

AGENDA

April 19, 2022

Meetings of Standing Committees
Council Conference Room
6:45PM

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00PM

WebEx Telephone Number: 1-408-418-9388
Meeting Number (access code): 2339 059 1188
Meeting Password: 56raQTm6qzp

Livestream #1: <https://www.facebook.com/cityofmishawaka/>
Livestream #2: @MichianaAccessTV on Facebook
Livestream #3: Michiana Access TV
(Comcast and AT&T U-Verse Channel 99)

To connect on-line join using Microsoft Lync or Microsoft Skype for Business

Dial: 23390591188@mishawaka.webex.com

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Minutes of the Regular Meeting of April 11, 2022
5. Petitions, Communications, Remonstrance and Memorial

A letter from the Board of Zoning Appeals regarding their recommendation from their April 12, 2022 meeting.
6. Report of Special Committee
7. Ordinances on First Reading

8. Resolutions

- R2022-08 Use Variance to permit an Event Center
 (Assembly Hall) IN C-2 Shopping Center
 Commercial - 502 W. McKinley Ave.
- R2022-09 Use Variance to allow 3 tenant in 1 Building in
 C-1 General Commercial District - 309
 Bittersweet Rd.

9. Ordinances on Second Reading

- P.O. NO. 2022-08 Amending the Uniform Schedule of Fees
 (Assigned to Budget and Finance Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment -

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook page, <https://www.facebook.com/cityofmishawaka/> and on the Michiana Access TV Facebook page, <https://www.facebook.com/MichianaAccessTV>

Council Packet Link:

At this time, I know of no other business to come before the Council.

Deborah S. Block, IAMC, MMC, City Clerk

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements contact Susan Kile, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

April 11, 2022

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall and via telephone on Monday, March 21, 2022 at 7:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

Clerk Block called the roll.

Roll Call.

Present: Mrs. DeMaegd (P), Mr. Banicki (P), Mr. Hazen (P), Mr. Mammolenti (P), Mr. Emmons (P), Mr. Bellovich (P), Mr. Compton (P), Mrs. Voelker (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Others Present: Clerk Block, Mike Trippel

Members attending virtually do so by WebEx. Public that attend can participate by WebEx or observe meetings by YouTube or Facebook live. The Council meetings are also streamed live on Michiana Access on Comcast/AT&T U-verse Channel 99.

Minutes for the Regular Meeting of March 21, 2022 were approved as received from the Clerk's Office.

Clerk Block read the following appeals by title.

Appeal No. 2022-05	Use Variance to permit an Event Center (Assembly Hall) IN C-2 Shopping Center Commercial – 502 W. McKinley Ave.
Appeal No. 2022-07	Use Variance to allow 3 tenant in 1 Building in C-1 General Commercial District – 309 Bittersweet Rd.

Clerk Block read the following proposed ordinance by title and assigned committee.

PROPOSED ORDINANCE NO. 2022-08

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
AMENDING THE UNIFORM SCHEDULE OF FEES
(Assigned to Budget and Finance Committee)**

Clerk Block read the following proposed resolution by title.

RESOLUTION R2022-07

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF
BENEFITS FOR CERTAIN PROPERTY OWNERS**

Clerk Block also read the names of the property owners:

- **Barak River Rock, LLC**
- **Wellness Pet formerly WellPet, LLC (High Speed Packaging Line 2015)**
- **River Walk Development Group LLC**
- **Lippert Components Manufacturing Inc.**
- **Jamil Packaging Corporation (Flexo Folder-Gluer 2019)**
- **Wellness Pet formerly WellPet, LLC (New Production Line including dryers, odor control equipment, and conveyance systems 2021)**

Mr. Emmons made a motion to postpone **RESOLUTION R2022-07** to the next regularly scheduled council meeting on May 2nd. Upon a second from Mr. Banicki, a voice vote was held and with a majority vote, the matter was postponed to the next regularly scheduled council meeting on May 2nd.

NEW BUSINESS

Mrs. DeMaegd announced the West End Neighborhood Watch meeting for April would be Tuesday April 12th at the St. Bavos school activity center. Mrs. DeMaegd stated the guest speaker would be Lieutenant Don Fieters from the Police Department's Detective Bureau and also Officer Bruce Faltynski with an update on the latest activities affecting the city. Mrs. DeMaegd stated the meeting would not be livestreamed and was open to all Mishawaka citizens from 7 to 8PM.

Mr. Mammolenti made a reminder about the ARPA Fund Committee hosting a brief meeting to allow presenters a few minutes to present their final cases April 25th in the Council Chambers at 6PM with 6 or 7 presenters scheduled through around 7:30 to 7:45PM.

Mr. Emmons announced the First District Neighborhood meeting would be held April 21st at 6PM at St. Bavos with the guest speaker being State Representative Maureen Bauer going over what passed the legislature and what was not and anything else she felt appropriate to discuss. Mr. Emmons stated West End Bakery would be providing treats and all were welcome to attend.

Clerk Block announced the changing of the date for the next regularly scheduled council meeting from Monday April 18th to Tuesday April 19th at 7PM in the Council Chambers. Mr. Hixenbaugh welcomed anyone who would like to participate in person or via livestream.

ADJOURNMENT 7:10PM

Deborah S. Block /s/
Deborah S. Block, IAMC, MMC, City Clerk

Gregg A. Hixenbaugh /s/
Gregg A. Hixenbaugh, President



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

April 13, 2022

Deborah S. Block, IAMC, MMC

APR 13 2022

City Clerk
Mishawaka, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
April 12, 2022, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above referenced date at which time the following Use Variances were considered:

APPEAL #22-05 An appeal submitted by Mishawaka Commons LLC requesting a Use Variance for **502 West McKinley Avenue (former CVS)** to permit an event center (assembly hall) with bingo in C-2 Shopping Center Commercial zoning district.

The Board, with a vote of 5-0, forwarded a favorable recommendation to the Common Council subject to the following conditions of approval:

- Exterior grease interceptor will be required if any food service is proposed
- Occupancy permit and inspections by the Building Department
- Life safety issues will need to be updated

APPEAL #22-07 An appeal submitted by Topview Holding Group LLC requesting a Use Variance for **309 Bittersweet Road** to allow three (3) tenants in a building in the C-1 General Commercial District.

The Board, with a vote of 5-0, forwarded a favorable recommendation.

Sincerely,

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Chad Harper
Michael Hewlett

STAFF REPORT

Location: 502 W. McKinley Avenue

Date: April 12, 2022

Appeal: 22 - 05

Prepared By: KM

GENERAL INFORMATION

Applicant: Mishawaka Commons LLC/Optimus Property Management (Celebration Palace)

Status: Property Owner/Proposed Lessee

Request: Use Variance to allow an event center (assembly hall) with bingo in C-2 Shopping Center Commercial

Zoning Classification: C-2 Shopping Center Commercial District

Lot Size: 3.67 acres being a part of an existing commercial strip center

Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals – Use Variance

SPECIAL INFORMATION

Area Development Pattern: North: I-1 Light Industrial District
South: C-7 Automobile Oriented Restaurant Commercial District (Burger King, Taco Bell)
East: C-2 Shopping Center Commercial District (Big Lots, Planet Fitness)
West: C-4 Automobile Oriented Commercial District (Gates Automotive)

Thoroughfare: West McKinley Avenue

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available

Comprehensive Plan: General Commercial

ANALYSIS

The Appellants, Mishawaka Commons LLC and Optimus Property Management, are requesting a Use Variance to allow an event center (assembly hall) within an existing multi-tenant commercial building. The proposed location is the former CVS/pharmacy tenant space. The property is bordered by industrial and commercial uses.

The approximate 18,000 sqft tenant space (former CVS/pharmacy) is located in a mostly vacant strip center directly west and adjacent to the existing Planet Fitness and Big Lots building. The proposed lessee of the space is Celebrations Palace which currently has a location on the corner of Laurel Street and East Fifth Street in a mainly residential area. They state their intended use is mainly a bingo hall and limited

use as a reception or banquet facility. They plan on keeping their Fifth Street location for fundraising for the high school, baby showers and anniversary celebrations.

The Appellant states bingo nights at their existing Fifth Street location brings in approximately 70-90 people. With the larger space, they anticipate 125-150 people.

The space will have a maximum occupancy of 200 persons. For a 200-person maximum occupancy, a total of 67 spaces (1 parking space for every three persons) would be required for this portion of the building. The remaining portion of the multi-tenant building will include 16,667 sq. ft. of leasable space which will require a total of 84 parking spaces (5 spaces per 1,000 sq. ft.). With the proposed use and the remaining vacant tenant spaces, a total of 151 parking spaces are required. In reviewing the existing parking spaces within the property, it appears that there are approximately 160 total spaces within the property. Since the total number of parking spaces exceed the required number of spaces per ordinance, a variance for the number of parking spaces is not required.

The Appellant met with the Fire Inspector on site and he offered the following: Fire wall between buildings will need to be maintained, sprinkler system inspected, and all issues fixed including a 5-year internal inspection completed. All exit and Emergency lights will need to be updated. A full NFPA 72 fire alarm system installed. A detailed layout will be required to figure out occupant load to determine there is enough exits.

City Departments have reviewed the request and offer the following comments: Engineering: if any food service is proposed, then an appropriately sized exterior grease interceptor shall be installed. Building: must have occupancy permit and inspections. Fire: life safety issues will need to be updated. Appellant will need to meet with Building and Fire Departments for issues to be taken care of. Other pertinent departments have reviewed and approved the request.

RECOMMENDATION

The Planning Staff recommends **approval** of Appeal #22-05 to allow a Use Variance for an event center (assembly hall) with bingo in C-2 Shopping Center Commercial District subject to the following Conditions:

- Exterior grease interceptor will be required if any food service is proposed
- Occupancy permit and inspections by the Building Department
- Life safety issues will need to be updated

This recommendation is based on the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the proposed event center/assembly hall in the former CVS/pharmacy in a multi-tenant building is consistent and compatible with the density and uses of the adjacent parcels;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the proposed event center/assembly hall in an existing multi-tenant commercial building is adjacent to and within property currently zoned for commercial use with adequate parking for the proposed use;
3. The need for the variance arises from some condition peculiar to the property as the C-2 zoning district does not permit the use as an event center/assembly hall;
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought as the Appellant will not be able to expand their business and make use of a current vacant space and enlarged parking facilities; and
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided general commercial development within this property. The proposed use is consistent with the Comprehensive Plan.

ATTACHMENTS

Site Photographs, Appeal, Interior Layout, Aerial, Location Map



Former CVS/pharmacy



View of the center



View of the center

BENTON ST

INDUSTRIAL

PLANET
FITNESS

BIG
LOTS

GRAPE RD

GATES

W MCKINLEY AVE

BENTON ST

FOREST AVE

CHARLOTTE ST

STAFF REPORT

Location: 309 Bittersweet Road

Date: April 12th, 2022

Appeal: 22 - 07

Prepared By: SA

GENERAL INFORMATION

Applicant: TOPVIEW HOLDING GROUP LLC

Status: Property Owner / Appellant

Request: Use variance to allow a maximum of three (3) tenants in a single commercial building

Zoning Classification: C-1 General Commercial

Lot Size: 0.59 acres

Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals Use Variance
Section 137-300 to 137-303 / C-1 General Commercial District

SPECIAL INFORMATION

Area Development Pattern: North: C-7 Auto-Oriented Restaurant Comm. *KFC Restaurant*
South: C-1 General Commercial. *City-Wide Liquors*
East: S-2 Planned Unit Development. *Bittersweet Plaza*
West: R-1 Single Family Residential

Thoroughfare: Bittersweet Road

School District: School City of Mishawka

Township: Penn

Public Utilities: All utilities are available and currently serve the property

Comprehensive Plan: General Commercial

ANALYSIS

The Appellant is requesting an existing use variance to allow a maximum of three (3) tenants in a single commercial building. In addition to the existing Dental Office, a Phone Retailer and Medical Office would be added. Existing freestanding sign has space (faces) for two future tenants.

The building was previously a Family Dollar. In 2020, the property was granted variances for the Twin Branch Dental office.

The proposed tenants are to be located approximately 157' west of Bittersweet Road. It will be within a 0.59 acre Tax Parcel 016-1102-3995 parcel being Lot 1 of the Southbridge Subdivision.

The pending C-1 General Commercial District only allows for a maximum of two (2) separate tenants/uses on the property. In order to allow for a single three tenant building as proposed, the property would need

to be rezoned to a C-2 Shopping Center Commercial District, which would require larger setbacks and additional parking required resulting in more variances. Therefore, this appeal would be the path of least resistance.

All pertinent City Departments have reviewed and approved the use variance request.

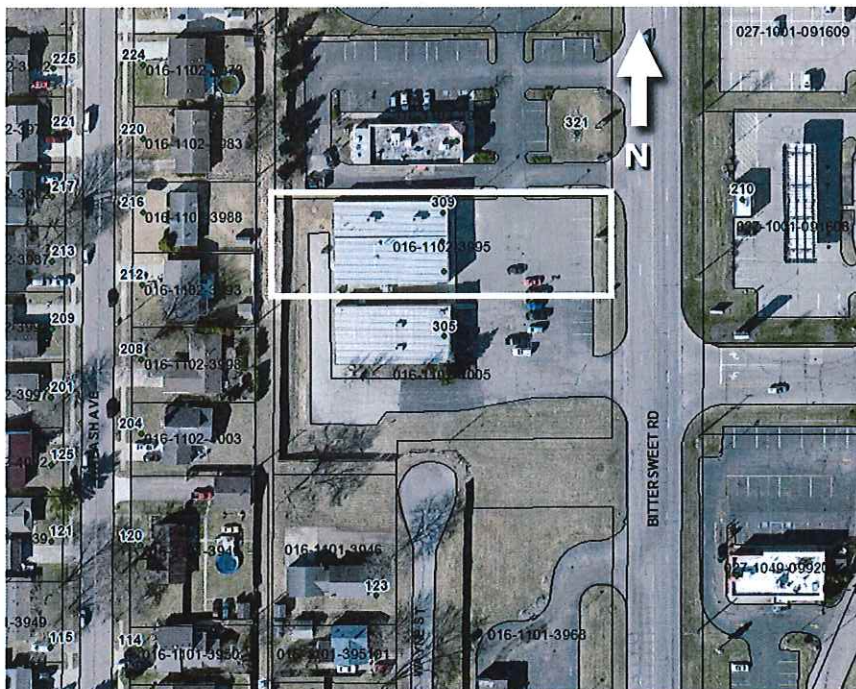
RECOMMENDATION

The Planning Staff recommends **approval** of Appeal 22-07 to allow a use variance for a maximum of three (3) tenants in a single commercial building. The building is to be located within a 0.59 acre lot with a current address of 309 Bittersweet Road. This recommendation is based on the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. Building and parking lot are existing with adequate parking.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The proposed multi-tenant commercial building is adjacent to and within property currently zoned for commercial use. The uses within the single multi-tenant building will be consistent with those in the surrounding area.
3. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought. The current zoning will not allow for the combined multi-tenant. The preferred means by which to allow the proposed uses is through the use variance process.
4. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided general commercial development within this property. The proposed uses are consistent with the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Site Photographs, Appeal, and Location Map



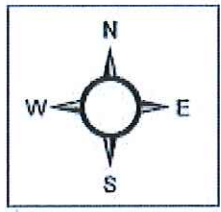
Aerial



Photo from Bittersweet Road facing West



Photo from Bittersweet Road facing West



AP 22-07

Location Map

APPEAL 22-07

TOPVIEW HOLDING GROUP LLC
309 BITTERSWEET ROAD

USE VARIANCE TO ALLOW
3 TENANTS IN 1 BUILDING
IN THE C-1 GENERAL
COMMERCIAL DISTRICT

WAYNE ST

BITTERSWEET RD

LINCOLNWAY EAST

APR 13 2022

City Clerk
Mishawaka, IN

APPEAL #22-05

RESOLUTION NO. 2022-08

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

502 West McKinley Avenue, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **502 West McKinley Avenue, Mishawaka, Indiana**, more particularly known and described as follows:

A tract of land in the southeast quarter of the southwest quarter of section 4, township 37 north, range 3 east, City of Mishawaka, St. Joseph County Indiana, said tract being more particularly described as follows:

Commencing at the southwest corner of the southeast quarter of the southwest quarter of said section 4; thence east along the south line thereof, 400.00 feet; thence north 00 18' 44" east, 290.00 feet, said point being the true place of beginning; thence continuing on the aforesaid being of north 00 18' 44" east, 515.00 feet thence south 89 55' 29" east, 225.61 feet; thence south 00 17' 00" west, 118.63 feet thence south 44 43' 00" east, 115.08 feet; thence south 89 43' 00" east, 42.63 feet; thence south 00 17' 00" west, 315.00 feet; thence north 89 55' 29" west, 349.85 feet to the place of beginning.

The Use Variance will allow an event center (assembly hall) with bingo in C-2 Shopping Center Commercial District subject to the following conditions:

- Exterior grease interceptor will be required if any food service is proposed
- Occupancy permit and inspections by the Building Department
- Life safety issues will need to be updated

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

Section III. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the proposed event center/assembly hall in the former CVS/pharmacy in a multi-tenant building is consistent and compatible with the density and uses of the adjacent parcels;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the proposed event center/assembly hall in an existing multi-tenant commercial building is adjacent to and within property currently zoned for commercial use with adequate parking for the proposed use;
3. The need for the variance arises from some condition peculiar to the property as the C-2 zoning district does not permit the use as an event center/assembly hall;
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought as the Appellant will not be able to expand their business and make use of a current vacant space and enlarged parking facilities; and
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided general commercial development within this property. The proposed use is consistent with the Comprehensive Plan.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2022, at _____ o'clock _____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2022,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at
_____ o'clock ____m.

David A. Wood, Mayor

STAFF REPORT

Location: 502 W. McKinley Avenue

Date: April 12, 2022

Appeal: 22 - 05

Prepared By: KM

GENERAL INFORMATION

Applicant: Mishawaka Commons LLC/Optimus Property Management (Celebration Palace)

Status: Property Owner/Proposed Lessee

Request: Use Variance to allow an event center (assembly hall) with bingo in C-2 Shopping Center Commercial

Zoning Classification: C-2 Shopping Center Commercial District

Lot Size: 3.67 acres being a part of an existing commercial strip center

Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals – Use Variance

SPECIAL INFORMATION

Area Development Pattern: North: I-1 Light Industrial District
South: C-7 Automobile Oriented Restaurant Commercial District (Burger King, Taco Bell)
East: C-2 Shopping Center Commercial District (Big Lots, Planet Fitness)
West: C-4 Automobile Oriented Commercial District (Gates Automotive)

Thoroughfare: West McKinley Avenue

School District: School City of Mishawka

Township: Penn

Public Utilities: All utilities are available

Comprehensive Plan: General Commercial

ANALYSIS

The Appellants, Mishawaka Commons LLC and Optimus Property Management, are requesting a Use Variance to allow an event center (assembly hall) within an existing multi-tenant commercial building. The proposed location is the former CVS/pharmacy tenant space. The property is bordered by industrial and commercial uses.

The approximate 18,000 sqft tenant space (former CVS/pharmacy) is located in a mostly vacant strip center directly west and adjacent to the existing Planet Fitness and Big Lots building. The proposed lessee of the space is Celebrations Palace which currently has a location on the corner of Laurel Street and East Fifth Street in a mainly residential area. They state their intended use is mainly a bingo hall and limited

use as a reception or banquet facility. They plan on keeping their Fifth Street location for fundraising for the high school, baby showers and anniversary celebrations.

The Appellant states bingo nights at their existing Fifth Street location brings in approximately 70-90 people. With the larger space, they anticipate 125-150 people.

The space will have a maximum occupancy of 200 persons. For a 200-person maximum occupancy, a total of 67 spaces (1 parking space for every three persons) would be required for this portion of the building. The remaining portion of the multi-tenant building will include 16,667 sq. ft. of leasable space which will require a total of 84 parking spaces (5 spaces per 1,000 sq. ft.). With the proposed use and the remaining vacant tenant spaces, a total of 151 parking spaces are required. In reviewing the existing parking spaces within the property, it appears that there are approximately 160 total spaces within the property. Since the total number of parking spaces exceed the required number of spaces per ordinance, a variance for the number of parking spaces is not required.

The Appellant met with the Fire Inspector on site and he offered the following: Fire wall between buildings will need to be maintained, sprinkler system inspected, and all issues fixed including a 5-year internal inspection completed. All exit and Emergency lights will need to be updated. A full NFPA 72 fire alarm system installed. A detailed layout will be required to figure out occupant load to determine there is enough exits.

City Departments have reviewed the request and offer the following comments: Engineering: if any food service is proposed, then an appropriately sized exterior grease interceptor shall be installed. Building: must have occupancy permit and inspections. Fire: life safety issues will need to be updated. Appellant will need to meet with Building and Fire Departments for issues to be taken care of. Other pertinent departments have reviewed and approved the request.

RECOMMENDATION

The Planning Staff recommends **approval** of Appeal #22-05 to allow a Use Variance for an event center (assembly hall) with bingo in C-2 Shopping Center Commercial District subject to the following Conditions:

- Exterior grease interceptor will be required if any food service is proposed
- Occupancy permit and inspections by the Building Department
- Life safety issues will need to be updated

This recommendation is based on the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the proposed event center/assembly hall in the former CVS/pharmacy in a multi-tenant building is consistent and compatible with the density and uses of the adjacent parcels;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the proposed event center/assembly hall in an existing multi-tenant commercial building is adjacent to and within property currently zoned for commercial use with adequate parking for the proposed use;
3. The need for the variance arises from some condition peculiar to the property as the C-2 zoning district does not permit the use as an event center/assembly hall;
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought as the Appellant will not be able to expand their business and make use of a current vacant space and enlarged parking facilities; and
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided general commercial development within this property. The proposed use is consistent with the Comprehensive Plan.

ATTACHMENTS

Site Photographs, Appeal, Interior Layout, Aerial, Location Map



Former CVS/pharmacy



View of the center



View of the center



COUNTER TOP
AND PROPOSED RESTROOM

PROPOSED WINDOW

- ✓ PLUMBING
- ✓ SPRINKLER SYSTEM
- ✓ VISIBLE EXIT LOCATIONS
- ✓ FLOORING MATERIAL (TBD)

BENTON ST

INDUSTRIAL

PLANET
FITNESS

BIG
LOTS

GRAPE RD

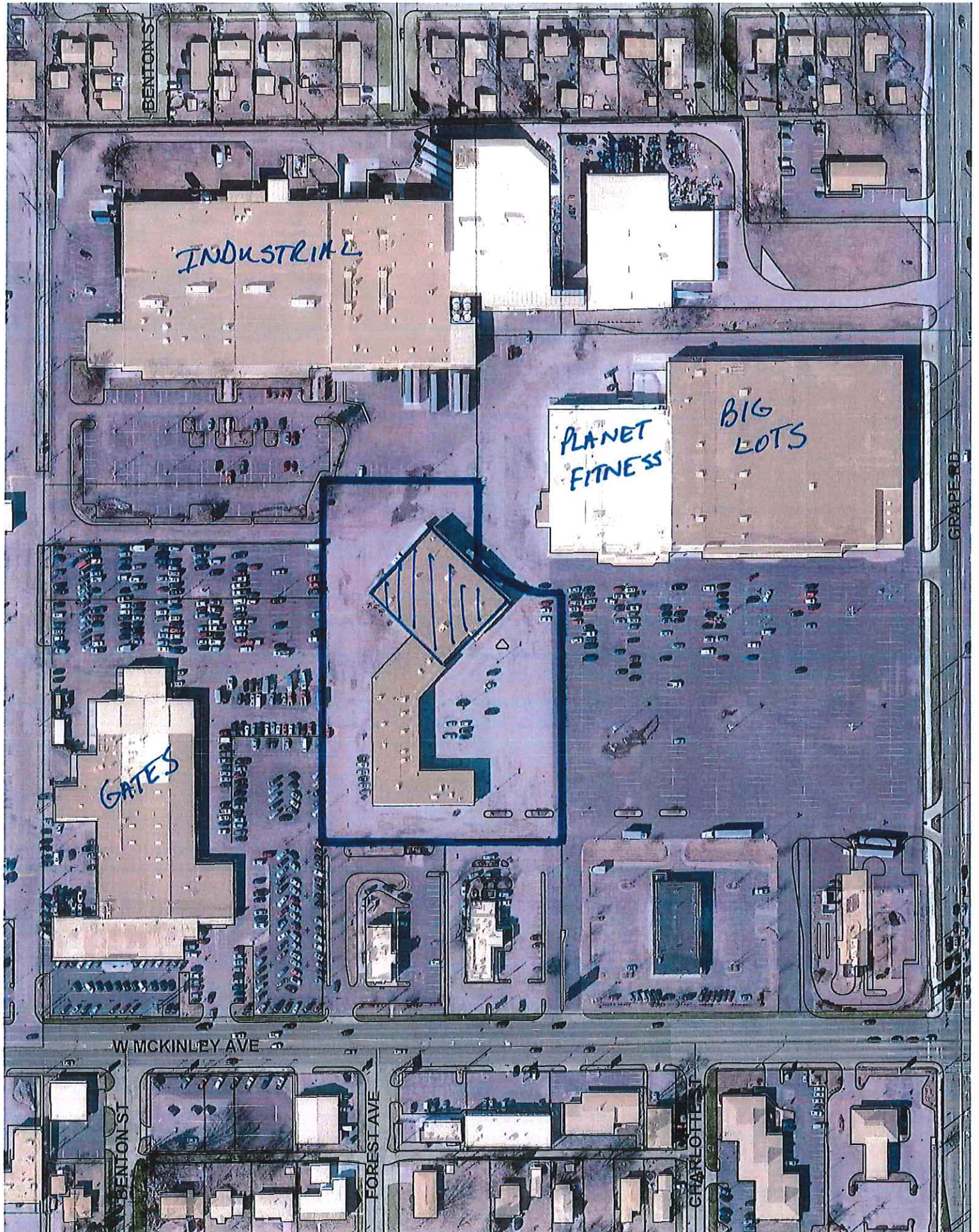
GATES

W MCKINLEY AVE

BENTON ST

FOREST AVE

CHARLOTTE ST



MAR 30 2022

City Clerk
Mishawaka, IN



To: City Mishawaka Common Council
From: Mishawka Commons LLC
Via: City Mishawaka Board of Zoning Appeals (BZA)

Subj: Use Variance for 502 W. McKinley Avenue, Mishawaka IN 46545

1. I, Mishawaka Commons LLC, is the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

A tract of land in the southeast quarter of the southwest quarter of section 4, township 37 north, range 3 east, city of Mishawaka, St. Joseph County Indiana, said tract being more particularly described as follows:

Commencing at the southwest corner of the southeast quarter of the southwest quarter of said section 4; thence east along the south line thereof, 400.00 feet; thence north 00 18'44" east, 290.00 feet, said point being the true place of beginning; thence continuing on the aforesaid bearing of north 00 18'44" east, 515.00 feet thence south 89 55'29" east, 225.61 feet; thence south 00 17'00" west, 118.63 feet thence south 44 43'00" east, 115.08 feet; thence south 89 43'00" east, 42.63 feet; thence south 00 17'00" west, 315.00 feet; thence north 89 55'29" west, 349.85 feet to the place of beginning.— 502 W. McKinley Avenue, Mishawaka IN 46545.

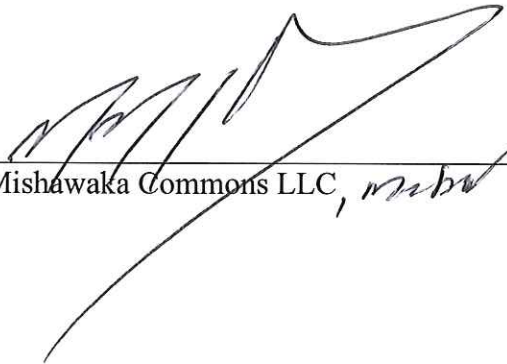
2. The above-described real estate presently has a zoning classification of C-2 Shopping Center Commercial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above-described property in the following manner: Multi-Tenant commercial building with a majority of the space being unoccupied.
4. Appellant desires to lease the tenant space at 502 W. McKinley Avenue to Optimus Property Management for use as an event center (assembly hall) including a bingo hall.
5. The Zoning Ordinance of the City of Mishawaka does not permit the proposed uses by right in the C-2 Shopping Center Commercial District (Section 137-326).
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. – The permitted uses do not allow for the proposed uses which are similar to and comparable to other permitted uses in the district.
7. (1). Will approval be injurious to the public health, safety, morals or general welfare of the community? No, we are asking for the ability to host an event center for people gathering and use for Bingo Hall for our Nonprofit Club.

(2). Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? No, this will enhance the foot traffic for the center for all business around.

(3). Does the need for the variance arise from some condition peculiar to the Property involved? Yes, the current zoning of the property does not allow for the proposed use of the property as an assembly hall and bingo facility, building is in good condition and would fit the use of assembly place.

(4). Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? Yes, because it would not allow the use as a assemble place for a bingo operation and event place.

(5). Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? No, this parcel is identified as a commercial and does not affect Mishawaka 2000 Comprehensive Plan.

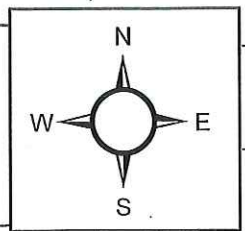

Mishawaka Commons LLC, *CHH* Owner

Contact person

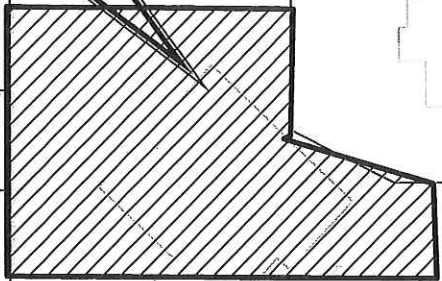
Chad Harper

574.536-2709

chad@pennwrestling.org



AP 22-05



GRAPE RD

Location Map

APPEAL 22-05

**MISHAWAKA COMMONS LLC
502 W MCKINLEY AVE**

**USE VARIANCE TO PERMIT
EVENT CENTER (ASSEMBLY HALL)
IN C-2 SHOPPING CENTER COMMERCIAL**

W MCKINLEY AVE

CHARLOTTE ST

LIBERTY DR

APPEAL #22-07

APR 13 2022

RESOLUTION NO. 2022- 09

City Clerk
Mishawaka, IN

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

309 Bittersweet Road, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **309 Bittersweet Road, Mishawaka, Indiana**, more particularly known and described as follows:

Lot 1 of Southbridge Subdivision as recorded under Instrument #2020-14842 in the Office of Recorder of St. Joseph County, Indiana

The Use Variance will allow three (3) tenants in a single commercial building in the C-1 General Commercial district.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

Section III. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. Building and parking lot are existing with adequate parking.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The proposed multi-tenant commercial building is adjacent to and within property currently zoned for

commercial use. The uses within the single multi-tenant building will be consistent with those in the surrounding area.

3. The need for the variance arises from some condition peculiar to the property. The property is zoned C-1 General Commercial and would need to be rezoned to the C-2 Shopping Center Commercial District to allow for three tenants in a single building. Rezoning would result in the need for additional variances.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought. The current zoning will not allow for the combined multi-tenant. The preferred means by which to allow the proposed uses is through the use variance process.
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided general commercial development within this property. The proposed uses are consistent with the Comprehensive Plan.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2022, at _____ o'clock _____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2022,
at _____ o'clock _____ m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at
_____ o'clock _____ .m.

David A. Wood, Mayor

STAFF REPORT

Location: 309 Bittersweet Road

Date: April 12th, 2022

Appeal: 22 - 07

Prepared By: SA

GENERAL INFORMATION

Applicant: TOPVIEW HOLDING GROUP LLC

Status: Property Owner / Appellant

Request: Use variance to allow a maximum of three (3) tenants in a single commercial building

Zoning Classification: C-1 General Commercial

Lot Size: 0.59 acres

Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals Use Variance
Section 137-300 to 137-303 / C-1 General Commercial District

SPECIAL INFORMATION

Area Development Pattern: North: C-7 Auto-Oriented Restaurant Comm. *KFC Restaurant*
South: C-1 General Commercial. *City-Wide Liquors*
East: S-2 Planned Unit Development. *Bittersweet Plaza*
West: R-1 Single Family Residential

Thoroughfare: Bittersweet Road

School District: School City of Mishawka

Township: Penn

Public Utilities: All utilities are available and currently serve the property

Comprehensive Plan: General Commercial

ANALYSIS

The Appellant is requesting an existing use variance to allow a maximum of three (3) tenants in a single commercial building. In addition to the existing Dental Office, a Phone Retailer and Medical Office would be added. Existing freestanding sign has space (faces) for two future tenants.

The building was previously a Family Dollar. In 2020, the property was granted variances for the Twin Branch Dental office.

The proposed tenants are to be located approximately 157' west of Bittersweet Road. It will be within a 0.59 acre Tax Parcel 016-1102-3995 parcel being Lot 1 of the Southbridge Subdivision.

The pending C-1 General Commercial District only allows for a maximum of two (2) separate tenants/uses on the property. In order to allow for a single three tenant building as proposed, the property would need

to be rezoned to a C-2 Shopping Center Commercial District, which would require larger setbacks and additional parking required resulting in more variances. Therefore, this appeal would be the path of least resistance.

All pertinent City Departments have reviewed and approved the use variance request.

RECOMMENDATION

The Planning Staff recommends **approval** of Appeal 22-07 to allow a use variance for a maximum of three (3) tenants in a single commercial building. The building is to be located within a 0.59 acre lot with a current address of 309 Bittersweet Road. This recommendation is based on the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. Building and parking lot are existing with adequate parking.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The proposed multi-tenant commercial building is adjacent to and within property currently zoned for commercial use. The uses within the single multi-tenant building will be consistent with those in the surrounding area.
3. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought. The current zoning will not allow for the combined multi-tenant. The preferred means by which to allow the proposed uses is through the use variance process.
4. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided general commercial development within this property. The proposed uses are consistent with the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Site Photographs, Appeal, and Location Map

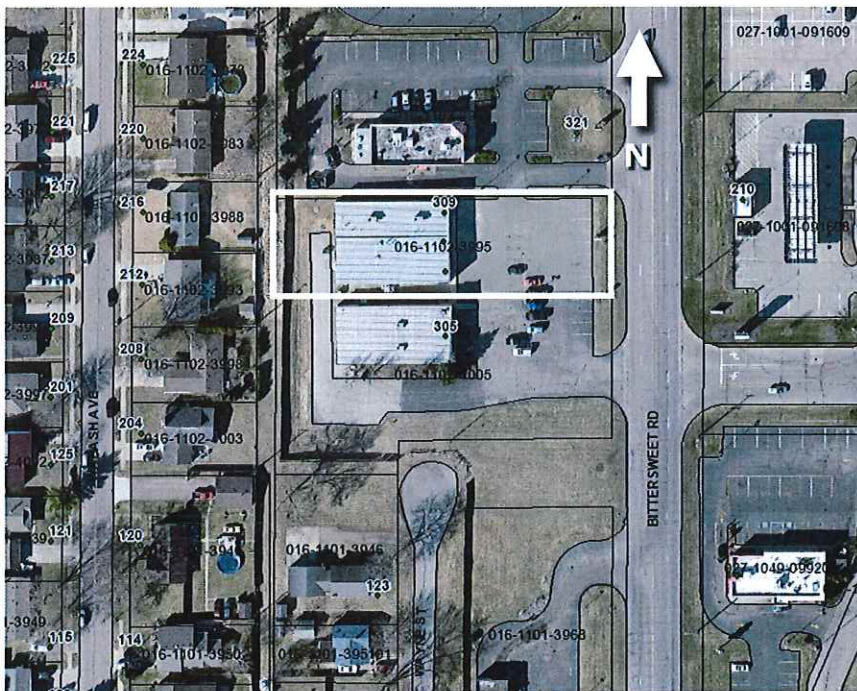
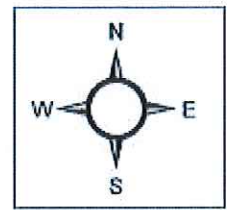




Photo from Bittersweet Road facing West



Photo from Bittersweet Road facing West



AP 22-07

Location Map

APPEAL 22-07

TOPVIEW HOLDING GROUP LLC
309 BITTERSWEET ROAD

USE VARIANCE TO ALLOW
3 TENANTS IN 1 BUILDING
IN THE C-1 GENERAL
COMMERCIAL DISTRICT

WAYNE ST

BITTERSWEET RD

LINCOLNWAY EAST

MAR 30 2022

City Clerk
Mishawaka, IN

AP 22-07

DATE: 3/22/2022

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, ***insert property owner(s) name(s)***, am the owner of the following described real estate located within the City of Mishawaka, _____ Township, St. Joseph County, State of Indiana, to-wit:

Lot 1 of Southbridge Subdivision as recorded under Instrument #2020-14842 in of the Office of Recorder of St. Joseph County, Indiana. (Topview Holding Group LLC), the Township (Penn), and address (309 Bittersweet Road, Mishawaka, IN 46544) after the legal description.

2. The above-described real estate presently has a zoning classification of C-1 General Commercial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (*or proposes to occupy*) the above-described property in the following manner: Twin Branch Dental Office.
4. Appellant desires to (*Explain what is proposed that violates the Ordinance.*) *Add two more tenants, including a phone retailer and medical office, for a total of three tenants in the building.*
5. The Zoning Ordinance of the City of Mishawaka requires (*Explain ordinance requirements and note Section Number of the Ordinance.*) *The C-1 Commercial District only permits two contiguous uses/tenants as three or more contiguous uses require a C-2 Shopping Center Commercial District zoning. (Section 137-325).*
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.
The interested tenants would not use the full 4000 sqft available space as 1 tenant; all are interested in smaller footprints of half the space each. The frontage space allows for 20ft each for 2 additional tenants. We have had repeated interest from multiple smaller use tenants; we have received an LOI from a retailer that wants to move forward as quickly as possible. We don't want to sign a lease with them for a smaller footprint unless we know an additional 3rd tenant would be possible.
7. Answer the following necessary questions for a **USE VARIANCE**:

- (1) Will approval be injurious to the public health, safety, morals or general welfare of the community? YES OR NO and explain your reason why. *NO there would be no negative effects on any of these situations. There would be positive benefits to the community in these regards.*
- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? YES OR NO and explain your reason why. *NO there would be no negative effects on property value. There would be positive value increase benefits to the community in these regards.*
- (3) Does the need for the variance arise from some condition peculiar to the property involved? YES OR NO and explain your reason why. *Yes, since the C-1 General Commercial District does not allow for more than 2 contiguous uses/tenants in a single building.*
- (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? YES OR NO and explain your reason why. *Yes if we are not allowed an additional tenant, this would leave a potentially vacant space of 1800 sqft which would be required to stay vacant.*
- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? YES OR NO and explain your reason why. *No, it would a benefit. We have already invested significant time, money in improving this building exterior and interior to promote further*

economic and community growth. There would be positive benefits to the community in these regards.

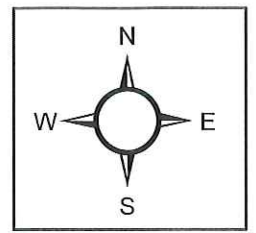
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.


Signature of Property Owner/Title Holder
Print Name Here
Mike Hewlett

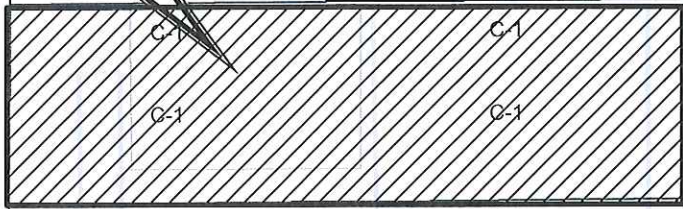

Second Property Owner/Title Holder
Print Name Here
Andrew Zaremba

CONTACT PERSON:

Name: Michael Hewlett
Address: 309 Bittersweet Rd #105
Day Phone Number: (574) 621-3553
Fax Number: (574) 413-9099
Email: twinbranchdental@gmail.com



AP 22-07



Location Map
APPEAL 22-07

TOPVIEW HOLDING GROUP LLC
309 BITTERSWEET ROAD

USE VARIANCE TO ALLOW
3 TENANTS IN 1 BUILDING
IN THE C-1 GENERAL
COMMERCIAL DISTRICT

WAYNE ST

BITTERSWEET RD

LINCOLNWAY EAST

S-2

S-2

S-2

S-2

S-2

S-2

C-4

R-1

C-1

C-1

R-1

C-7

C-7

R-1

C-7

R-1

C-1

C-1

R-1

C-1

C-1

R-1

C-1

C-1

R-1

C-1

R-1

R-1

R-1

R-1

R-1

PROPOSED ORDINANCE NO. 2022-08

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF MISHAWAKA, AMENDING THE UNIFORM SCHEDULE OF FEES**

WHEREAS, a uniform schedule of fees best serves the interests of Mishawaka's employees, administration, and public, and

WHEREAS, on August 17, 2010, the Common Council of the City of Mishawaka amended the Municipal Code of the City of Mishawaka by repealing and removing Sections 2-752 and 2-753 of the Municipal Code of the City of Mishawaka and creating a new Section 2-752, entitled the Uniform Schedule of Fees, and

WHEREAS, the Uniform Schedule of Fees created by Section 2-752 was attached to the Code of Ordinances as an addendum labeled Appendix A, and

WHEREAS, on December 3, 2018, Appendix A, was amended to change the categories and amounts of fees charged to contractors and subcontractors for obtaining permits to work in the City of Mishawaka; and

WHEREAS, it has become necessary to amend Appendix A to increase the fees charged by Emergency Medical Services as is depicted in the amended addendum labeled as Appendix A – 2022, attached hereto, and

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. Section 2-752 of the Municipal Code of the City of Mishawaka, Indiana is hereby amended to read as follows:

Sec. 2-752 Uniform schedule of fees

(a) A uniform fee schedule for the City of Mishawaka is attached to this Code of Ordinances as an addendum labeled Appendix A – 2022. This list is intended to be non-exclusive, and may not contain the exhaustive list of all fees collected by the City of Mishawaka.

(b) Fees collected are to be paid to the City Controller.

Section 2. A new appendix labeled Appendix A – 2022 shall be added to the Mishawaka Municipal Code a copy of which is attached hereto as Appendix A – 2022

Section 3. This ordinance shall be in full force and effect after its passage by the Common Council, signature of the Mayor, attestation by the City Clerk and publication as required by law.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana on this ____ day of _____, 2022 at _____ o'clock, ____ M.

Gregg A. Hixenbaugh
Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC
City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana on this ____ day of _____ 2022 at _____ o'clock, ____ M.

Deborah S. Block,
IAMC, MMC
City Clerk

APPROVED BY ME this ____ day of _____ 2022 at _____ o'clock, ____ M.

David A. Wood
Mayor

APPENDIX A - 2022

COMMERCIAL:

300	-	2,500	\$50.00	ADD \$100.00 FOR EVERY \$10,000.00 UP TO \$200,000.00
2,500	-	5,000	\$100.00	ADD \$20.00 FOR EVERY \$10,000.00 AFTER \$200,000.00 UP TO \$1,000,000.00
5,000	-	7,500	\$150.00	ADD \$100.00 FOR EVERY \$100,000 AFTER \$1,000,000.00
7,500	-	10,000	\$200.00	
RE-INSPECTION ROUGH			\$50.00	
RE-INSPECTION FINAL			\$100.00	
LICENSE-NEW/RENEWAL:			\$125.00	

RESIDENTIAL:

\$300.00	-	\$1,000.00	\$30.00	ADD \$25.00 PER \$5,000.00 AFTER \$5,000.00 UP TO \$50,000.00
\$1,001.00	-	\$5,000.00	\$50.00	ADD \$25.00 PER \$10,000.00 AFTER \$50,000.00 up to \$200,000.00
				ADD \$25.00 PER \$25,000.00 AFTER \$200,000.00
RE-INSPECTION ROUGH			\$50.00	
RE-INSPECTION FINAL			\$100.00	
LICENSE-NEW/RENEWAL:			\$125.00	

ELECTRICAL:

MINIMUM PERMIT:	\$30.00	MAIN SERVICE/SUB PANEL:(NEW/REPLACED)	100 AMP OR
LESS \$100.00			
METER SERVICE:	\$30.00		200 AMP
\$150.00			
{REPLACE/REPAIR/TEMPORARY}			400 AMP
\$200.00			
ALTERNATE POWER:	\$30.00		600 AMP
\$250.00			
CIRCUITS:	\$25.00 PLUS \$5.00 EACH CIRCUIT		600 AMP OR
MORE \$300.00			

(NEW/REPLACED)

LICENSE-NEW/RENEWAL: \$125.00

HVAC:

MINIMUM PERMIT \$30.00 DUCT/REGISTER INSTALLATION:

HVAC EQUIPMENT INSTALLED \$15.00 + \$15.00each 0 - 50
\$30.00

COMMERCIAL HOODS:NO SUPPRESSION: \$75.00 51 - 100
\$75.00

FIRE SUPPRESSION: \$150.00 101 +
\$150.00

ROOFTOP FURNACE/AIR: \$75.00 GAS PIPING: PRESSURE TEST:
\$30.00

ALTERNATIVE HEATING/COOLING: \$50.00

WATER CHILLERS: \$75.00

LICENSE NEW/RENEWAL: \$125.00

PLUMBING:

MINIMUM PERMIT: \$30.00 GAS PIPING: PRESSURE TEST: \$30.00

PLUMBING FIXTURES: \$25.00 + \$5.00each FIRE SPRINKLERS: \$50.00 +
\$3.00per head

ALTERNATIVE PLUMBING: \$30.00 LICENSE NEW/RENEWAL: \$125.00

MISCELLANEOUS PERMITS:

Minimum Permit: \$30.00 Commercial Suppression: \$50.00

Change of occupancy: \$150.00 Fire Inspection fees: \$150.00

Commercial Fire Alarm: \$100.00+\$3.00 per device Underground Storage Tank: \$150.00

Spray Booth: \$200.00

MOVING PERMITS:

RESIDENTIAL AND COMMERCIAL: OVER PUBLIC ROAD/ALLEY

ONE-OR-TWO STORY \$150.00 GREATER THAN TWO STORY: \$250.00

SWIMMING POOLS:

RESIDENTIAL IN-GROUND: \$150.00 COMMERCIAL: \$250.00

UNMETERED WATER AND EXH. FANS:

RESIDENTIAL:	\$65.00	INDUSTRIAL BUILDINGS:	\$600.00
APARTMENTS: PER BUILDING:	\$50.00	EXHAUST FANS: PER FIXTURE:	\$5.00
COMMERCIAL:	\$135.00		
<u>WRECKING AND DEMOLITION PERMIT:</u>			
MINIMUM PERMIT:	\$30.00	RESIDENTIAL HOUSE:	\$50.00
GARAGE/ACCESORY STRUCTURE:	\$30.00	COMMERCIAL:	\$75.00
<u>SIGNS:</u>			
0 - 50 SQ. FT.	\$30.00	BILLBOARD:	\$50.00
50 - 100 SQ. FT.	\$50.00	TEMPORARY:	\$30.00
ADD \$25.00 PER 50 SQ. FT. AFTER 100 SQ. FT.		LICENSE-NEW/RENEWAL:	\$125.00

Planning Fees

Name of Fee	Amount
Annexation over 10 Acres	\$500.00
Rezoning Petition	\$400.00
Vacation of ROW	\$400.00
Administrative Site Plan	\$200.00
Developmental Var. Commercial	\$300.00
Use Variance Commercial	\$400.00
Conditional Use Permit	\$500.00
Tax Abatement Residential	\$100.00
Tax Abatement Property	\$300.00
Tax Abatement Real Estate	\$300.00
ILP Two Unit Condominium	\$50.00
ILP High Density/Commercial	\$75.00-150.00
ILP Temporary Signs	\$50.00
ILP Permanent Signs	\$75.00-150.00
ILP Off Premise Signs	\$300.00
Form Zoning Verification	\$50.00

Emergency Medical Services Fees

Name of Fee	Amount
BLS Non-Transport (Resident)	\$150.00

BLS Non-Transport (Non-Resident)	\$250.00
ALS Non-Transport (Resident)	\$360.00
ALS Non-Transport (Non-Resident)	\$460.00
BLS Non-Emergency (Resident)	\$347.60
BLS Non-Emergency (Non-Resident)	\$463.46
ALS Non-Emergency (Resident)	\$417.12
ALS Non-Emergency (Non-Resident)	\$556.16
BLS Emergency (Resident)	\$556.16
BLS Emergency (Non-Resident)	\$741.54
ALS-1 Emergency (Resident)	\$660.44
ALS-1 Emergency (Non-Resident)	\$880.58
ALS-2 Emergency (Resident)	\$955.91
ALS-2 Emergency (Non-Resident)	\$1274.54
Loaded Miles (Resident)	\$12.03
Loaded Miles (Non-Resident)	\$16.04
Out of District	NA
ALS Assist	\$500.00
Event Standby 1 Paramedic	\$250.00/four hours
Event Standby 1 ALS Ambulance	\$750.00/four hours
Event Standby 1 BLS Ambulance	\$600.00/four hours

Police Fees

Name of Fee	Amount
Case Reports	\$5.00
Record Check	\$10.00
Fingerprint Card	\$5.00
Crime Stat Report	\$5.00

Copying, Information and Filing Fees

Name of Fee	Amount
Photocopies	
8½in X 11in or 8.5in X 14in	\$0.05 per page
11in X 17in	\$0.10 per page
Municipal Code Book	
Full code book	Actual Cost
Supplement Only	Actual Cost
	Actual
On diskette	Cost

Facsimile transmission	Actual Cost
Filing fees (nonrefundable)	
Annexation/zoning petition	\$300.00
Rezoning petition	\$300.00
Rezoning of nonconforming or legal nonconforming properties from their present zoning classifications to an R-1 zoning classification	\$25.00
Vacation of public right-of-way petition (plus recording and auditing fees)	\$250.00
Plan commission final site plan review (plus recording and auditing fees)	\$250.00
Administrative final site plan review (plus recording and auditing fees)	\$150.00
Development and sign variance appeals	
Residential R-1, R-2, and R-4 districts; S-2 planned unit development district for single-unit and two-unit residential	\$100.00
Residential R-3, commercial C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9, C-10; industrial I-1, I-2; special S-1, S-2 for high-density residential, commercial and industrial	\$250.00
Use variance	\$250.00
Conditional use permit appeal	\$250.00
Subdivision plats and replats (plus recording and auditing fees), for 20 lots or less	\$250.00
Each additional lot exceeding 20 lots	Additional \$3.00
Ordinance fees	
Zoning ordinances	\$50.00
Subdivision regulations	\$25.00

Sign ordinance	\$25.00
Design review ordinance	\$50.00
Zoning ordinance, subdivision regulations, sign ordinance, and design review ordinance (CD)	\$10.00
Aerial photographs	
200 scale, no larger than 24in X 36in	\$25.00
100 scale, no larger than 24in X 36in	\$25.00
Maps, up to entire city, no larger than 24in X 36in	\$25.00
Computer generated prints	
8.5in X 11in	\$0.50
11in X 17in	\$1.00
Permit fees	
Improvement location permit	
For single, two-unit, and attached condominium residential, new principle buildings and uses	\$25.00
For single, two-unit, and attached condominium residential, accessory buildings and uses (including additions, garages, pools, and fences)	\$10.00
For high-density residential, commercial and industrial principle and accessory structures	\$50.00
Sign improvement location permit for temporary signs	\$25.00
Sign improvement location permit for permanent signs	\$25.00
Sign improvement location permits for off-premises billboards	\$100.00
Historic preservation commission certificates of appropriateness	\$10.00
Requests for formal information	
Zoning verification letter	
Single-family residential	\$25.00
Non-single-family residential	\$50.00
Rebuild letter	
Single-family residential	\$25.00
Non-single-family residential	\$50.00

Grandfather/legal nonconforming letter	
Single-family residential	\$25.00
Non-single-family residential	\$50.00
Form verification letter sign-off for other government agencies (vehicle sales, off-premises signs, etc.)	\$25.00
Minor information research requests*	\$200.00
Major information research requests**	Actual Cost

*Requests involving the equivalent of less than half a day of staff time. This type of request could include property history, verification of adjacent property zoning, site plan approval dates and copies, certificates of occupancy, and other related information. This charge is related to researching and compiling the information and certifying the requested information in writing. All files are open for public review and research free of charge.

** Requests involving the equivalent of more than half a day of staff time. This type of request could include property history, verification of adjacent property zoning, site plan approval dates and copies, certificates of occupancy, and other related information. This charge is related to researching and compiling the information and certifying the requested information in writing. All files are open for public review and research free of charge. This fee will vary based on the information requested and shall be limited to the actual cost incurred by the city to hire a private consultant or company to perform said work.