

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



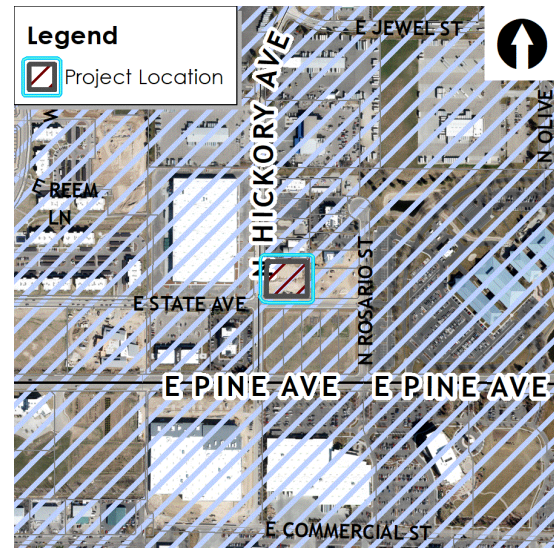
HEARING DATE: June 15, 2023

TO: Planning & Zoning Commission

FROM: Stacy Hersh, Associate Planner
208-884-5533

SUBJECT: H-2023-0022 – Black Box VR CUP

LOCATION: 950 N. Hickory Avenue in the NE ¼ of Section 8, Township 3N., Range 1E. (Parcel #R3073781000)



I. PROJECT DESCRIPTION

Conditional Use Permit request to operate an indoor recreation facility (indoor virtual reality fitness gym) from Suite 100 (2,780 square-foot) in an existing 23,000 square-foot flex building on 1.325 acres of land in the I-L zoning district.

II. SUMMARY OF REPORT

A. Project Summary

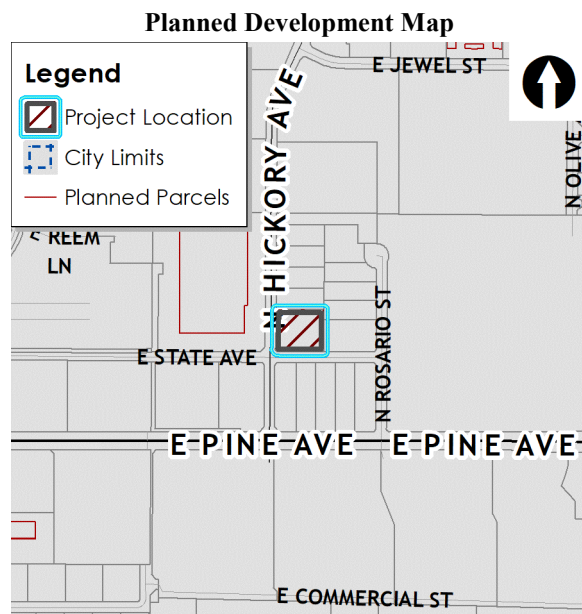
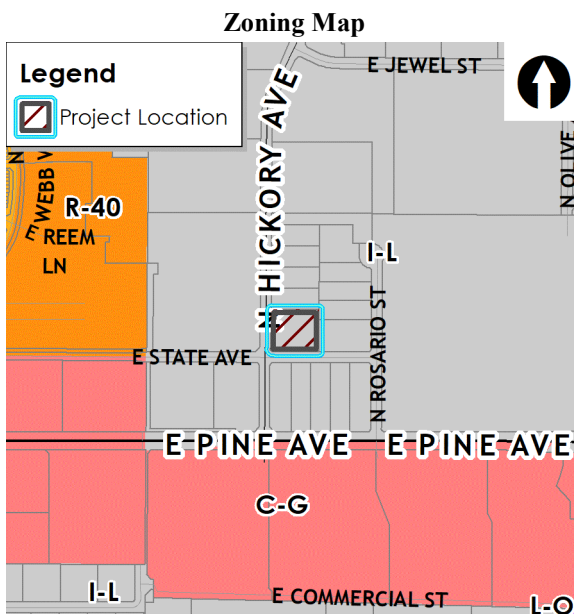
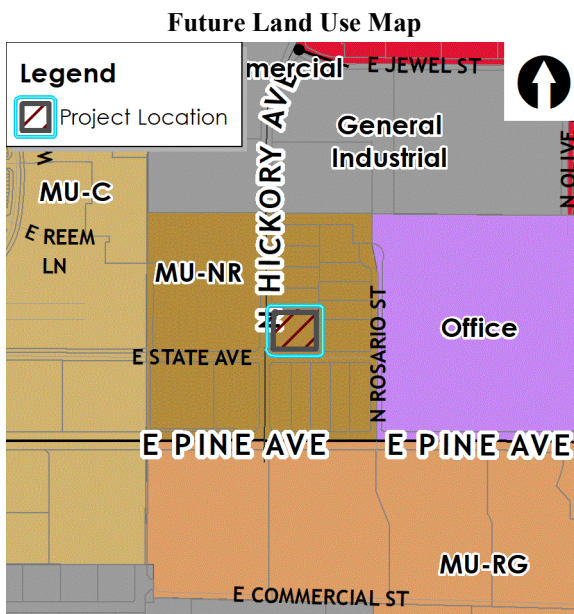
Description	Details	Page
Acreage	1.325-acre property	
Future Land Use Designation	Mixed Use – Non-Residential (MU-NR)	
Existing Land Use	Existing 23,000-square-foot flex building	
Proposed Land Use(s)	Indoor Recreational Facility located in Suite 100 (Virtual Reality Fitness gym)	
Current Zoning	I-L	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	March 29, 2023; 0 attendees	
History (previous approvals)	A Certificate of Zoning Compliance and Design Review (A-2021-0021) to construct a 25,000-square-foot flex building.	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	

• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One (1) access via E. State Avenue (local street). All access points are existing and approved from previous approvals (A-2020-0165) for the overall warehouse building.	
Existing Road Network	Yes	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Sam Lumetta, Black Box VR – 930 W. Two Rivers Lane, Eagle, Idaho 83616

B. Owner:

Shannon Robnett– 950 Hickory QOF Limited Partners LLC

C. Agent/Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	5/24/2023
Radius notification mailed to properties within 500 feet	5/25/2023
Public hearing notice sign posted on site	6/1/2023
Nextdoor posting	5/25/2023

V. COMPREHENSIVE PLAN ([HTTPS://WWW.MERIDIANCITY.ORG/COMPPLAN](https://www.meridiancity.org/compplan)):

Land Use:

This property is designated Mixed Use Non-Residential (MU-NR) on the Future Land Use Map (FLUM).

The purpose of the MU-NR designation is to designate areas where new residential dwellings will not be permitted, as residential uses are not compatible with the planned and/or existing uses in these areas. For example, MU-NR areas are used near the City’s Wastewater Resource Recovery Facility and where there are heavy industrial or other hazardous operations that need to be buffered from residential.

The Applicant proposes to develop the site with an indoor recreation facility (i.e. an indoor virtual reality fitness gym) within a portion of an existing flex building. The flex building was approved under an administrative application (A-2021-0021) due to the existing industrial zoning and planned unit development in 1991 (through Gemtone CUP). The planned unit development approved in 1991 allowed numerous uses beyond just those typically allowed in the I-L zoning district.

In the surrounding area, there is a church, offices, flex space, other warehousing uses, employment, and other indoor recreation facilities (i.e. K1 Speed & Flying Pickle). With the addition of the proposed virtual reality fitness gym next to offices and other indoor recreation facilities across the street, Staff believes the proposed indoor recreation facility should complement other uses in the surrounding area and provide opportunities for residents to recreate.

Therefore, Staff finds the proposed use should be an appropriate use in the MU-NR FLUM designation for the reasons noted above.

In reviewing development applications, the following items will be considered in MU-NR areas: *(Staff’s analysis in italics.)*

- No new residential uses will be permitted (existing residential may remain). *No residential uses are proposed.*

- All developments should have a mix of at least two types of land uses. *The overall MU-NR designated area does have a mix of uses; multi-family to the west, warehouses, light industry, offices, flex space, and a church exist to the north and east of this site within the MU-NR area.*
- Development is not required to comply with the minimum number of uses in the general mixed-use standards. *Noted.*
- Street sections consistent with the Ada County Highway District Master Street Map are required within the Unified Development Code. *No new streets are proposed.*
- There is neither a minimum nor maximum imposed on non-retail commercial uses such as office, food service/restaurants, industry, or warehouse uses. *Noted.*
- A transitional use is encouraged on the perimeter of the MU-NR areas between any existing or planned residential development. *The site doesn't abut any existing or planned residential development.*

COMPREHENSIVE PLAN POLICIES (<https://www.meridiancity.org/compplan>):

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

- “Plan for an appropriate mix of land uses that ensures connectivity, livability, and economic vitality.” (3.06.02)
The proposed use will contribute to the mix of uses in this area and should add to the livability and economic vitality of the community.
- Monitor and adjust the amount and mix of industrial, commercial, and office areas needed to meet the employment needs of the City.” (3.06.01B)
The proposed use will contribute to the mix of uses in this area; however, the desire for industrial and employment uses are diminished.
- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability.” (3.06.02B)
The subject mixed-use area currently contains office, church, flex space, warehousing, and an indoor recreation facility (K1 Speed go-kart track & Flying Pickle – pickleball courts) in the warehouse on the property to the west. The proposed use will provide another recreational opportunity in close proximity to residential neighbors to the west thereby reducing vehicle trips and enhancing livability of the area.
- “Preserve the industrial base within designated industrial land use areas by discouraging non-industrial uses and focusing on light manufacturing, distribution, flex-space, and base-employment.” (3.07.01D)
The proposed use is a non-industrial use requesting a CUP to occupy an industrial land use area approved for flex space. Staff has some concerns about approving another commercial use for an indoor recreation facility (virtual reality fitness gym) within the vicinity purposed for industrial uses. If approved, this would be the first such use in this building.
- “Protect public health and safety by guiding growth and development away from hazardous areas that pose a threat to people and property.” (4.10.00)
Operation of the proposed use should comply with City ordinances pertaining to noise, lighting, and odor disturbances.
- “Provide, partner, and preserve public and private indoor and outdoor recreation amenities for a diverse range of physical activities.” (5.01.01C)

The proposed indoor recreation facility offers opportunities for recreation through a virtual reality fitness gym to the public and will contribute to the range of physical activities offered in the City.

VI. UNIFIED DEVELOPMENT CODE ([UDC](#))

The proposed use, an indoor recreation facility, is listed as a conditional use in the I-L (Light Industrial) zoning district per UDC Table [11-2C-2](#). Compliance with the dimensional standards listed in UDC Table [11-2C-3](#) is required and are met because the proposed use is internal to an approved structure.

VII. STAFF ANALYSIS

As discussed above in Section V, the proposed indoor virtual reality fitness gym is considered an appropriate use and meets the development guidelines listed for the MU-NR designation. The use is also consistent with the Planned Unit Development approved in 1991 for Gemtone Inc., which approved a mix of commercial and light industrial uses in the I-L zoning district.

This use is proposed to be contained within an existing flex space building, as noted above. The tenant space for the virtual reality fitness gym will be approximately 2,780 square feet within an existing building with no exterior modifications proposed. The Applicant submitted a site plan showing the tenant space for the reality fitness gym.

The proposed use is subject to the following Specific Use Standards ([UDC 11-4-3-2](#)) - Arts, Entertainment or Recreation Facility, Indoors and Outdoors: (*Staff analysis in italics*)

A. General Standards:

1. All outdoor recreation areas and structures that are not fully enclosed shall maintain a minimum setback of one hundred feet (100') from any abutting residential districts. The playing areas of golf courses, including golf tees, fairways, and greens, are an exception to this standard. (Ord. 07-1325, 7-10-2007). *No outdoor recreation areas are proposed; all activities will take place within the building.*
2. No outdoor event or activity center shall be located within fifty feet (50') of any property line and shall operate only between the hours of six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. *No outdoor events or activities are proposed.*
3. Accessory uses including, but not limited to, retail, equipment rental, restaurant, and drinking establishments may be allowed if designed to serve patrons of the use only. *Noted.*
4. Outdoor speaker systems shall comply with section 11-3A-13, "Outdoor Speaker Systems", of this title. *No outdoor speakers are proposed.*

B. Additional Standards for Swimming Pools: Any outdoor swimming pool shall be completely enclosed within a six foot (6') non-scalable fence that meets the requirements of the building code in accord with title 10, chapter 1, of this code. *Not applicable.*

C. Additional Standards for Outdoor Stage or Musical Venue: Any use with a capacity of one hundred (100) seats or more or within one thousand feet (1,000') of a residence or a residential district shall be subject to approval of a conditional use permit. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005). *No outdoor stage or musical venue is proposed.*

Access ([UDC 11-3A-3](#)):

One (1) driveway access is depicted and approved on the overall site plan via E. State Avenue (local street). ACHD and the City has approved the location of the access driveway with the administrative approvals for the overall flex building (A-2021-0021).

Parking (UDC [11-3C](#)):

Based on the proposed tenant space of approximately 2,780 square feet of gross floor area, a minimum of 6 off-street parking spaces are required. As noted throughout the staff report, the building and other site improvements are existing and include the off-street parking for the entire flex building. According to the submitted site plan showing the existing site conditions, a total of 49 parking spaces are provided, exceeding UDC standards. Based on the 6 parking spaces provided for this use, a minimum of one (1) bicycle parking space is required to be provided. **Bicycle parking facilities were approved at the time of CZC submittal; the submitted plans depict the bike racks located on the west side of the flex building.**

Because a vast majority of the area proposed for the virtual fitness gym has a limited capacity, Staff does not have concerns on the number of parking spaces available for the proposed use.

Sidewalks (UDC [11-3A-17](#)):

There are existing 5-foot wide attached sidewalks along E. State Avenue and N. Hickory Avenue that meet UDC standards. Any damaged curb, gutter, or sidewalk is required to be replaced.

Landscaping (UDC [11-3B](#)):

A 10-foot wide street buffer is required to be provided along E. State Avenue, a local street, and a 20-foot wide street buffer is required along N. Hickory Avenue, a collector street, landscaped per the standards listed in UDC [11-3B-7C](#). Parking lot landscaping is required per the standards listed in UDC [11-3B-8C](#).

All required landscaping has been proposed and approved with previous approvals. Staff's analysis of the approved landscape plan shows compliance with all applicable landscaping code sections.

Outdoor Lighting (UDC [11-3A-11](#)):

All outdoor lighting is required to comply with the standards listed in UDC 11-3A-11C unless otherwise approved through alternative compliance. Light fixtures that have a maximum output of 1,800 lumens or more are required to have an opaque top to prevent up-lighting; the bulb shall not be visible and shall have a full cutoff shield in accord with Figure 1 in UDC 11-3A-11C.

All outdoor lighting was approved with the CZC approval in 2021. However, any future business signage must comply with all standards outlined in UDC 11-3D.

Building Elevations:

The approved building elevations and perspectives were submitted for the flex building as shown in Section IX.D. *As stated throughout this report, these elevations have already been approved through the administrative process and the building is already existing. The submitted elevations are for supplementary purposes only.*

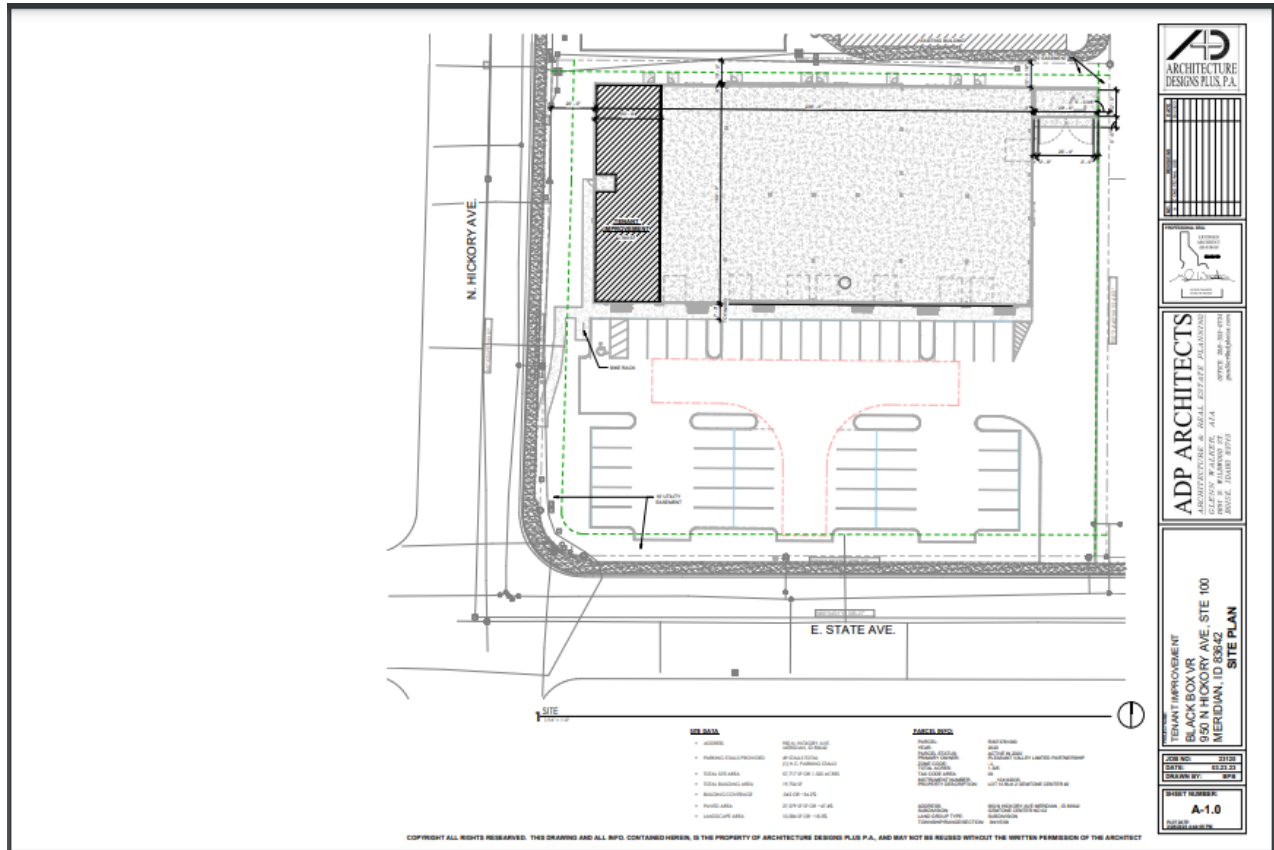
VIII. DECISION

A. Staff:

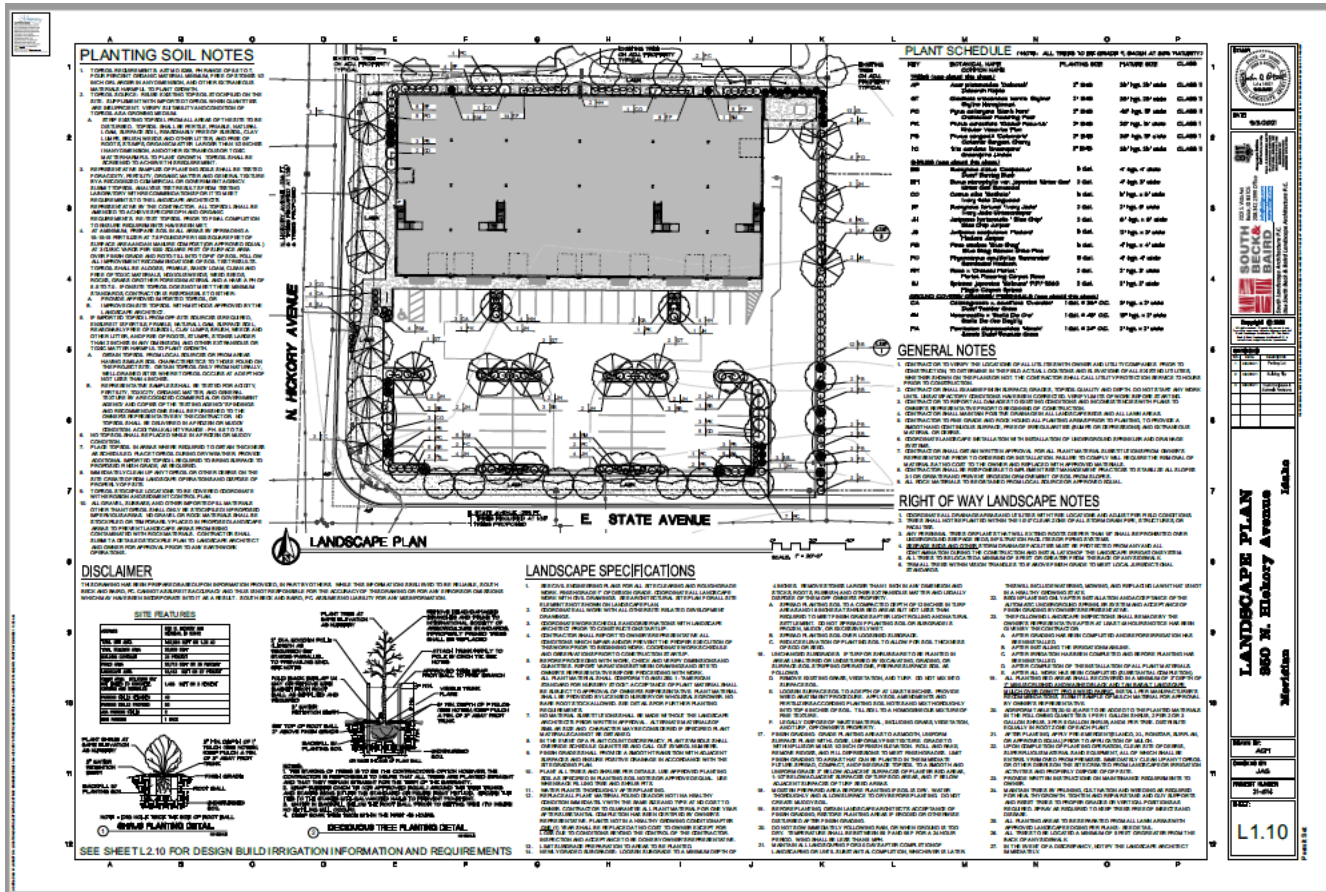
Staff recommends approval of the proposed Conditional Use Permit per the provisions included in Section IX in accord with the Findings in Section X.

IX. EXHIBITS

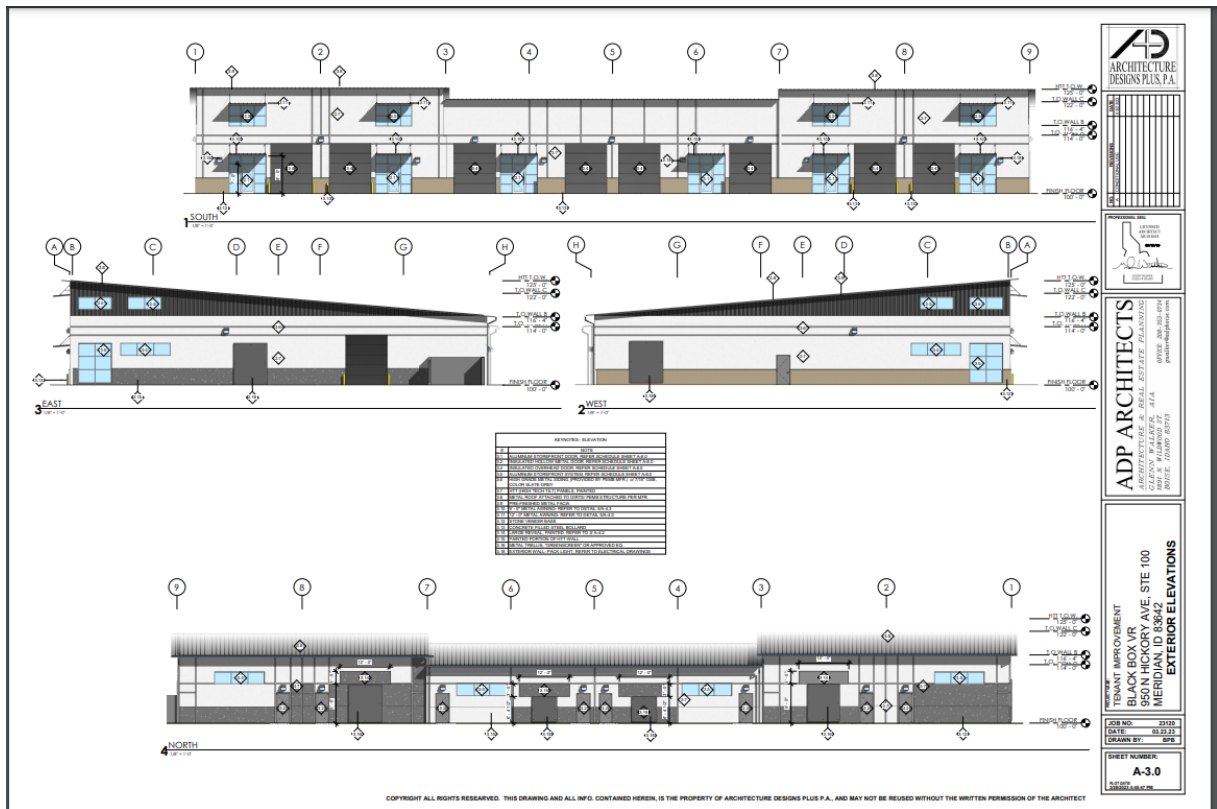
A. Site Plan (dated: 3/23/23)



B. Approved Landscape Plan (dated: 9/3/2021)



C. Building Elevations (3/23/23)



X. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. The applicant shall comply with the site plan, landscape plan, and building elevations approved with A-2021-0021 including the modifications listed below.
2. The Applicant shall comply with the specific use standards listed in UDC 11-4-3-2 – Arts, Entertainment or Recreation Facility, Indoors and Outdoors, including but not limited to the following:
 - **Accessory uses including, but not limited to, retail, equipment rental, restaurant, and drinking establishments may be allowed if designed to serve patrons of the use only, and not the general public.**
 - **All outdoor recreation areas and structures that are not fully enclosed shall maintain a minimum setback of one hundred feet (100') from any abutting residential districts. The playing areas of golf courses, including golf tees, fairways, and greens, are an exception to this standard. (Ord. 07-1325, 7-10-2007).**
 - **No outdoor event or activity center shall be located within fifty feet (50') of any property line and shall operate only between the hours of six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M.**
 - **Accessory uses including, but not limited to, retail, equipment rental, restaurant, and drinking establishments may be allowed if designed to serve patrons of the use only.**
 - **Outdoor speaker systems shall comply with section 11-3A-13, "Outdoor Speaker Systems", of this title.**
3. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

B. FIRE DEPARTMENT

No comments were submitted.

C. POLICE DEPARTMENT

No comments were submitted.

D. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=295048&dbid=0&repo=MeridianCity>

E. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=294303&dbid=0&repo=MeridianCity&cr=1>

F. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=296977&dbid=0&repo=MeridianCity>

XI. FINDINGS

A. Conditional Use Permit (UDC 11-5B-6E)

The Commission shall base its determination on the Conditional Use Permit requests upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

The site meets all the dimensional and development regulations of the I-L zoning district for the proposed use. Therefore, Staff finds the site is large enough to accommodate the proposed use.

2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this Title.

Staff finds the proposed use will be harmonious with the Comprehensive Plan in that it will provide an indoor recreation use which will contribute to the mix of uses desired in the MU-NR Comprehensive designation as desired.

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

Staff finds the design, construction, operation and maintenance of the proposed use with the conditions imposed, should be compatible with other uses in the general vicinity but may moderately change the character of the area due to the limited I-L zoning within the City.

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

Staff finds that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

Staff finds the proposed use will be served by essential public facilities and services as required.

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

Staff finds the proposed use will not create additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

Staff finds the proposed use will not be detrimental to any persons, property or the general welfare by the reasons noted above.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005).

Staff finds the proposed use will not result in the destruction, loss or damage of any such features.