, throwing lane details and the number of employees expected to be present. The Petitioner explained that they operate on a reservation system, so that they would be properly staffed for all shifts. They also explained that all aspects of the axe throwing area, are established using the regulations of the World Axe Throwing League. 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. 2019-104:

Moved by Commissioner Flood, seconded by Commissioner Coleman to recommend in favor of the special use to allow for an indoor recreational facility (Kill Shot Axe Throwing and Laser Tag), on the property commonly known as 152 Stratford Square Drive – Kill Shot Axe Throwing, LLC. ("Subject Property")

The Roll Call Vote for #2019-104:

Ayes: Commissioners Flood, Coleman, King, Vitacco, Troioia and Chairman Jaster

Nays: None

Absent: Commissioners Damato

Motion Declared Carried

Other Considerations: None

Minority Report: No

Respectfully submitted,

Len Jaster, Chairman
Planning and Zoning Commission
September 3, 2019

IV. Findings of Fact and Recommendations – No. 2019-104 – Statutory Requirements

**Current Zoning of Subject Property – Planned Unit Development District of 250 acres or More –
Retail Commercial**

Adjacent Zoning and Land Uses:

- North: Planned Unit Development District of 250 acres or More – Retail Commercial
- South: Planned Unit Development District of 250 acres or More – Retail Commercial
- East: Planned Unit Development District of 250 acres or More – Retail Commercial
- West: Planned Unit Development District of 250 acres or More – Retail Commercial

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: September 3, 2019 **Petition No.:** PZC No. 2019-104

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:

No 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: **August 15, 2019**

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: **September 3, 2019**
Date Hearing/Meeting Closed: **September 3, 2019**
- 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: **September 3, 2019**
- 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 #2019-104:

No.	Item	Prepared By	Date
1	Site Plan	Stratford Square Mall	8/1/2019
2	Floor Plan	Kill Shot Axe Throwing, LLC.	8/1/2019
3	Business Summary	Kill Shot Axe Throwing, LLC.	8/1/2019
4	Legal Description	Stratford Square Mall	8/1/2019

Attachments "B"

Staff report from Community and Economic Development Coordinator dated August 26, 2019
Legal Description and Property Information

Legal Description and Property Information

PARCELS 9,11,12,13,14 AND 16 IN (JAY C BENNETT SR., COUNTY CLERK'S) STRATFORD ASSESSMENT PLAT NO. 9 IN THE SOUTHEAST QUARTER OF SECTION 17, AND IN THE NORTHEAST QUARTER OF SECTION 20, ALL IN TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID STRATFORD ASSESSMENT PLAT NO. 9 RECORDED NOVEMBER 29, 1984 AS DOCUMENT R84-95983 IN DUPAGE COUNTY, ILLINOIS, AND;

LOTS 1 AND 3 IN (GARY KING, COUNTY CLERK'S) STRATFORD ASSESSMENT PLAT NO. 10 OF PARCEL 10 IN JAY C. BENNETT SR. COUNTY CLERK'S STRATFORD ASSESSMENT PLAT NO. 9 ALL IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID GARY KING COUNTY CLERK'S STRATFORD ASSESSMENT PLAT NO. 10 RECORDED DECEMBER 31, 1990 AS DOCUMENT R90-176572 IN DUPAGE COUNTY, ILLINOIS.

Common Address: 152 Stratford Square, Bloomingdale, IL 60108

Property Index Number(s): 02-17-400-070, 02-17-400-073, 02-17-400-078, 02-17-400-079, 02-17-400-082, 02-17-400-083, 02-17-400-087 and 02-17-400-089.

Exhibit B

Consent

The undersigned, Ryan Burke, as representative for Kill Shot Axe Throwing, LLC. (d/b/a Bull and Bear Axe Throwing), the Petitioner for and on behalf of the Stratford Realty, LLC, owner of the Subject Property, described in the foregoing Ordinance 2019- 30 ("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 14th day of October, 2019.

Ryan Burke – Kill Shot Axe Throwing, d/b/a Bull & Bear Axe Throwing

By: Ryan Burke

Its: President

SUBSCRIBED AND SWORN to before me this 14th day of October, 2019.

Nora Saucedo

Notary Public

(SEAL)



Jacob Martin - Stratford Realty, LLC

By: Jacob Martin

Its: General Manager

SUBSCRIBED AND SWORN to before me this 14th day of October, 2019.

Nora Saucedo

Notary Public

(SEAL)



Exhibit C
Approved Plans

Business Summary

Kill Shot Axe Throwing, LLC is looking to bring a top-of-the-line Axe Throwing and Laser Tag arena inside Stratford Square Mall on the 2nd floor, within the space F20 with approximately 8,000 Sq Feet.

LASER TAG:

The laser tag equipment is made by iCombat. It is one of the highest rated laser tag systems available, utilizing wireless technology, DMX Controlled Lighting, and sophisticated technology. The arena would be constructed of all fire rated materials, and will tie into the fire alarm panel to meet life safety codes. The next closest iCombat facility is located in Rosemont, IL near the entertainment district. So this will be a great add on to the mall attracting ages of young teens though adult.

AXE THROWING:

The Axe Throwing portion of the business would be luxurious facility with modern lighting, epoxy flooring, and a rustic decor. The axe throwing lanes are fully supervised at all times with a referee stationed at each lane monitoring throws. At no time are guests permitted to throw without the supervisory of a axe expert. The lanes are also caged in for safety. Kill Shot Axe Throwing, LLC is part of WATL (World Axe Throwing League) as seen on ESPN, Customers will be able to join league nights and compete to advance to be on TV.

HOURS OF BUSINESS:

Monday-Tuesday - Private Parties / Events

Wednesday - 4pm-9pm

Thursday - 4pm-9pm

Friday - 4pm-11pm

Saturday - 1pm-11pm

Sunday - 1pm-9pm

(hours may be extended during holidays, or open earlier during summer)

JOBS / STAFF:

The facility will bring approximate 12-15 new jobs to the mall.

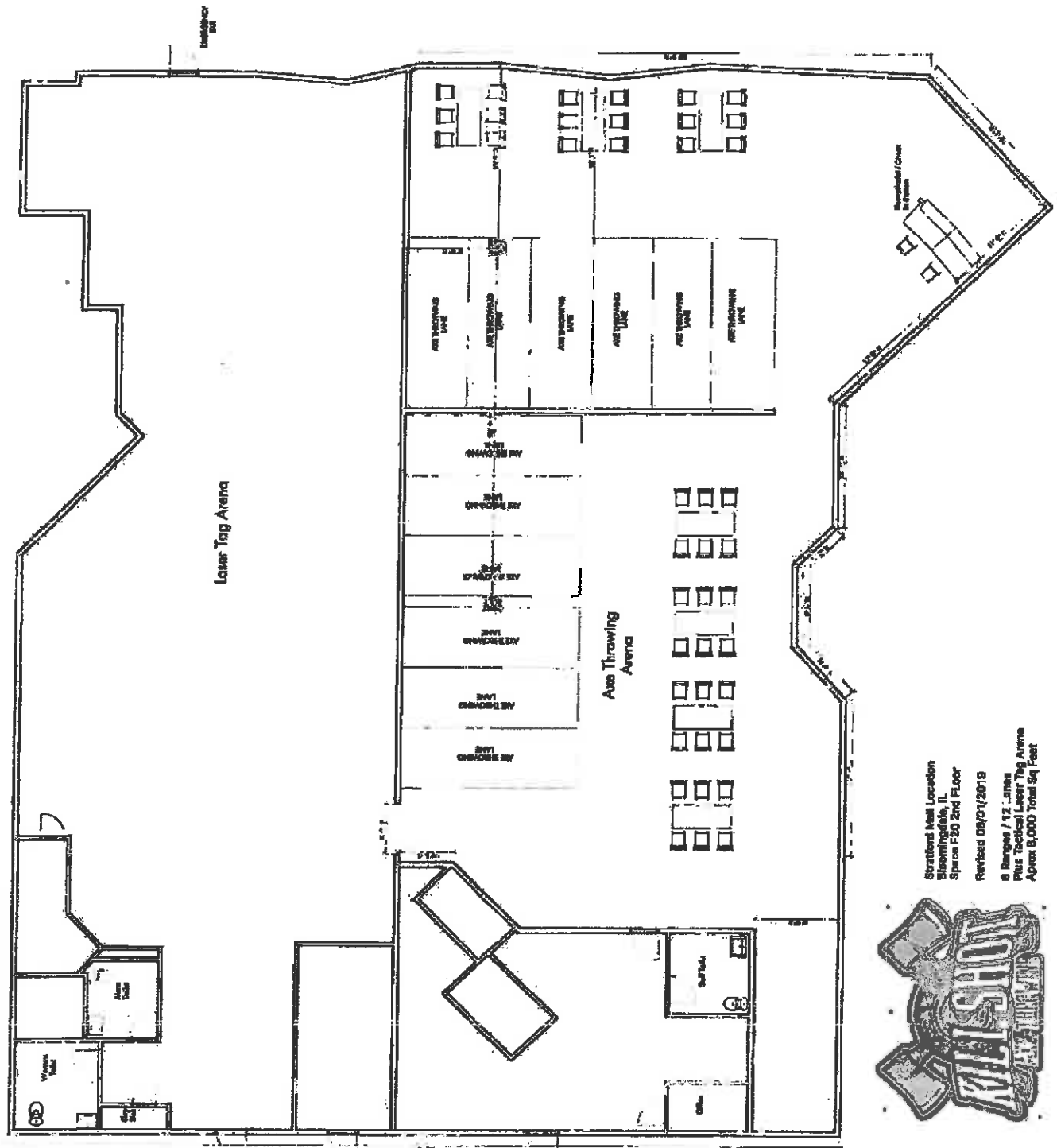
RESTROOMS:

There is 1 employee restroom and 2 Public Restrooms in the space, as well as Public restrooms in the mall within 300 feet of the location.

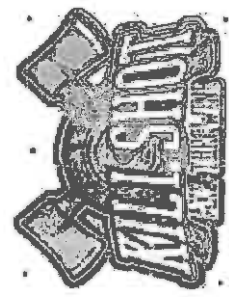
CAPACITY:

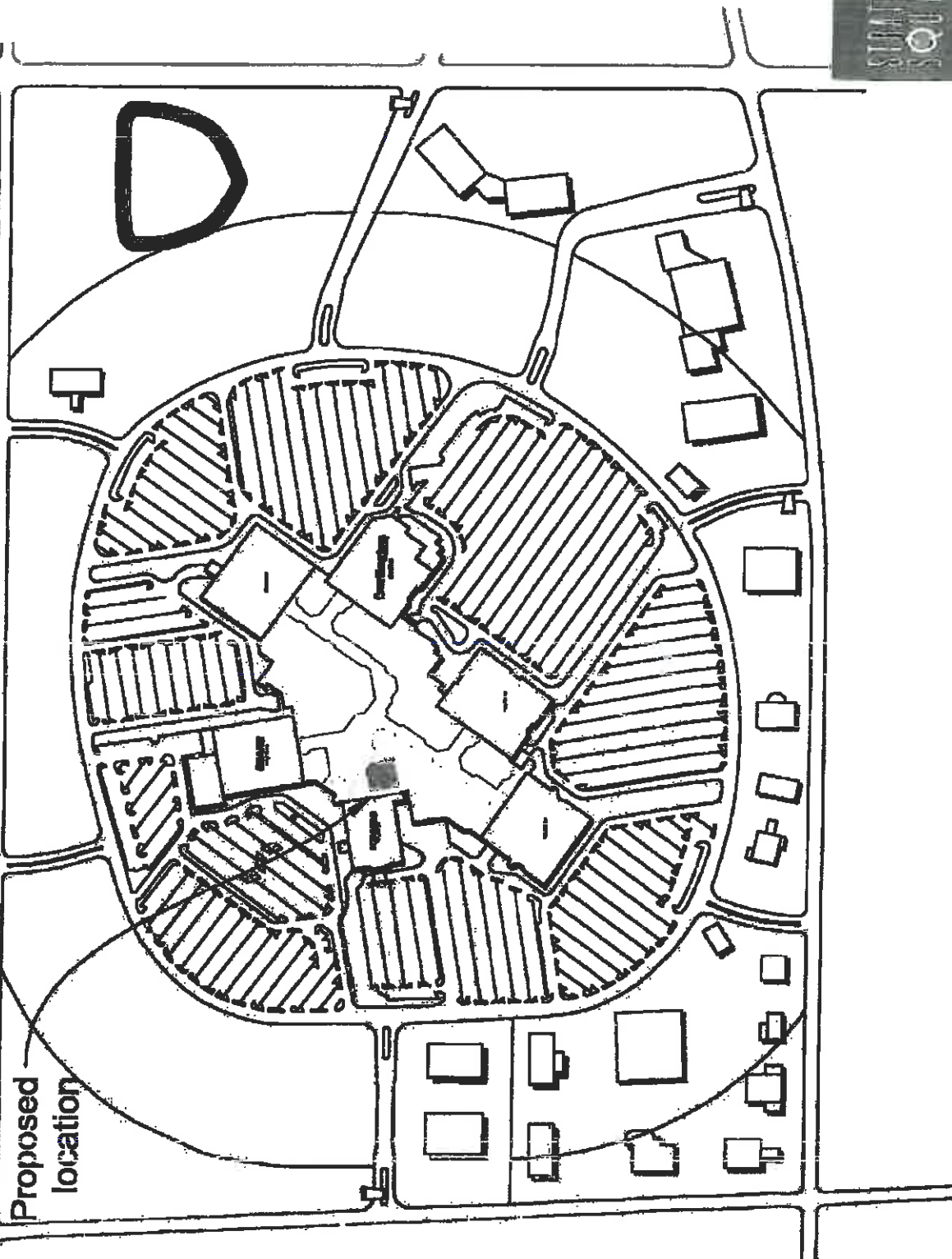
Laser Tag can do unto 20 people at once.

Axe Throwing will have 6 Ranges / 12 Lanes (Each range accommodates 10 customers)



Springfield Mall Location
 Bloomington, IL
 Space F20 2nd Floor
 Revised 08/07/2019
 6 Ranges / 12 Lanes
 Plus Tactical Laser Tag Arena
 Approx 8,000 Total Sq Feet





Proposed
location