



PLANNING COMMISSION STAFF REPORT

April 18, 2019

AGENDA ITEM: Planning File No. 019-19-CU: A Conditional Use Application request for an Auto, Boat, and Recreational Vehicle Sales or Leasing Use (i.e. seasonal motorcycle rentals)

LOCATION: 720 Ten Mile Drive / Lot E, Ten Mile Subdivision

ZONING: Commercial Oriented (CO) District

APPLICANT RMMR LLC / Jason Smith
PO Box 4078
Breckenridge, CO 80424

OWNER: Difels Services LLC
PO Box 5112
Frisco, CO 80443

NOTICING: Published in the Summit County Journal: 4/12/2019
Mailed to adjacent property owners: 4/04/19
Posted at the Post Office: 4/04/19
Posted at the Site: 4/04/2019

TOWN STAFF: Katie Kent, Planner (970) 668-9131
katiek@townoffrisco.com

PROJECT DESCRIPTION

The applicant, RMMR LLC, is proposing to rent motorcycles annually from April through October out of the existing structure located at 720 Ten Mile Drive. Utopia Tires & Service is currently operating out of the structure, under the same business owner, and will continue to do so. The applicant has stated that initially the business will rent 6-7 motorcycles but they are requesting approval to have up to twenty (20) motorcycles over time if the business proves successful.

For a more complete description of this project, please refer to the attached application materials.

BACKGROUND

Frisco Town Code 180-5.1.5 Table of Allowed Uses states Auto, Boat, and Recreational Vehicle Sales and Leasing is a conditional use in the Commercial Oriented (CO) District. The use type

is not permitted by right in the Town of Frisco and is permitted by conditional use in the CO and Gateway (GW) Districts.

The structure was built in 1981 to be an “Office and Service Building” which the building continues to be through its current occupancy by Utopia Tires & Service. Utopia Tires & Service will remain in the building and RMMR, LLC will utilize a portion of the existing floor space in the waiting area and a portion of one service bay which stores tires in the winter. As noted in the applicant’s narrative, the motorcycles will be rented to the public between the months of April through October on an annual basis. The existing lobby/waiting room has adequate room for the motorcycle storage as does the interior of the maintenance area. No alterations are proposed to the structure or property for the proposed use.

Below is a vicinity map of the subject property with an aerial photography base layer. The location of the property lines shown on this map vary in accuracy and should only be used for reference purposes. Photographs of the subject property are included for reference.



Vicinity Map



View looking northwest at property (Google Earth, July 2018)



View looking southwest at property (Google Earth, July 2018)



View looking west at property (Google Earth, July 2018)



View looking east at property (Google Earth, July 2018)

REQUIRED ACTION

Planning Commission: Approval, approval with conditions, or denial of the Conditional Use Application.

ANALYSIS - FRISCO COMMUNITY PLAN

The following elements of the Frisco Community Plan are applicable to the review of the proposed development:

Plan Overview (excerpt)

The Frisco Town Charter requires that the Town's master plan be updated every five years in order to respond to changing times. The 2011 master plan update is titled the 'Frisco Community Plan.' Periodically updating the Frisco master plan is a critical step in the process to maintain a vibrant mountain town, balance the town's reputation as a great destination, ensure a strong yet diverse economic base, and preserve our quality of life. The community realizes intentional planning for the future is necessary to ensure that the Town of Frisco continues to evolve as a resilient community.

Purpose ~ The Frisco Community Plan's purpose is to identify common values and guide direction to connect, sustain and create the future of the Town of Frisco over the next 5 years.

Connect ~ Connections are a core tenet of the Frisco Community Plan; they reflect the way people, organizations and neighbors relate to each other in the Frisco community. Connections help to address needs of the community.

Sustain ~ Everything is interrelated. Sustainability is the fundamental approach of the Frisco Community Plan; it recognizes the social, environmental and economic influences on the community, and aims over the long-term to balance these influences to support community success.

Create ~ Creation of lasting community relationships is an important aspect of the Frisco Community Plan. The plan creates the community's direction for a preferred future of Frisco."

Chapter 2. Community Direction (excerpts)

The Frisco Community embraces itself as a vibrant mountain town, and seeks opportunities to enhance and maintain vibrancy through art and culture, the built environment, community services, energy, the economy, health and well-being, housing, natural resources, recreation and transportation. ~ Community Plan Quality of Life statement

Built Environment

Frisco is a community that encourages land uses and architectural styles to fit its mountain town identity, and strives for development with sustainable design, materials and practices.

- *BE 1. Encourage eclectic and sustainable designs for new construction and redevelopment to enhance the community's character.*
- *BE 2. Ensure the design of Frisco's public spaces, streets and pathways reflect Frisco's mountain town character.*
- *BE 3. Preserve and enhance the Main Street area as the heart of the community.*
- ***BE 4. Enhance the Summit Boulevard area as a primary gateway and as a functional and efficient economic center of the town.***
- *BE 5. Promote attractive and safe connections between all areas and sections of the town.*

Economy

Frisco is a community that promotes a diverse, sustainable, year-round economy.

- ***EC 1. Develop economic strategies to encourage a diversity of commercial businesses in town.***
- ***EC 2. Continue to promote the town as a year-round destination.***
- ***EC 3. Encourage and direct economic growth.***
- *EC 4. Allocate public resources to effectively support and encourage cost-effective private investments that enhance the community.*
- *EC 5. Support the creation and outlet for local markets and support local workforce policies.*

The proposed application appears to further the quality of life statements above in bold. The proposed motorcycle rental business will promote the Town as a destination in the summer months and provide a use for locals and visitors that does not currently exist within the Town of Frisco. The application appears to be in conformance with the purpose and recommendations of the Frisco Community Plan.

ANALYSIS – CONDITIONAL USES [§180-2.5.1]

The property is zoned Commercial Oriented (CO) District. The Frisco Town Code (Code) states in Section 180-5.1.5 Table of Allowed Uses that Vehicles and Equipment which includes auto, boat, and recreational vehicle sales and leasing is a conditional use in the Commercial Oriented (CO) District.

The purpose of a conditional use is for land uses that, because of their unique character, size, operating characteristics, and potential impacts, must undergo special review with the potential for conditional approval in order to be undertaken in a particular zoning district. The conditional use process allows for the integration of certain land uses within the Town based on appropriate conditions imposed by the Planning Commission. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses and by reviewing the impacts a conditional use may have. Conditions are intended to minimize or ameliorate any negative circumstances that might arise by the use. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety, or welfare of the community or a violation of any provision of the Town Code, state law, rule, or regulation promulgated pursuant thereto

The purpose statement for the CO District reads:

To promote the development of regionally serving shopping areas, restaurants, and service facilities that are convenient to Highway 9 and Interstate 70, to enhance connections to mass transit and multi-modal transportation, and to allow for intensive commercial development.

It shall be the duty of the applicant to establish that each of the conditional use criteria has been met. See attached document for the applicant's complete written response to each of the criteria.

1. The proposed use in its particular location is necessary or desirable to provide a service or facility that will contribute to the general welfare of the community.

Applicant's Response: *I regularly rent motorcycles when travelling in Europe. During these trips, I have noticed a lack of quality operations offering rentals. Back home, here in Colorado there is a distinct lack of motorcycle rental companies. As an avid rider and entrepreneur, I see the need for quality rental motorcycles in Summit County. Summit County offers access to scenic mountain roads without having to negotiate 1-70 as a prerequisite. Frisco and the surrounding towns offer dozens of events which can not only be enjoyed while riding a motorcycle, but also help alleviate parking problems and afford easier access to the events. Motorcycling requires less fuel than an automobile and provides much greater versatility when parking, due to a motorcycle's much smaller size than a car or SUV. My new company will actively qualify customers and target only customers with substantial motorcycling experience and those deemed to be responsible riders.*

Staff's Analysis: The proposed business use is not currently located in Frisco and can be considered a desirable new service to the community. The proposed motorcycle rental business will provide a unique service to the Town, thus making it desirable to both locals and visitors. The proposed use will not be detrimental to the general welfare of the community. This criterion is met.

2. The proposed use will, under the circumstances of the particular case and the conditions imposed, be neither detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community.

Applicant's Response: *"My new company will actively qualify customers and target only customers with substantial motorcycling experience and those deemed to be responsible riders. The motorcycle fleet will be stored inside the building. Renting and minor services to these units will not add any increased impact on the building or community. We currently service hundreds of vehicles per year and adhere to all applicable standards".*

Staff's Analysis: The proposed use is required to comply with all applicable Town codes, and the conditions set forth at the end of this staff memo are intended to address health, safety, and welfare. All motorcycles and accessory equipment will be stored entirely within the building and no physical changes are proposed to the structure or site with the exception of a sign which will be required to comply with Town Code. Staff has proposed a condition requiring that all motorcycles and associated equipment shall be stored in the interior of the existing structure. The project will not require interior or exterior improvements and will not alter the site's landscaping, vehicle parking, loading areas, service areas, open spaces, or lighting. New signage will require a permit and must comply with the requirements of Town of Frisco sign guidelines. It is not anticipated that the use will create any negative odors or visual impacts. The operation will have an insignificant impact on noise compared to existing auto repair operations and the existing ambient traffic noise. The application notes that RMMR, LLC will only be renting "street motorcycles" and whereas they cannot provide the decibel levels at this time, they will be under the legal limits for highway motorcycles and will not create any more noise than an automobile.

The project will not be detrimental to the health, safety and welfare to the community if the project is approved pursuant to the proposed conditions referenced below. This criterion is met.

3. The proposed use will comply with the regulations and conditions specified in the Town Code for such use.

Applicant's Response: *RMMR, LLC will ensure that it meets all Town Codes by continuing to stay in communication with the town departments to ensure all codes are complied with.*

Staff's Analysis: There are no applicable "use-specific standards" required by Section 180-5.2 of the UDC. No site improvements are proposed for the site with the exception of a potential sign advertising the business. Any proposed signage shall comply with the limitations of the Unified Development Code and individual signs are subject to the review and approval of Community Development. The applicant will be required to submit a sign permit and comply with the Town of Frisco sign regulations. If all the conditions of this staff report are met, this criterion will be met.

4. The proposed use furthers one or more of the goals and objectives of the Master Plan for the Town of Frisco.

Applicant's Response: *"RMMR will positively contribute to the Town of Frisco's master plan. Motorcycles use less fuel and will hopefully reduce overall emissions (IV). RMMR will increase revenue for the town by adding an additional tax source within an existing building (I). RMMR will help the town of Frisco celebrate local businesses who have truly local ownership (III). Vehicle rentals also pay an additional State Sales Tax and Ownership Tax. Motorcycles rentals*

could be viewed as another town amenity (V). RMMR will eventually add several more jobs to the community (III). Fewer large vehicles on the road will also make for a safer town (II).

Staff's Analysis: Staff has evaluated the current proposal for consistency with the Master Plan and Staff does not feel that the proposal conflicts with any of the policies outlined in the Plan. This conditional use request appears to be supported by the direction in the Frisco Community Plan, specifically:

- BE 4. Enhance the Summit Boulevard area as a primary gateway and as a functional and efficient economic center of the town.
- EC 1. Develop economic strategies to encourage a diversity of commercial businesses in town.
- EC 2. Continue to promote the town as a year-round destination.
- EC 3. Encourage and direct economic growth.

This criterion is met.

5. The proposed use is compatible in function, operations, and design with surrounding land uses in the vicinity and will not cause any significant adverse impacts.
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Applicant's Response: *The motorcycle fleet will be stored inside the building. Renting and minor services to these units will not add any increased impact on the building or community. We currently service hundreds of vehicles per year and adhere to all applicable standards. Parking at our building should not be adversely impacted. Utopia Tire is extremely busy during winter tire season. We have seen a rise in business from October through January. However, RMMR will only operate seasonally from April to October. During these months the existing business is much slower and there should be no negative impact to parking.*

Staff's Analysis: The proposed use would utilize space in an existing automobile service building. No elements of the existing building are detrimental to the health, safety, or convenience of those residing or working in the area, and no modifications are proposed which could possibly have such impacts. Motorcycles and associated equipment will be stored within the existing structure. The property is located between a State Highway and Light Industrial District. Uses in the vicinity include a gas station and convenience store, a variety of light industrial uses and Alpine Bank. To the west of the property, across Summit Boulevard, is a Big O Tire Business and a Valvoline Oil Change business. To the southeast of the property is High Country Auto Service.

The use is proposed to be located within the existing building and does not significantly intensify the use of the site from the higher customer volume that Utopia Tire experiences in winter. Staff has proposed a condition limiting the operation of RMMR, LLC from April to October as the applicant has proposed.

Staff requested the applicant submit a traffic letter for the proposed use. The Traffic Memorandum dated April 2, 2019 by McDowell Engineering concludes:

The addition of the proposed motorcycle rental business to the existing commercial building located at 720 Ten Mile Drive is expected to have no impact to the existing public street system. The seasonal fluctuation in Utopia Tire's sales and related vehicle trips, allows for the small increase in trips to the property, by Rocky Mountain Moto Rental, during summer months to be absorbed into the existing background conditions.

Bill Linfield, Town Engineer and Addison Canino, Assistant Public Works Director reviewed the traffic report and stated that the assumptions and conclusions reached are reasonable. They agree with the determination that traffic increases will be negligible.

If all the conditions of this staff report are met, this criterion will be met.

ANALYSIS – PARKING [180-6.13]

The subject property was originally reviewed and designed to be an office and service building as the use continues to be. All parking requirements were met at time of original development. Frisco Town Code, Table 6-1, Required Number of Parking Spaces by Land Use states that “Service station, auto repair” use requires four (4) parking spaces for every service bay. There are five (5) service bays doors to the building; however, one (1) of the service bays is inoperable and used for storage. Staff has seen that it is utilized with metal racks for tire storage and is not considering it a bay for parking requirements as it is essentially a loading dock area. For four (4) service bays, sixteen (16) parking spaces are required for the Utopia Tires business.

Seven (7) parking spaces are provided for within four (4) of the bays. The applicant has stated that an additional twenty-two (22) spaces are provided on the property for a total of twenty-nine (29) spaces. The parking lot is not striped but based on the site plan and accurate dimensions of a parking space, Staff documents eighteen (18) spaces located in the exterior parking lot for a total of twenty-five (25) parking spaces. This allots for the existing dumpster and snow storage on-site also. This allows nine (9) spaces for the proposed Auto, Boat, and Recreational Vehicle Sales or Leasing Use which is not a defined use for parking requirements. Section 180-6.13.3 of the UDC states:

“As determined by the Director or Planning Commission, as applicable to the application decision maker. The Director and Planning Commission shall be guided by the comparison with the parking requirements for similar uses which are listed”

The applicant has stated in their narrative:

Parking - Probably the biggest worry for any business in Summit County. During the winter months I wish Utopia had much more parking. However, during the spring and summer months Utopia tire averages about half of the sales as winter. November and December sales are between 200k and 300k per month. February through September generally only average 100k to 150k of sales. Because of snow on the roads, the busy seasons for RMMR and Utopia Tire would be mutually exclusive. Early snow in September could start Utopia sales early but would necessitate an early end to motorcycle rentals. And vice versus. I do not foresee any overlap of business seasons of competition for parking spaces.

During the operating months of RMMR (April thru October) we should have ample available parking. Generally speaking, an average motorcycle rental customer is not leaving a car for every motorcycle. The customers are usually part of a group or being dropped off. RMMR will start with 6-7 units for rent and has no intention of going beyond 20 units without seeking a separate location. RMMR will NOT offer parking for the duration of a rental agreement as part of the rental.

Utopia LLC has approximately 28 parking spaces, according to the site plan. This includes 7 spaces on the inside of the building and a full width ADA space.

All rental units will be stored in the showroom or in the extra interior area in our fifth bay. Bay 5 is used for tire storage and is never used for car storage or repair.

**On occasion it appears as though our lot is full, from the road, despite open spaces being in the lot.*

Staff agrees with the applicant that each motorcycle rental will not have a car needing to park in association with it. RMMR, LLC would like to be approved to have the potential to have twenty (20) motorcycles on the property to rent. With nine (9) spaces provided for RMMR, LLC this would assume all motorcycle rentals will have participants arriving in approximately two (2) per car. With the number of parking spaces provided, Staff recommends the Planning Commission limit the number of motorcycles for rent not to exceed twenty (20). If the applicant's business prospers, they can always return to the Planning Commission to request a modification to the conditional use.

Staff recommends a condition that the Planning Commission requires the private parking lot to be striped in conformance with the Frisco Town Code prior to September 15, 2019. This will require the parking lot to come into compliance with current parking requirements including parking space dimensions.

ANALYSIS – AGENCY REVIEWS

TOWN OF FRISCO PUBLIC WORKS DEPARTMENT

I agree with the analysis and that the Traffic Memorandum conclusion states that traffic increases will be negligible.

Addison Canino, Assistant Public Works Director

TOWN ENGINEER

I reviewed the letter and believe the assumptions and conclusions reached are reasonable. I am fine with the determination that traffic increases will be negligible.

Bill Linfield, Consulting Town Engineer

PUBLIC COMMENT

As of April 11, 2019, the Community Development Department has received one (1) public comment from Linda Woods dated April 6, 2019. This has been attached to the staff report.

STAFF RECOMMENDATIONS

Recommended Findings

The Community Development Department recommends the following findings pertaining to the Conditional Use Application request for an Auto, Boat, and Recreational Vehicle Sales or Leasing Use (i.e. seasonal motorcycle rentals) located at 720 Ten Mile Drive / Lot E, Ten Mile Subdivision

Based upon the review of the Staff Report dated April 18, 2019 and the evidence and testimony presented, the Planning Commission finds:

1. *The proposed conditional use for RMMR LLC is in general conformance with the Town of Frisco Code, specifically Section 180-30, Conditional Uses, because the following criteria established for allowing a conditional use have been met:*
 - a. *The proposed use in its particular location is necessary or desirable to provide a service or facility that will contribute to the general welfare of the community as it will provide a commercial service that does not currently exist in the community and will provide a unique service to the Town, thus making it desirable to both locals and visitors.*
 - b. *The use will not, under the circumstances of the particular case and conditions imposes, be detrimental to the health, safety, and general welfare of persons nor injurious to property or improvements in the community as it is not anticipated that the use will create any odors, or visual impacts. The conditions set forth are intended to address health, safety, and welfare. The project will not require interior or exterior improvements and will not alter the site's landscaping, vehicle parking, loading areas, service areas, open spaces, or lighting. RMMR, LLC will only be renting "street motorcycles" that will be under the decibel legal limits for highway motorcycles. The operation will have an insignificant impact on noise compared to existing auto repair operations and the existing ambient traffic noise.*
 - c. *The proposed use will comply with the regulations and conditions in the Town Code for such use through conditions provided in approval of the conditional use. All regulations regarding the conditional use will be enforced. Any signage shall be required to comply with Town Code.*
 - d. *The proposed use conforms to the goals and objectives of the Frisco Community Plan specifically topics BE4, EC1, EC2, and EC3. The proposed motorcycle rental business will promote the Town as a destination in the summer months and provide a use for locals and visitors that does not currently exist within the Town of Frisco.*
 - e. *The proposed use is compatible in function and design with surrounding land uses; there are numerous vehicle related businesses located in the vicinity of the proposed business including 7-11 Gas Station, NAPA Autoparts, Specialized 4x4, High County Auto Repair, Valvoline Oil Service, Big O Tires and Utopia Tire. The property is located between a State Highway and Light Industrial District and within Commercial Oriented District.*

Recommended Action

Based upon the findings above, the Community Development Department recommends APPROVAL of the Conditional Use application for the proposed Auto, Boat, and Recreational Vehicle Sales or Leasing Use (i.e. seasonal motorcycle rentals) located at 720 Ten Mile Drive / Lot E, Ten Mile Subdivision, subject to the following conditions:

Conditions:

1. *RMMR, LLC shall only be operated out of 720 Ten Mile Drive annually between April 1st through October 31st.*

2. *RMMR, LLC shall rent no more than twenty (20) motorcycles.*
3. *All motorcycles, and associated gear, shall be stored in the interior of the existing structure.*
4. *Prior to September 15, 2019, the parking lot for Utopia Tires shall be paved and striped in conformance with Frisco Town Code.*

Recommended Motion

Should the Planning Commission choose to approve this conditional use application, the Community Development Department recommends the following motion:

With respect to File No. 019-19-CU, I move that the recommended findings set forth in the April 18, 2019, staff report be made and that the recommended conditions set forth therein be taken and that the Planning Commission hereby APPROVES the request for a Conditional Use application for the Auto, Boat, and Recreational Vehicle Sales or Leasing Use (i.e. seasonal motorcycle rentals) located at 720 Ten Mile Drive / Lot E, Ten Mile Subdivision

ATTACHMENTS

Attachments:

- Application Materials
- Public Comment

cc: RMMR, LLC

From: [Linda Woods](#)
To: [Kent, Katie](#)
Cc: [John](#)
Subject: Planning Commission Meeting for April 18
Date: Saturday, April 06, 2019 7:00:45 PM

Hello—

My husband and I own property at 745C Lagoon Drive in Frisco and we received information about a possible seasonal motorcycle rental business near us. I would like to express concern over the noise that motorcycles make. We chose our home in Frisco largely because it is surrounded by nature, quiet, and peacefulness. We cross country on Dillon Lake and ski downhill at Copper. Hiking on all the trails that surround us is wonderful. We love to ride our bikes on all the bike trails in the county. Frisco=nature=peacefulness.

However, I can see this all being impacted by the increased noise of motorcycles riding on our streets and possible impact they would have as they try to find recreational trails they can ride on. The sound of motorcycles on the bike or hiking trails would be very objectionable to us, as well as the increase noise on the surrounding roads.

I am for opening up the recreational lands for all to enjoy, but not at the expense of why we chose this area to buy a home.

Thank you for your consideration.
Linda Woods