



## Legislation Details (With Text)

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**File #:** 18-1048B      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 12/6/2018      **In control:** City Council

**On agenda:** 12/18/2018      **Final action:** 12/18/2018

**Title:** Pass the ordinance approving a conditional use for an amusement establishment and a variance to reduce the required amount of off-street parking for the subject property located at 1931 - 1955 Glacier Park Avenue (Urban Air Adventure Park) - PZC 18-1-125

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Urban Air - Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C - Standards, 5. Description of Use, 6. Petition, 7. Disclosure, 8. Information about the use, 9. Parking Study, 10. Urban Air Location Map, 11. 12.5.18 PZC Minutes DRAFT

Date	Ver.	Action By	Action	Result
12/18/2018	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

**ACTION REQUESTED:**

Pass the ordinance approving a conditional use for an amusement establishment and a variance to reduce the required amount of off-street parking for the subject property located at 1931 - 1955 Glacier Park Avenue (Urban Air Adventure Park) - PZC 18-1-125

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on December 5, 2018 and voted to recommend approval of the requests (approved 7-0). Staff concurs.

**BACKGROUND:**

The petitioner, Urban Air Naperville, LLC, is requesting approval of a conditional use for an amusement establishment and a variance to reduce the amount of required parking at the subject property. The petitioner proposes to open Urban Air Adventure Park, an indoor family entertainment center, in an approximately 51,000 square foot tenant space.

Located on the east side of Route 59, north of Glacier Park Avenue, the subject property has a common address of 1955 Glacier Park Avenue and is zoned B2 (Community Shopping Center District). The proposed tenant space is currently vacant and was previously occupied by Babies 'R Us. The Northwest Sector Plan (1996) identifies the future land use of the subject property as commercial; the proposed development is compatible with this designation.

**DISCUSSION:**

**Conditional Use for an Amusement Establishment**

The petitioner proposes to improve the 51,000 square foot tenant space with Urban Air Adventure Park an indoor family entertainment center which will include open jumping, go-karts, ropes courts, a zip line, virtual reality, fitness classes, and rock climbing. Urban Air Adventure Park is classified as an amusement establishment, which is defined in [Section 6-1-6 \(Definitions\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodelf=TIT6ZORE_CH1ZOTIPUDE_6-1-6DE)  [<https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodelf=TIT6ZORE\\_CH1ZOTIPUDE\\_6-1-6DE>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodelf=TIT6ZORE_CH1ZOTIPUDE_6-1-6DE) as an establishment whose principal use is providing amusement or entertainment for a fee or admission charge. Per [Section 6-7B-3 \(B2 District: Conditional Uses\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodelf=TIT6ZORE_CH7BUDI_ARTBB2COSHCEDI_6-7B-3COUS)  [<https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodelf=TIT6ZORE\\_CH7BUDI\\_ARTBB2COSHCEDI\\_6-7B-3COUS>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodelf=TIT6ZORE_CH7BUDI_ARTBB2COSHCEDI_6-7B-3COUS), an amusement establishment is a conditional use in B2.

The [B2 District](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodelf=TIT6ZORE_CH7BUDI_ARTBB2COSHCEDI)  [<https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodelf=TIT6ZORE\\_CH7BUDI\\_ARTBB2COSHCEDI>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodelf=TIT6ZORE_CH7BUDI_ARTBB2COSHCEDI) is intended to accommodate the needs of a large consumer population with a wide range of uses. Staff finds the proposed use is consistent with the intent of the B2 district and is compatible with surrounding restaurant, retail, and entertainment uses along the Route 59 commercial corridor. The petitioner’s responses to the standards for granting a conditional use are attached. Upon review, staff agrees with the petitioner’s findings and recommends their adoption by the City Council.

**Variance to Reduce the Required Off-Street Parking**

The petitioner also requests a variance to Section 6-9-3 (Schedule of Off-Street Parking Requirements) to reduce the required amount of off-street parking on the subject property. Per Code, an amusement establishment is required to provide 10 parking spaces per 1,000 square feet of gross floor area. The petitioner is proposing to occupy a 51,000 square foot tenant space and is required to provide 510 parking spaces. The shopping center, which is also home to an additional 21,000 square foot vacant tenant space, can accommodate 414 cars.

Use	Parking Ratio (parking spaces/1000 sq. ft.)	Proposed Sq. Ft.	Required Spaces
Urban Air	10/1,000	51,000	510
Vacant	4.5/1,000	22,000sf	99
		<b>Required Spaces</b>	<b>609</b>
		<b>Provided Spaces</b>	<b>414</b>
		<b>Deficit</b>	<b>(195)</b>

The petitioner has submitted a parking study to support the requested parking variance. The study reviewed parking counts at 6 existing Urban Air Adventure Parks in the Dallas area on a weekend afternoon. The parking study demonstrated that the actual utilized parking ratio for the facilities was between 1 and 5 parking spaces per 1,000sf of floor area. The Dallas facilities are smaller in size than the proposed Naperville facility (30,000sf average as compared to 51,000sf); however, based upon the actual utilized parking ratio generated in the study, the Naperville facility is expected to have more than sufficient parking. It should also be noted that 21,000sf of the Naperville space will be designed as a go-kart track and the actual customer utilization of the go-kart space is low due to the fact that there are only 12 go-karts.

The majority of customers of the Urban Air Adventure Park cannot drive and will be driven to the facility or dropped off by a parent or guardian. It can also be assumed that multiple customers will arrive in the same vehicle. Given these factors and the data provided in the parking study, staff recommends approval of the variance, subject to the following conditions:

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.

The petitioner's responses to the standards for granting a variance attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by the City Council.

### ***Planning & Zoning Commission Action***

The Planning and Zoning Commission considered this matter at their meeting on December 5, 2018. Len Monson, attorney with Kuhn, Heap, & Monson, spoke on behalf of the petitioner. Mike Havala, CEO of Loaves and Fishes, spoke during public testimony. Mr. Havala stated that Loaves and Fishes owns the property to the north and is concerned with the development's shared parking agreement.

The Planning and Zoning Commission encouraged the petitioner to work with Loaves and Fishes regarding the parking concerns. PZC closed the public hearing and moved to adopt the findings of fact as presented by the petitioner and approve PZC 18-1-125 (approved, 7-0). Staff concurs with the Planning and Zoning Commission's recommendation. Staff would also note that the shared parking agreement is a private agreement between the tenants of the shopping center and the property owner. The requested variance applies to the subject property only and should be considered based upon the standards for granting a zoning variance.

### ***Key Takeaways***

- The petitioner requests a conditional use for an amusement establishment in order to construct Urban Air Adventure Park, an indoor family entertainment center. Staff supports the request as it is compatible with the B2 District, the future land use plan, and the surrounding land uses.
- The petitioner also requests a variance to reduce the required amount of off-street parking. Staff supports the request based upon the data provided in the parking study.

### **FISCAL IMPACT:**

N/A