

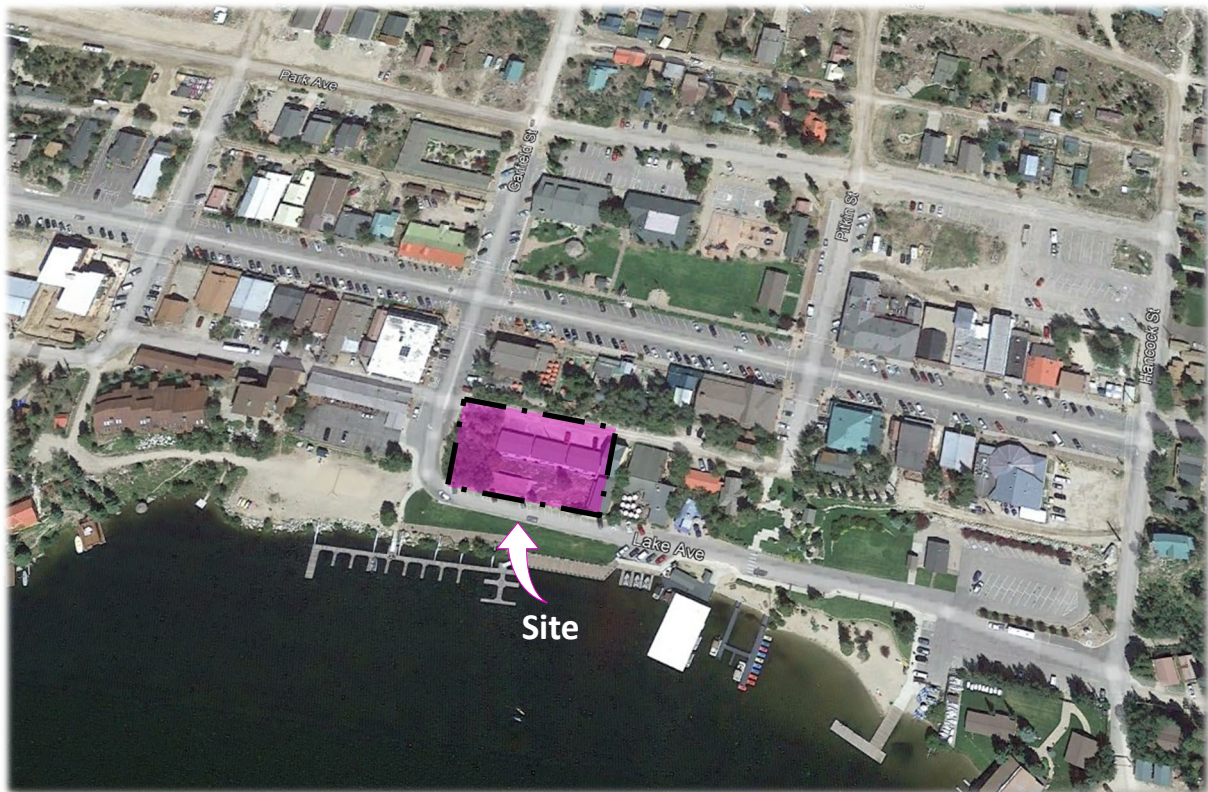


PLANNING COMMISSION STAFF MEMORANDUM

DATE: August 20, 2025
TO: Chairman Shockey and Planning Commissioners
FROM: Josh Olhava, AICP, Contract Staff - Planning Department
SUBJECT: **QUASI JUDICIAL (PUBLIC HEARING)** – Resolution 09-2025 - Consideration of a Zoning Regulation Variance for 1001 and 1005 Lake Avenue as part of a proposed development project located at 1016 Grand Avenue and 1001, 1005, and 1007 Lake Avenue.

Overview

- **Property Owner and Applicant:** Spirit Lake Condos, LLC
- **Applicant's Representative:** Jim Kreutzer
- **Consultant:** Gabe Bellow, MA Studios
- **Location:** 1001 and 1005 Lake Avenue
- **Zoning:** Commercial Zone District (C)
- **Attachments:**
 - Variance Request Application, Narrative, and Statement of Authority
 - Preliminary Project Drawings (supporting documentation)





The applicant is working through the preliminary major development process; therefore, project specific details related to that effort cannot be discussed to preserve the Quasi-Judicial nature of that application with the Town. However, it is important for the Commission to understand the general context of this specific zoning variance request as it is associated with the preliminary major development application under review by staff.

The applicant is requesting a zoning variance to allow the front 50 feet of on the first-story of a mixed-use project within the Commercial Zone District to be residential. The Town's adopted Land Use Regulations states the following requirement.

Section 12-2-18 - (A) Uses Permit by Right.

10. Residential units, herein defines as: Multi-family attached rental units, condominiums, townhouses, and condo/hotels with the following restrictions:

- (a) The first story area measured from the frontages to fifty (50) feet into the lot shall be dedicated to commercial space.*

Staff Analysis

Public notices were completed following Municipal Code requirements for Variance applications. Notices included both the Planning Commission and Board of Trustees meeting details. The requested variance does not have a direct alignment or misalignment with the Comprehensive Plan Goals and Strategies. Indirectly, the variance request ties into the Goals and Strategies related to supporting the local economy and availability of diverse housing units.

The applicant's requested variance to allow the first-story area of the mixed-use building on present day 1001 and 1005 Lake Avenue to be residential is a result of prior discussions and comments during Planning Commission and Town Board of Trustee meetings with the applicant in attendance. These meetings occurred during the following times.

- Summer 2024 – Town Board and Planning Commission concept plan review
- December 4, 2024 – Planning Commission sketch plan review
- January 8, 2025, and February 2, 2025 – Planning Commission recommendation on other variance requests for the site.
- February 10, 2025 – Town Board action on other variance requests for the site.

During previous conversations with the applicant and the general sentiment of the Commission and Board, the applicant is requesting this variance request to help the overall development proposal's numbers to work out. An important consideration is the site characteristics and context today and, in the future, if the major development plan is approved by the Town. The location at 1001 and 1005 Lake Avenue fronts the lake and boardwalk creating seasonal variations and challenges for commercial uses. The additional residential square footage in the downtown will continue to support current and future businesses. Lastly, the applicant is incorporating approximately 25 percent of the total constructed square footage to commercial uses focused along Grand Avenue and Garfield Street.



Staff Recommendation

Based on discussions and feedback received at prior Commission and Board meetings, the applicant's written variance request, and context of the pending preliminary major development plan, staff recommends approval of the variance request as presented.

Planning Commission Discussion and Determination

The Planning Commission should discuss the request amongst themselves, with consideration of staff analysis, public comments, and the findings of fact from the code, to make a recommendation.

Under Municipal Code Section 12-2-27(B)3., the following factors should be considered by the Planning Commission and Town Board of Trustees in determining whether to issue a variance.

- (a) The compatibility of the proposed action with the surrounding area; and
- (b) Whether the proposed action is in harmony with the character of the neighborhood; and
- (c) The need for the proposed action; and
- (d) The effect of the proposed action upon future development in the area; and
- (e) The shape, size, topography, slope, soils, vegetation, and other physical characteristics; and
- (f) Whether alternative designs are possible; and
- (g) With due consideration for the Town's Comprehensive Plan.

Sample Planning Commission Motions

Approval with or without conditions

I move to approve Planning Commission Resolution 09-2025, a resolution recommending approval of a zoning variance request for 1001 and 1005 Lake Avenue as part of a proposed development project located at 1016 Grand Avenue and 1001, 1005, and 1007 Lake Avenue.

OR... with the following conditions:

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Denial *(Using the evaluation factors of Sec. 12-2-27(B)3. of the Municipal Code for findings of fact)*

I move to approve Planning Commission Resolution 09-2025, a resolution recommending denial of a zoning variance request for 1001 and 1005 Lake Avenue as part of a proposed development project located at 1016 Grand Avenue and 1001, 1005, and 1007 Lake Avenue, based on the following findings of fact:

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