IN RE:)
)
Sun Valley Electric Bicycles) KETCHUM PLANNING AND ZONING COMMISSION
Conditional Use Permit) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: November 10, 2020) DECISION
)
File Number: P20-091)

Findings Regarding Application Filed

PROJECT: Sun Valley Electric Bicycles CUP

FILE NUMBER: P20-090

APPLICANT: Richard ("Matt") and Karen Davis, and Mark Carnes

REQUEST: Conditional Use Permit (CUP) for motor vehicle sales

LOCATION: 100 Northwood Way, Unit C-2, Ketchum, ID (Lot 9, Northwood Light

Industrial Sub)

ZONING: Light Industrial District No. 2 (LI-2)

OVERLAY: LI 48' Height Overlay

NOTICE: Notice was mailed to property owners within a 300-foot

radius and was published in the Idaho Mountain Express on September 23rd, 2020. Notice was posted at the subject location on October 6th, 2020 and on the city website on

October 5th, 2020.

ATTACHMENT: A. Floorplan, Sun Valley Electric Bicycles

B. Floorplan, ground floor, 100 Northwood Way

C. Civil site plan

BACKGROUND FINDINGS

- 1. On October 13th, 2020, the Planning and Zoning Commission considered a Conditional Use Permit (CUP) application by Matt and Karen Davis and Mark Carnes of Sun Valley Electric Bicycles LLC for the proposed motor vehicle sales business to operate at 100 Northwood Way, Unit C-2, an 1,149 square foot commercial space.
- 2. The subject property is located in the Light Industrial District No. 2 (LI-2) zoning district.

- 3. Electric bicycles are classified as Motor Vehicles by Ketchum Municipal Code and motor vehicle sales operations require a Conditional Use Permit in the LI-2 zoning district.
- 4. The proposed use, Sun Valley Electric Bicycles, is comprised of several components: rental of an electric bicycle fleet, repair service of electric bicycles, and electric bicycle sales. Rental of electric bicycles is a permitted use in the LI-2 zoning district (KMC 17.12.020, footnote 16) and as is repair service ("Repair Shop"). The sale of electric bicycles however is classified as Motor Vehicle Sales. Ketchum Municipal Code Title 10, Vehicles and Traffic, Chapter 10.12, classifies electric bicycles as motor vehicles, just as Vespas and similar scooters with motors that travel on streets are classified as motor vehicles. As such a Conditional Use Permit is required. If the business plan were rental and repair only a Conditional Use Permit would not be required.

Table 1. Comprehensive Plan Analysis

Land Use Category:

Mixed-Use Industrial

PRIMARY USES

Light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district.

SECONDARY USES

A limited range of residential housing types, and supporting retail are provided for within this category. Uses should generate little traffic from tourists and the general public.

CHARACTERISTICS AND LOCATION

The Mixed-Use Industrial category is intended to provide critical lands for Ketchum's economic growth and entrepreneurial opportunity within a vibrant business district where people can work and live in the same area.

Automobile oriented uses are permitted only within Ketchum's LI-1 and LI-2 zoning districts. The conditional use, Automobile Sales, is consistent with the primary use of the Mixed-Use Industrial land use category.

Policy E-2(a)

Light Industrial Area as the Primary Location for New Traditional Light Industrial and Corporate Park Business Growth and Jobs

New employment opportunities will focus primarily on clean industries within the City's industrial areas which are evolving into vibrant, mixed-use business places. Traditional light industrial includes service, warehousing, manufacturing, wholesaling, auto-related businesses, rec-tech, biotechnology, and construction.

Electric bicycle sales represent a clean industry. Additionally, the use is compatible with the other mix of uses within the building: an existing bicycle repair shop and the upper-story residential apartments.

Policy E-1(a)

Support for Local, Independent Businesses

Our community will foster a business climate that helps to retain our existing businesses and to attract and support new independent local businesses. This will reduce economic leakages to other communities and provide residents with essential goods and services. We also will work to encourage a greater local purchasing culture and identify voids in businesses or services that are contributing to the leakage.

As noted in the applicant's narrative, Sun Valley Electric Bicycles intends to provide year-round bicycle service for the valley, which is uncommon (most bicycle-oriented business convert to ski rental, sales and service during the winter). The business will also be the first dedicated retailer and servicer of electric bicycles.

Table 2: City Department Comments

	City Department Comments			
Co	mplian	it		
Yes	No	N/A	City Standards and City Department Comments	
	\boxtimes		Fire: No comments at this time.	
		×	 Streets Department and City Engineer: Comments related to public safety, such as lines of sight and landscaping conflicts, are being addressed prior to issuance of Certificate of Occupancy for the building. Additionally, conditions related to parking signage / prohibited parking are being included as items that must be rectified prior to issuance of the Certificate of Occupancy. 	
		\boxtimes	Utilities: No comments at this time.	
		\boxtimes	Building: No comment at this time.	
×			 Planning and Zoning: Comments related to public safety, such as lines of sight and landscaping conflicts, are being addressed prior to issuance of Certificate of Occupancy for the building. Additionally, conditions related to parking signage / prohibited parking are being included as items that must be rectified prior to issuance of the Certificate of Occupancy. 	

Table 3: Conditional Use Permit Requirements

	Conditional Use Requirements							
	EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code							
A cor	ndition	al use p	ermit shall be grar	nted by the commission only if the applicant demonstrates the following:				
				Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and Staff Comments				
\boxtimes			☐ 17.116.030(A) The characteristics of the conditional use will not be unreasonably incompatible wit					
				the types of uses permitted in the applicable zoning district.				
			Staff	The Light Industrial Number Two (LI-2) District allows for a variety of permitted and				
			Comments	conditionally permitted uses ranging from manufacturing to personal service to				
				wholesaling to automotive uses. Per KMC §17.18.150, the LI-2 Zone is "established"				
				with the foremost purpose of providing suitable land and environs for uses that are not				
				appropriate in other Commercial Zones due to their light industrial nature, but which				
				provide an essential or unique service to support the local economy and permanent				
				year-round employment base. Uses include: 1) light manufacturing; 2) wholesale trade				
				and distribution; 3) research and development; 4) service industries; 5) limited bulk				
				retail and; 6) offices related to building, maintenance and construction. A secondary				
				purpose of the LI-2 is to provide multiple-family dwellings, constructed to be secondary				
				and subordinate to the primary light industrial purpose of the LI-2. Uses in the LI-2 are				
				intended to generate traffic primarily from the industrial trades and secondarily by				
				other permitted uses that, due to the natures of the uses, are not reliant on pedestrian				
				traffic or high visibility, and/or are not permitted in other zoning districts, and/or are				
				characterized by sale, rental, or service of large, bulky equipment or materials,				
				necessitating location of such use in a Light Industrial Zone."				
ı				Sun Valley Electric Bicycles has a three-pronged business plan: rental of electric				
	bicycles, service of electric bicycles, and sales of electric bicycles. The first two uses							
		1		bicycles, service of electric bicycles, and sales of electric bicycles. The first two uses are				

permitted by-right in the LI-2 zoning district — bicycle repair is classified as the use Repair Shop, and although bicycle rental is classified as Retail Trade, which generally restricted in the LI-2 zone, the zoning code has a specific provision allowing the rental of sporting equipment by-right¹. The zoning code does not, however, have a special provision allowing the sale of sporting equipment in the LI-2 zone. But, because electric bicycles are classified by Ketchum Municipal Code as motor vehicles² and Motor Vehicle Sales is permitted in the LI-2 zone with a Conditional Use Permit (CUP), the applicant has applied for a CUP in order to be able to sell electric bicycles from the subject property.

There are two primary reasons Retail Trade is limited and restricted in the LI-2 zone: 1) General retail trade - everything from grocery items, apparel, housewares, and so forth - benefits customer, proprietor, and a community's sense of place when clustered in a district. Co-location in a district allows for a critical mass of customers to visit multiple retailers during an outing, the foot traffic of this critical mass generates a sense of activity and vibrancy, which begets more foot traffic, and businesses benefit from the spur of the moment sales that occur when a window shopper decides to make a purchase or the patron of a nearby business remembers he or she could use an item from neighboring shops. As a small mountain town Ketchum has a zoning district designed for this purpose: the downtown Community Core. In contrast, the LI zones, including LI-2, are geographic areas set aside primarily for uses that cannot occur downtown due to their operational needs (noise and visual/aesthetic conflicts, large floor area needed for bulky items, etc.) but are vital to the function of a town (building/construction trades, for example). If general retail encroaches into the LI zones there is less land and space available in city limits to support construction, maintenance, light manufacturing, and so forth. 1) Retail Trade generates, and is reliant upon, a regular stream of vehicular and pedestrian traffic to a site in order to sell goods to customers. The more sales a business makes, the more successful the business is. This is true for all retail - from housewares to building materials. As articulated KMC §17.18.15, "...Uses in the LI-2 are intended to generate traffic primarily from the industrial trades and secondarily by other permitted uses that, due to the natures of the uses, are not reliant on pedestrian traffic or high visibility, and/or are not permitted in other zoning districts, and/or are characterized by sale, rental, or service of large, bulky equipment or materials, necessitating location of such use in a Light Industrial Zone."

The sale of electric bicycles, categorized as Motor Vehicles, fits with the purpose of LI-2 zone articulated in KMC §17.18.150. However, to prevent encroachment of general retail into the LI-2 zone in association with this business in particular, staff recommends a condition of approval restricting the sale of accessories and accoutrements to a limited floor area. It can be expected that sales of parts to repair or operate an e-bicycle are necessary on a limited basis. But an expansive floor area devoted to a vast stock of bicycle clothing and shoes, racks, panniers and frame bags, hitch or roof mounted bicycle carriers, etc. falls into the category of general Retail Trade, à la Backwoods, Elephant's Perch, or Sturtevant's. The LI-2 zoning regulations do not permit a "bike shop" of this sort. Rather, the LI-2 zoning regulations severely limit general retail trade, and this Conditional Use Permit allows for the sale of electric bicycles only.

The applicant's proposed floorplan indicates two areas devoted to accessory sales: one 18' long by 30" wide area labeled "Bike + Accessories Storage" at looker's left and one 18' x 30" area at looker's right labeled "Bike Parts + Accessories Storage". Each area is 45 square feet. Staff recommends a condition limiting sales of items other than the bicycles themselves to no more than 90 square feet. This represents 7.8% of the 1,149 square foot space.

Further, the floor plan indicates a Coffee Bar 6' x 30". A condition of approval that the

		coffee bar be limited to complementary service of coffee to customers has been included; this is because coffee for sale, by the cup, is categorized as Food Service and requires its own Conditional Use Permit. 1. KMC 17.12.020, footnote 16. The following forms of retail trade are permitted: a) equipment rental, including sporting equipment and entertainment equipment; b) building, construction and landscaping materials; small engines with associated sales; c) furniture and appliances in conjunction with warehousing not to exceed 18 percent gross floor area or 900 square feet, whichever is less; d) other retail in conjunction with manufacturing, warehousing or wholesaling; it is limited to 10 percent gross floor area or 500 square feet, whichever is less. Retail uses c) and d) of this note shall have no advertising displayed from windows or building facades; and no access will be permitted onto a major arterial if an alternative access is available. 2. KMC Title 10, Vehicles and Traffic, Chapter 10.12, Bicycles, Human Propelled Vehicles, E-Bikes, Alternative Electric Motored Vehicles, Opdmds, Wheelchairs, and Motorized Vehicles
	Staff Comments	The conditional use will not materially endanger the health, safety and welfare of the community. The sale of electric bicycles will not materially endanger the health, safety, and welfare of the community. The commercial space is located within a brand-new building that includes an interior fire sprinkler system and meets all life safety building/fire code regulations. The product is low-impact and does not require use of any components or materials that will eliminate noxious or harmful fumes, byproducts, etc.
	Staff Comments	use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood. The purpose of the LI-2 zone, including the generation of traffic to the zoning district, is described in this table in section 17.116.030.A. Evaluation of traffic is twofold: the ability of the site to accommodate vehicles and pedestrians on-site and the off-site circulation of vehicular and pedestrian traffic generated by the proposed use. Traffic circulation: 100 Northwood Way is located at the southeast corner of the intersection of Northwood Way and Lewis Street along a curve in the street. There are two (2) parking spaces adjacent to the front property line (western) on Lewis Street and several parallel parking spaces on the side property line (northern) along Northwood Way. The curb cut to the parking lot serving the building is on Northwood Way. New construction and change in use of existing buildings in the past several years has added to traffic volumes in the vicinity (Community School facility, Decked, Nomadic Vans, and the subject property and its commercial and residential tenants) and ongoing construction occurring at nearby properties (adjacent to the east, My Sun Valley Home, 145 Northwood Way Unit 2, Far and Away Adventures, and the proposed Decked expansion) will increase traffic as well. Although no single project has been of a scale or use that warranted a traffic study, it is important to be mindful of the impact Conditional Uses in particular have on traffic impacts. For this reason, traffic circulation around and into the subject property must be conditioned to mitigate impact. During staff site visits on September 17th, 2020 (Sherri Newland, City Engineer, and Brittany Skelton and Abby Rivin, Planning and Building) and October 7th, 2020 (Brittany Skelton, Planning and Building) staff observed parking conditions at the front of the
		permitted per Ketchum Municipal Code KMC 17.125.030.E. During both site visits a box truck was parked parallel to the building on Lewis and on October 7 th an additional vehicle was parked in the driveway leading to the Lewis

				Street-facing garage. As a condition of approval for this Conditional Use Permit (as well as the Certificate of Occupancy for the building) both areas observed to be used for parking in the front of the building will have to be painted or signed with "no parking" or "parking prohibited" signage. Additionally, as articulated in 17.116.030(A), a condition of approval limiting the floor area that can be used for the sale of accessory items related to electrical bicycles has been limited to no more than 90 square feet; such items must be Pedego branded, with the exception of bicycle helmets. This condition will help mitigate the traffic drawn to the use by preventing the electric bicycle repair, rental and sales operation from becoming a "bike shop." On-site traffic accommodation: The building located at 100 Northwood Way has seven (7) parking lot spaces at the rear and north side of the building and three (3) garage parking spaces for a total of 10 parking spaces. This includes one (1) ADA accessible parking space and a loading space. These parking spaces are indicated on Attachment E, the civil engineer site plan approved with the building permit. The parking load for the entire building and its uses must be accounted for. The uses within the building and the parking loads are:		
				Lie	Barlina Cuasas Barr	uius al
				Residential apartments: (1) studio, (1)	Parking Spaces Required 4 parking spaces (or	
				one-bedroom, (1) two-bedroom	, parking spaces (or	ie per seuroonij
				Existing commercial tenant, a bicycle repair shop, 856 square foot unit	1 parking space (1 per 1,000 gross square feet)	
				Sun Valley Electric Bicycles, 1,149 square foot unit	1 parking space, motor vehicle sales	1 per 500 gross sq. ft (504 sq. ft)
					1 parking spaces, assembly, storage, etc.	1 per 1,000 square feet
			Total: 7 spaces required			
				Currently, two (2) parking spaces are tandem (two spaces stacked in-line), one is located in the striped, asphalt parking lot and the other is located in an area with decorative pavers. The parking space in the decorate paver area is not currently striped. As a condition of approval for this Conditional Use Permit (as well as the Certificate of Occupancy for the building) the paver parking space must be stripe signed for parking.		
				Little to no pedestrian traffic is anticipated drive a vehicle to drop off an e-bicycle for s business can be accommodated by the exis property.	ervice. Any pedestriar ting sidewalk that is a	n traffic to the djacent to the subject
\boxtimes			17.116.030(D)	The conditional use will be supported by adequate public facilities or services and		
				will not adversely affect public services to established to mitigate adverse impacts.	the surrounding area	or conditions can be
				The proposed location is within an existing a public streets, Lewis Street and Northwood services.		

CONCLUSIONS OF LAW

- 1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code;
- 2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and zoning ordinance, Title 17;
- 3. The Commission has the authority to hear the applicant's Conditional Use Permit Application pursuant Ketchum Municipal Code Title 17;
- 4. The Planning and Zoning Commission's October 14th, 2019 public hearing and consideration of the applicant's Conditional Use Permit application was properly noticed pursuant to the Local Land Use Planning Act, Idaho Code Section 67-6512;
- 5. The application meets the standards of approval under Chapter 17.116, Conditional Uses of Ketchum Zoning Code Title 17 and the 2014 Comprehensive Plan;

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission approves this Conditional Use Permit application allowing Sun Valley Electric Bicycles to conduct business at 100 Northwood Way, Unit C-2, on this 11th day of November 2020 subject to the following conditions 1 - 12:

- 1. The Conditional Use Permit is applicable to the 100 Northwood Way's 1,149 square foot Commercial Space B indicated on the floorplan attached hereto is not transferrable to another property. No expansion of floor area is permitted unless a new Conditional Use Permit authorizing such expansion is approved;
- **2.** The Conditional Use Permit allows for the sale of Electric Bicycles, classified as Motor Vehicles, and does not provide for the sale of non-electric bicycles or other types of motor vehicles, automobiles, trailers, etc. Sale of Electric Bicycles is further limited to the Pedego brand.
- 3. All electric bicycles for rent, for sale, and service shall be located on private property and shall not be located or encroach into the right-of-way;
- **4.** Occupancy of Commercial Space B is subject to the city's issuance of a Certificate of Occupancy for B19-016;
- <u>5.</u> The floor area devoted to sales of accessory items other than the electric bicycles themselves are limited to no more than 90 square feet, as indicate on the floor plan attached hereto, and are limited to Pedego branded service parts and accessories, with the exception of bicycle helmets;
- <u>6.</u> The "coffee bar" indicated on the floorplan shall be limited to complementary coffee service and shall not include for-sale coffee as coffee by the cup is classified as Food Service and requires a separate Conditional Use Permit;
- <u>7.</u> "No Parking" or "Parking Prohibited" signage and/or painting shall be installed at the front of the building (Lewis Street façade) to indicate no parking shall occur in the southern driveway/curb-cut or anywhere parallel to the building;
- **8.** The tandem parking space located in the paver area, on the north side of the building (Northwood Way), shall be signed and/or striped to indicate this area is a parking stall available for tenants and customers.
- <u>9.</u> The paver parking stall shall remain free and clear of impediments, including snow, at shall be available or used for parking at all times;
- <u>10.</u> Staff shall make quarterly inspections of Sun Valley Electric Bicycles beginning three months after issuance of Certificate of Occupancy for the building to ensure conditions of approval are being met. Documentation of observations from the site visits shall be made in writing and filed in the project file.

- These quarterly inspections shall occur for the first two years after issuance of Certificate of Occupancy and can occur on an intermittent basis, at the discretion of staff, thereafter;
- <u>11.</u> The Commission shall have the discretion to hold a new public hearing to evaluate this Conditional Use Permit if violations of the conditions occur.
- **12.** When patrons of Sun Valley Electric Bicycles opt to take bicycles out for test rides all Sun Valley Electric Bicycles staff shall encourage riders northward along Lewis Street and Northwood Way, rather than southward, in order to lessen the potential for vehicle/bicycle conflicts.

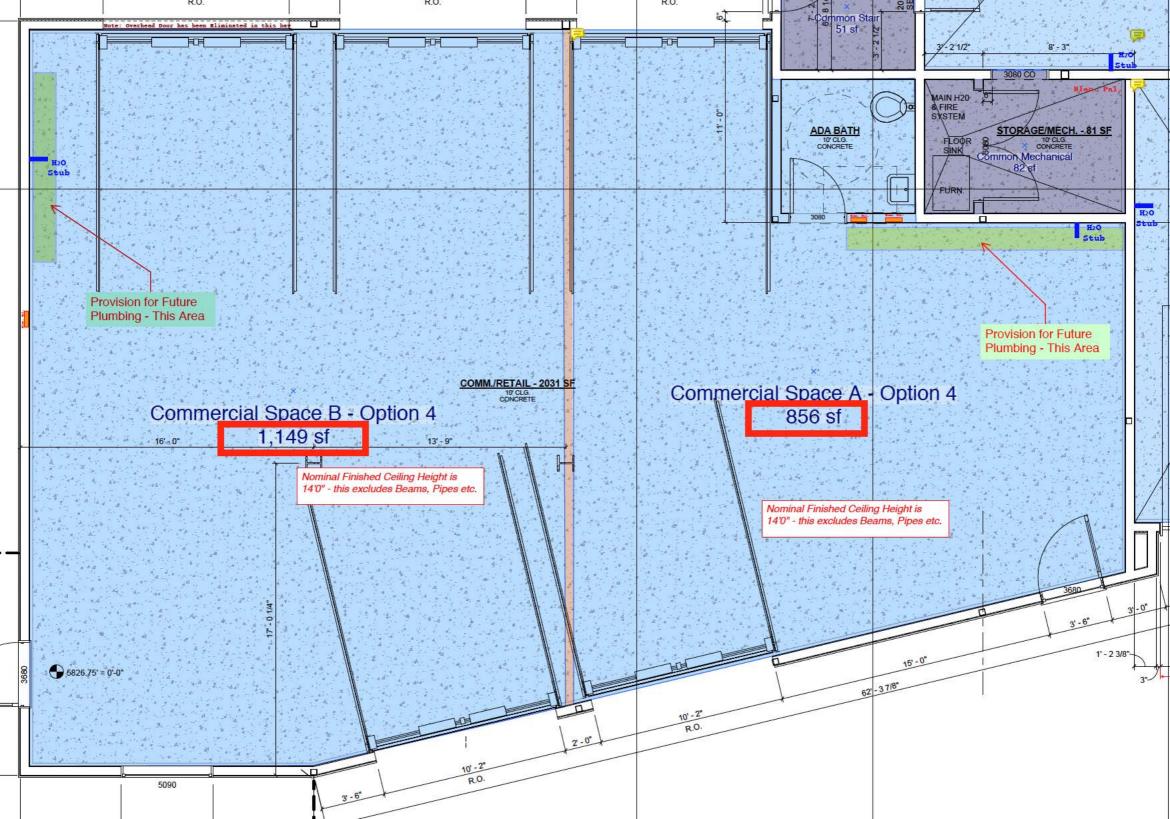
Findings of Fact adopted this 11 th day of November	2020
	Neil Morrow
	Chair
	Planning and Zoning Commission
Suzanne Frick, Planning and Building Director	

ATTACHMENT A.

SCALE: 1" = 14"

		4	29'6"	>	
				ROLL-UP GARAGE DOOR	1
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ATTACHMENT B.



ATTACHMENT C.

