



RECORD OF PROCEEDINGS

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**Regular Meeting of the  
Planning Commission for the Town of Frisco  
Town Hall, 1 East Main Street  
Thursday, April 18, 2019  
5:00 P.M.**

**Call to Order:** Kelsey Withrow, Vice-Chair, opened the meeting.

**Roll Call:** Robert Anton Franken, Lina Lesmes, Donna Skupien, Kelsey Withrow  
Absent: Andy Held, Jason Lederer, Andy Stabile

**Minutes:** The April 4, 2019 Planning Commission meeting minutes were approved unanimously.

**Public Comment (non-agenda items):** There were no public comments.

**Agenda Items:**

1. Planning File No. 238-18-MAJ: A public hearing of the Major Site Plan Application for the proposed Rainbow Court East Building mixed-use project, located at 310 East Main Street / Lots 3-5, Block 9, Frisco Townsite. Applicant: Myra Mesko, MM Properties LLC

COMMISSIONER FRANKEN MOVED THAT THE PLANNING COMMISSION TABLE THE ABOVE AGENDA ITEM TO MAY 2, 2019, THE MOTION WAS SECONDED BY COMMISSIONER SKUPIEN AND PASSED BY A UNANIMOUS VOTE.

**Vote:**

FRANKEN	YES
HELD	ABSENT
LEDERER	ABSENT
LESME	YES
SKUPIEN	YES
STABILE	ABSENT
WITHROW	YES

***MOTION CARRIED***

Planning File No. 019-19-CU: A public hearing of a Conditional Use Application 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. Applicant: Jason Smith, Rocky Mountain Moto Rental LLC

Planner Katie Kent presented an overview of the staff report explaining that the applicant proposes to rent up to twenty (20) street motorcycles between the months of April and October at the property located in the Commercial Oriented District. The motorcycles will be stored within the existing structure and no changes are proposed to the building or site with the exception of a potential sign. Kent referenced the Built Environment and Economy sections of the Community Plan and the conditional use criteria. Kent stated that the proposed use provides a unique service to the Town which does not currently exist and that the proposed use will not create negative odors or visual impacts and noise will be under the legal limits for highway motorcycles. Kent detailed the general area of town and uses currently existing in the vicinity of the property including a number of auto oriented businesses. Kent noted the traffic report that was submitted and described parking requirements. Kent explained proposed conditions.

**Commission questions for staff included:**

- Clarification on how zoning is different than the lot where the former Country Kitchen was located. Staff responded that use of rental ATVs is grandfathered in and since the vehicles are registered they do not have to be screened.
- Explanation on why the seven spaces inside the bays are counted towards parking? Staff responded that they counted them as parking spaces due to cars being parked in there during the day and overnight.
- Verification from staff that eighteen spaces are outside. Staff replied they are confident that there is space for eighteen legal spaces.
- Clarification on why so much on-street parking around that building. Staff noted that parking on streets is permitted except for overnight parking.
- Is there any concern about the Utopia Tires trailers taking the customer parking? Staff requested the applicant respond.
- Does Frisco allow a parking exchange between businesses? Staff responded not with regards to different private properties and they request the applicant explain his business model.

The Applicant, Jason Smith owner of Utopia Tire and RMMR, LLC, introduced the property owner Gary Bergman. Mr. Smith gave a brief background of his business operations with Utopia Tires and his desire to run two businesses from the one location. Mr. Smith noted that if the business prospered he recognized he would need a new location if they had the need for more than 20 motorcycles. Mr. Smith described the business operations of RMMR, LLC including that most of the bookings would be online and riders will be required to sign an affidavit that states they have three years of experience on a similar weight and power of motorcycle. Mr. Smith noted that the Utopia Tires trailer does not impede on the parking as they can fit cars behind it in front of the fifth bay door.

**Commission questions for the Applicant included:**

- What types of bikes are being rented? Discussion ensued between the applicant and Commissioner regarding if the motorcycles could be ridden off pavement. Mr. Smith noted that the rental contract states they cannot go off paved roads.
- Concern expressed over parking and that customers could come expecting to park a motorcycle trailer. Recommend the applicant include on his website that there will be no space for any ancillary trailers.
- Verification on rental lengths of time. Mr. Smith replied not hourly; minimum daily which is 24 hours.
- Will the business be offering repair of motorcycles? Mr. Smith responded no repairs other than on the rental fleet when needed.

- What will be proposed for signage? Will motorcycles be parked on the Summit Boulevard side of building to attract attention? Mr. Smith responded he plans to add vinyl stickers to the glass doors and that's it. Motorcycles will not be stored outside on the west of the building.
- How many people are usually working at Utopia Tire? Mr. Smith responded an average of seven who usually park on the street or in the lot.
- Should the motorcycle business be limited to a shorter length of time if it is an early winter? Mr. Smith explained that the businesses run opposite of each other; if there is snow on the ground and the tire business increases early in the season, the motorcycles won't be rented due to weather limitations.
- If the Commission added a condition for Bay 5 to not be used for servicing vehicles, can the applicant live with that? Mr. Smith responded that there is no room for a vehicle in that bay but he would prefer they lowered the maximum number of motorcycles allowed.
- Would the applicant ever consider delivering the motorcycles? Mr. Smith responded that he would prefer to do that but he has not increased staff to handle that as of now.

Discussion ensued between the Commission and the applicant regarding motorcycle endorsements, insurance and rental contract. Mr. Smith confirmed that motorcycle pick-up and drop-off was based on pre-designated appointment times.

**Public comments:**

None

**Commissioner Discussions:**

Commissioners discussed that they supported the proposed business use but had concerns over if there was enough parking on the site to allow for twenty motorcycles to be rented. Commissioners agreed that the maximum number of motorcycles to be rented shall be eighteen. Commissioners discussed a potential condition that limited the use of Bay 5 during the operations of RMMR, LLC. Commissioners agreed that they wanted a condition added that restricted the use of Bay 5 during the motorcycle rental business to only be used for tire and/or motorcycle repair and storage. Commissioners reiterated that they support the business concept and are thrilled a business like this has come to town. The applicant's business plan was complemented and it was acknowledged that the Town of Frisco and Summit County will benefit from this business.

WITH RESPECT TO FILE NO. 019-19-CU, COMMISSIONER FRANKEN MOVED 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, WITH THE FOLLOWING MODIFICATIONS:

- CONDITION #2: MODIFICATION OF WORD "TWENTY" TO "EIGHTEEN"
- CONDITION #4: REMOVAL OF THE WORDS "PAVED AND"
- CONDITION #5 ADDED: THE 5<sup>th</sup> BAY (NORTHERN MOST BAY) SHALL BE USED SOLELY FOR TIRES AND/OR MOTORCYCLE FLEET STORAGE AND REPAIR DURING THE TIME PERIOD THAT RMMR, LLC IS OPERATIONAL (APRIL 1<sup>ST</sup> THROUGH OCTOBER 31<sup>ST</sup>). AUTOMOTIVE SERVICING AND/OR AUTOMOBILE STORAGE IS NOT PERMITTED IN THE FIFTH BAY DURING THIS TIME PERIOD.

THAT THE PLANNING COMMISSION HEREBY APPROVES THE REQUEST FOR A CONDITIONAL USE APPLICATION FOR THE AUTO, BOAT, AND RECREATIONAL VEHICLE SALES OR LEASING USE LOCATED AT 720 TEN MILE DRIVE / LOT E, TEN MILE SUBDIVISION.

SECONDED BY COMMISSIONER SKUPIEN

**Vote:**

FRANKEN	YES
HELD	ABSENT
LEDERER	ABSENT
LESMEES	YES
SKUPIEN	YES
STABILE	ABSENT
WITHROW	YES

***MOTION CARRIED***

**Staff and Commissioner Updates:**

- Next Community Plan discussion is scheduled for May 2, 2019
- Commissioners requested an update on the Foote's Rest project. Joyce Allgaier, Community Development Director stated that Mr. Foote was at an executive session with the Town Council the previous week and the project is delayed but still moving forward.

**Adjournment:**

There being no further business, Commissioner Skupien made a motion to adjourn, seconded by Commissioner Franken and was unanimous. The meeting adjourned at 6:08 p.m.

Respectfully submitted,

Cheryl Mattka  
Community Development Department