

URBAN AIR ADVENTURE PARK
1955 Glacier Park

Standards for Granting or Amending a Conditional Use
Section 6-3-8:2

Standards For Conditional Uses: The commission shall not recommend nor the city council grant a conditional use in a particular zoning district or districts unless it shall make findings based upon the evidence presented to it in each specific case that:

1. **The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare;**

The subject property has operated within the B2 zoning designation with a retail use for a number of years without any detrimental issues. The proposed use is amusement establishment, which is very similar to retail use, and therefore, the establishment of the conditional use would not detrimental to, or endanger the public health, safety and general welfare of the public; and,

2. **The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;**

The surrounding neighborhood is entirely made up of retail and industrial uses within the B2 and I districts. The proposed conditional use, which is very similar to a retail use, would not substantially diminish or impair property values within the neighborhood; and

3. **The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district. (Ord. 80-5, 1-21-1980)**

The surrounding neighborhood is built out and well established. The proposed amusement establishment conditional use is in a currently existing building that was used for retail which did not negatively impacted the use of the adjacent property. Therefore, the petitioned for conditional use would not impede the normal and orderly development and improvement of the adjacent property.

4. **The establishment of the conditional use is not in conflict with the adopted comprehensive master plan.**

The comprehensive master plan allows for this conditional use and is therefore not in conflict.

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Standards for Granting a Zoning Variance
Section 6-3-6:2

The board shall not recommend nor shall the city council grant a variance from the regulations of this title unless it shall make findings based upon the evidence presented to it in each specific case that: (Ord. 05-028, 2-15-2005)

1. The variance is in harmony with the general purpose and intent of this title;

The general purpose and intent of the Ordinance is to provide for adequate parking. The Ordinance categories of uses does not accurately reflect the proposed use. Extensive data from existing sites strongly indicates there is more than sufficient on-site parking. Therefore, the requested variance would be in harmony with the general purpose and intent of the Ordinance.

2. Strict enforcement of this title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district;

The project property has more than adequate parking for the existing retail building on the site. An exceptional hardship exists due to the unusual relationship of the retail building as it relates to the unique intended use, which is not accurately reflected in the City Code.

3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

The essential character of the existing neighborhood is retail. The proposed use will fit entirely in the existing building, and the proposed use is fully compatible with retail uses. Therefore, the granting of the variance request would be consistent with, and not alter, the essential character of the neighborhood.