

PIN: 07-15-302-014

**ADDRESS:
1931-1955 GLACIER PARK AVENUE
NAPERVILLE, IL 60540**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

**RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #18-1-125

ORDINANCE NO. 18- __

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR AN AMUSEMENT
ESTABLISHMENT AND A VARIANCE TO REDUCE THE REQUIRED AMOUNT OF
OFF-STREET PARKING FOR THE PROPERTY LOCATED
AT 1931-1955 GLACIER PARK AVE (URBAN AIR ADVENTURE PARK)**

WHEREAS, Urban Air Naperville LLC ("Petitioner"), has petitioned the City of Naperville for approval of a conditional use to permit an amusement establishment in the B2 (Community Shopping Center) District and a variance to reduce the required amount of off-street parking for the property located at 1931-1955 Glacier Park Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted as Lot 1 on **Exhibit B** ("Subject Property"); and

WHEREAS, NARE is the owner of the Subject Property; and

WHEREAS, the Subject Property is currently zoned B2 (Community Shopping District) and is improved with an approximately 73,000 square foot multi-tenant shopping center; and

WHEREAS, the Petitioner is proposing to occupy a 51,000 square foot tenant space with an Urban Air Adventure Park; and

WHEREAS, pursuant to Section 6-7B-3 (B2 District: Conditional Uses), the Petitioner is requesting approval of a conditional use in order to allow an amusement establishment on the Subject Property; and

WHEREAS, the requested conditional use meets the standards for granting a conditional use as provided in **Exhibit C** attached hereto; and

WHEREAS, the Petitioner is also requesting approval of a variance to Section 6-9-3 (Schedule of Off-Street Parking Requirements) to allow a reduction in the number of required off-street parking spaces at the Subject Property from the required 609 spaces to 414 spaces, subject to conditions; and

WHEREAS, an amusement establishment is required to provide 10 parking spaces per each 1,000 square feet of gross floor area and the remaining 22,000 square feet of vacant space in the shopping center would be required to provide 4.5 parking spaces per each 1,000 square feet of gross floor area; and

WHEREAS, the total parking requirement for the building's tenant mix, including Urban Air Adventure Park, is 609 parking spaces, exceeding the 414 parking spaces provided onsite; and

WHEREAS, the Petitioner provided a parking study that indicated a typical Urban Air Adventure Park utilized a maximum parking ratio of 5 parking spaces per 1,000 square feet of gross floor area; and

WHEREAS, based on a parking ratio of 5 parking spaces per 1,000 square feet, there is sufficient parking available on the Subject Property to accommodate the parking

spaces required for Urban Air Adventure Park, as well as a retail use within the remaining vacant tenant space; and

WHEREAS, the requested variance meets the standards for granting a conditional use and the standards for granting a variance as provided in **Exhibit C** attached hereto; and

WHEREAS, on December 5, 2018, the Planning and Zoning Commission conducted a public hearing to consider PZC 18-1-125 and recommended approval of the Petitioner's request; and

WHEREAS, the City Council of the City of Naperville has determined that the Petitioner's request should be granted as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing recitals are incorporated as though fully set forth here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A conditional use to allow for an amusement establishment on the Subject Property pursuant to Section 6-7B-3 (B2 District: Conditional Uses) of the Municipal Code, and as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby granted.

SECTION 3: A variance from 6-9-3 (Schedule of Off-Street Parking Requirements) to reduce the number of required off-street parking spaces from the required 610 spaces to 414 spaces for the Subject Property is hereby granted, subject to the following condition:

1. In the event that the current and proposed tenants' parking needs cannot be accommodated within the existing parking on the Subject Property, the Petitioner and Owner shall take measures, such as requiring tenants to alter business hours, number of employees or other business operations, alter the tenant mix, or establish

an overflow parking location off-site, as necessary, to meet the parking demands of the tenants, subject to review and approval by the Zoning Administrator.

SECTION 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 5: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 6: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 7: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk