AGENDA
May 19, 2025

Meetings of Standing Committees
Council Conference Room
5:45PM

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
6:00PM

WebEx Telephone Number:1-408-418-9388
Meeting Number (access code): 2341 758 5646
Meeting password: zbNimZNS227

Livestream #1:
https://mishawaka.in.gov/government/elected-appointed-officials/common-council/

Livestream #2
https://www.facebook.com/cityofmishawaka/

Livestream #3:

www.youtube.com/@cityofmishawaka635

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

Dial:**23417585646@mishawaka.webex.com**

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of May 05, 2025

5. Petitions, Communications, Remonstrance and Memorial

A letter from the Board of Zoning Appeals regarding their recommendations from their May 13, 2025, meeting.

A letter from the City Plan Commission regarding their recommendation from their May 13, 2025, meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2025-11	Rezone from C-1 General Commercial to R-1 Single Family Residential for an Existing House – 115 Virginia St.
P.O. No. 2025-12	Authorizing Special Utility Service Agreements for Economic Development and Customized Utility Needs

8. Resolutions

R2025-12	Use Variance to allow a Group Home to be Occupied by Eight Unrelated Persons – vacant lot 811 W. Catalpa)
R2025-13	Real Property Tax Abatement for United Pet Food Producers USA, Inc.

9. Ordinances on Second Reading

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An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook and YouTube pages, **https://www.facebook.com/cityofmishawaka/** and **www.youtube.com/@cityofmishawaka635** and on the Michiana Access TV Facebook page, **https://www.facebook.com/MichianaAccessTV**

If technology is needed to present, please advise the Clerk's Office by 4:00pm the Friday before the meeting by emailing: dblock@mishawaka.in.gov or calling 574-258-1616.

Download Packet Link below:

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

Deborah S. Block, IAMCA, CMO, 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.

Scan the QR Code to access all Common Council Meeting Agenda's, Packets, and Meeting Minutes.

SCAN ME

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

May 5, 2025

The regularly scheduled council meeting was called to order by Council Vice President Ron Banicki at 6:00PM. Mr. Banicki stated due to unforeseen circumstances; the Council would be going into a 10-minute recess immediately.

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Monday May 5, 2025, at 6:10PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

Members attending virtually do so by WebEx. Public that attends 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.

City Clerk Debbie Ladyga-Block called the roll.

Present: Mrs. Hazen (P), Mrs. Voelker (P), Mr. Carroll (P), Mr. Banicki (P), Mr. Emmons (P), Ms. Hahn (P), Mr. Mammolenti (P), Mr. Violi (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Also Present: Mike Trippel, Council Attorney

Minutes for the Regular Meeting on April 28, 2025, were approved as received from the Clerk's Office.

Clerk Block read the following proposed ordinance and opened the public hearing.

PROPOSED ORDINANCE NO. 2024-35AA

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE "ZONING ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA.
Amending the Wellhead Protection Ordinance

Mr. Carroll reported the Land Use Planning Committee recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Ken Prince, Director of Planning and Community Development, spoke in favor of **PROPOSED ORDINANCE NO. 2024-35AA**. Mr. Prince stated as they recalled at the time that they reviewed the convenience store at Fir and Douglas, there were numerous discussions regarding the need for more education, better available maps, and potential ordinance modifications that better regulated land uses that surrounded the city wellfields. Mr. Prince stated several members of the Administration and councilmembers identified a need and a desire for an ordinance to both increase and formally codify restrictions and this was that ordinance. Mr. Prince stated specifically in terms of education, they conducted an informational session and also now had the time of travel maps that were readily accessible to the public and they could be viewed on the Mishawaka city website through GIS. Mr. Prince stated there were four current city wellfields: Division, Gumwood, Vigil, and Juday Creek. Mr. Prince stated the Gumwood wellfield, as indicated previously, was planned to be closed by 2026 as they had a maintenance issue, they were working through with the contractor that built the tower out there and barring the need to drain the tower for that fix, that the wellfield should go away within the next year. Mr. Prince stated the wellhead protection revisions were different than the County's wellhead provisions and the wellhead protection revisions of the County were regulating wells, and they were not regulating land uses. Mr. Prince stated as they discussed at the informational meeting, current wells could go as close as 200 feet to underground tanks and other issues that they considered potential contaminants for the wellfield, and they felt from a land use perspective that it was better to regulate that and to have an overlay district that further separated them. Mr. Prince stated the city's water system itself was a public water system subject to the continued environmental rule changes by the federal government which included increased standards for public water quality where private wells were not regulated the same way. Mr. Prince stated the ongoing environmental rule changes by the federal government included substances such as lead, copper, PFAS, arsenic, and manganese. Mr. Prince stated with everchanging standards for public water, the vulnerability for groundwater infiltration, the higher cost of treatment infiltration, and the potential that existed to force the closure of wells and wellfield from contamination made it prudent to further regulate significant threats to groundwater. Mr. Prince stated to aid in consistency between ordinances, the proposed land use modifications incorporated much of the county ordinance language that had been expanded and clarified for the purposes or regulating the storage, distribution of chemicals, material uses, and storage methods that were potential threats to groundwater. Mr. Prince stated the proposed ordinance was written specifically to regulate commercial bulk storage and distribution of chemicals, materials, and storage methods and the point was to make a regulatory distinction between commercial usage and incidental personal use both at the commercial and residential level. Mr. Prince stated the types of materials to be regulated included all petroleum products, antifreeze, solvents, inks, pigments, corrosion, rust preventive solutions, sanitizer, pesticides, acids, and road salts. Mr. Prince stated they also had a catchall provision for any other regulated substance in a quantity sufficient to present a reasonable likelihood that it would do damage to the groundwater or surface water or stored and transferred or used in a manner not in compliance with federal, state, or local requirements. Mr. Prince stated that it also included other land uses such as drum storage areas, waste piles, waste material, rail or truck loading or transfer areas, and auto salvage facilities. Mr. Prince stated it also included additional restrictions on underground storage tanks, specifically the city was only looking to regulate the commercial and the kind of high volume point source pollution points, so again they completely understood that there was a use at a residential level that would be permitted, so there would be a number of exemptions including farmer residential tanks 185 gallons or less, tanks used for storing of heating oil for consumptive use on the premises where they were stored, septic tanks as regulated by the health department, pipeline facilities as regulated by various codes, surface impoundment, stormwater or wastewater collection systems, and storage tanks in an unground area such as a basement cellar where the storage tank was situated up on or above the surface of the floor. Mr. Prince stated within the ordinance they also regulated two different areas with one being the one-year time of travel and the second was the five-year time of travel and the uses that he had just mentioned would be prohibited within the one-year time of travel and then within the five-year time of travel that would be handled as a conditional use. Mr. Prince stated by state law, they were required to map the one-year, the five-year, and the ten-year time of travel when they submitted those and as they discussed at their informational meeting, they did not have a two-year time of travel and their division manager, Dave Majewski felt like it should be the five-year standard but that would be too much so they brought that back and because they did not have a two-year standard or a three-year standard, they went with the five-year but they were permitted by conditional use that way, for example if you wanted something between the one-year and the five-year time of travel and there were concerns about it you could have the company install their own monitoring wells and submit reporting to the city regarding potential leaks in that location. Mr. Prince stated adding conditions was something they thought was an important component for the transition area between the one-year and five-year time of travel. Mr. Prince stated he was happy to answer any questions they had.

Mrs. Voelker stated she believed she read somewhere in the staff report that the city would not use road salt and asked if he understood that correctly. Mr. Prince stated no, and they actually would use road salt, and it was very important for public safety to use road salt. Mr. Prince stated what they would not do was store road salt within the area. Mrs. Voelker stated she was curious about the process for conditional use and asked if she came to the city and wanted to build a gas station, for example, within the five-year time of travel if it would first go to the Board of Zoning Appeals. Mr. Prince stated there were very few properties that had existing zoning that would allow a gas station, so more than likely it would be at the same time applying for a change in zoning, potentially annexation of the property and then conditional use at the same time, so it would go before both the Planning Commission and the Board of Zoning Appeals and in similar cases, normally on their agendas they would probably ask them to be heard simultaneously so you could consider the zoning and the conditional use at the same time. Mrs. Voelker asked if it would then come before the Council after that. Mr. Prince stated that was correct on both counts. Mrs. Voelker stated from an educational standpoint, they talked about as part of the process educating the community and she knew they had a meeting and asked if they had sent a letter out to people within 300 feet of the project or if they did anything similar to that to notify businesses or property owners that were currently located in the five-year time of travel. Mr. Prince stated they did not and as they discussed at the informational meeting, the only area that came up that he thought would be impacted would be the Home Street industrial area north of Jefferson. Mr. Prince stated he was not aware of any of those activities that currently occurred but that would provide further limitation on that property. Mr. Prince stated they did not provide notice to those areas specifically and the areas were very well defined. Mr. Prince stated they did not prohibit any uses at Home Street, but it would merely require them to apply for conditional use, and they would not be prohibited, and it would be another step to go through, and a prudent one given the potential effects on groundwater.

Mr. Violi asked pertaining to the C-10 zonings, if there were any C-10 parcels of land that were empty parcels that had already been granted C-10 sometime in the past in that one-to-five-year time of travel in any of the three areas. Mr. Prince stated in all three wellfields there were no vacant C-10 properties except for the Casey's site, which was actually within the one-year time of travel.

Mr. Carroll asked if on Home Street, it came to be that someone was in violation of this and nobody knew what enforcement would be like from the city's perspective, if it was a code violation or if it was a different type of violation. Mr. Prince stated it would be a zoning violation, and it would be through his department, the Planning Department.

Mr. Hixenbaugh thanked Mr. Prince for the work he had done on this and his openness to work with them on the amendments throughout the process and stated it was very much appreciated.

Mr. Mammolenti thanked President Hixenbaugh for working very closely with the Council and in turn working closely with Mayor Wood, Mr. Prince, and his team. Mr. Mammolenti stated he knew this was somewhat of a contentious topic when it first came up and he thought it just proved that they were able to work well with each other in finding a middle ground and a great solution. Mr. Mammolenti thanked Mr. Hixenbaugh, and all involved in the process once again.

Mr. Hixenbaugh stated he appreciated the fact that they identified a problem and worked together as they typically did and he thanked all involved with that. Mr. Hixenbaugh stated he was certainly in favor of the proposed ordinance, and he believed it was in the best interest of Mishawaka, but he thought there were two components of the ordinance that they were going to have to keep front of mind as they moved forward with the implementation of the ordinance. Mr. Hixenbaugh stated the first was in that area beyond one year but up to five, that conditional use process that Mr. Prince described earlier, he thought they needed to approach that as an authentic process where they would be open to the approval. Mr. Hixenbaugh stated if they were going to extend the one-year prohibition to five years, he thought that they would be working for cross purposes with the intent of the ordinance, so where appropriate, he thought they needed to consider on a case-by-case basis those conditional uses. Mr. Hixenbaugh stated the second thing was that he thought they needed to be open to any modifications and revisions of the ordinance as they implemented it to find out that there were some changes that needed to be made. Mr. Hixenbaugh stated he was not aware of any and he thought this was really well done by Mr. Prince and he appreciated his willingness to provide input on the part of the Council, and he was proud of the work product, and it would serve the city, and he would be in support of it that evening.

Question was called for at 6:25PM for **PROPOSED ORDINANCE NO. 2024-35AA Motion passed by unanimous roll call vote (summary: Yes = 8, No = 1).**
Yes: Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.
No: Mrs. Hazen. The proposed ordinance passed 8-1, thus it became **ORDINANCE NO. 5932**.

NEW BUSINESS

Mr. Emmons made a quick note that the First District Meeting for the month of May had been changed from Thursday May 15th to Wednesday May 14th at St. Bavo's Church at 7PM where Mayor Dave Wood would be presenting his State of the City Address. Mr. Emmons stated they were moving the date due to Police Honor Night being held on Thursday May 15th at St. Bavo's honoring police officers who were killed in the line of duty. Mr. Emmons stated West End Donuts would be served and all were welcome. Mr. Emmons stated he looked forward to seeing everyone on Wednesday May 14th.

Mr. Carroll announced the Second District Meeting would be Thursday May 8th at 7PM at the Blair Hills Pool Complex and all were welcome.

Mr. Prince stated on behalf of the Administration, they would like to ask for an informational meeting on Monday May 12th at 5:45PM to discuss payment in lieu of taxes proposal by a low-income senior housing project proposed off of Douglas Road, so the idea was to learn about payment in lieu of taxes and what they would be specifically proposing. Mr. Hixenbaugh stated they would go ahead and schedule that meeting for the following Monday at 5:45PM.

ADJOURNMENT 6:28PM

Deborah S. Block /s/	Gregg A. Hixenbaugh /s/
Deborah S. Block, IAMC, MMC, City Clerk	Gregg A. Hixenbaugh, President

These minutes are a summary of actions taken at the Mishawaka Common Council meeting. The full video archive of the meeting is available for viewing at www.youtube.com/@cityofmishawaka635 for as long as this media is supported.

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
Kenneth B. Prince, ASLA, AICP, Executive Director

May 14, 2025

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
May 13, 2025, Public Hearing

Honorable Members:

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

APPEAL #25-11 An appeal submitted by City of Mishawaka requesting a Use Variance for 811 W Catalpa, Mishawaka, IN, to allow for a Group Home to be occupied by eight (8) unrelated persons.

The Board, with a vote of 3-0, provided a favorable recommendation.

APPEAL #25-13 An appeal submitted by Alliance Staffing GlobalForce Inc requesting a Use Variance for a vacant lot south of 1925 N Main Street, Mishawaka, IN, to allow for a Beauty/Barber Shop and/or small Office Space in the R-1 Single Family Residential District.

The Board tabled Appeal #25-13 to the June 10, 2025 meeting

Respectfully,

Donna M Whitt

Donna M Whitt, Administrative Planner
Secretary, Board of Zoning Appeals

Deborah S. Block, IAMC, MMC
MAY 14 2025
City Clerk
Mishawaka, IN

May 14, 2025

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
May 13, 2025, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Plan Commission meeting was held on the above date at which time the following petitions were considered:

PET #25-03 A request submitted by Henry Carolyn A Living Trust/Robert Henry, Executor requesting to rezone 115 Virginia Street from C-1 General Commercial to R-1 Single Family Residential for an existing house.

The Commission, with a vote of 9-0, recommended approval.

Respectfully,

Donna M Whitt

Donna M Whitt, Administrative Planner
Secretary, Plan Commission

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC
MAY 14 2025
City Clerk
Mishawaka, IN

PETITION 25-03

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-11

ORDINANCE NO. _______

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described:

115 Virginia Street, Mishawaka, IN

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, St. Joseph County, State of Indiana, to-wit:

Lot 3 & 4, C.G. Klein's Subdivision

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as R-1 Single Family Residential designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. *The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Low Density Residential. Rezoning this property to R-1 Single Family Residential would match the intended land use by the Comprehensive Plan.*

2. *Current conditions and the character of current structures and uses in each district – A zoning of R-1 Single Family Residential would adhere to the current conditions and character of the property as it being used a single family home.*

3. *The most desirable use for which the land in each district is adopted – The most desirable use for the property is a single family home as the Comprehensive Plan indicated.*

4. *The conservation of property values throughout the jurisdiction –The property is and has been a single family residence so there would be no impact to the neighboring properties thus conserving the property values in the neighborhood.*

5. *Responsible development and growth - The proposed change is desirable given the surrounding area north of Lincolnway East is single family homes and zoned as R-1 Single Family Residential.*

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this __________day of ______________________, 2025, at _________ o'clock ___.M.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED by me to the Mayor this _________ day of ____________________, 2025, at ____ o'clock ____.M.

____
Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED by me this ____________ day of ___________________, 2025, at _________o'clock ____.M.

____
David A. Wood, Mayor

STAFF REPORT

Location: 115 Virginia Street

Date: May 13, 2025

Petition: 25 03

Prepared By: DMW

GENERAL INFORMATION

Applicant:	Carolyn A Living Trust/Robert Henry, Executor
Status:	Property Owner
Request:	Rezone from C-1 General Commercial District to R-1 Single Family Residential
Zoning Classification:	C-1 General Commercial District
Lot Size:	0.40 acres
Applicable Regulations:	Sec. 137-164 thru 137-166 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map, Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:	North:	R-1 Single Family Residential
	South:	C-1 General Commercial/C-4 Auto Oriented Commercial
	East:	R-1 Single Family Residential
	West:	R-1 Single Family Residential/C-1 General Commercial
Thoroughfare:	Virginia Street North of Lincolnway East	
Council District	3	
School District:	School City of Mishawaka	
Public Utilities:	All public utilities are available and existing.	
Comprehensive Plan:	Low Density Residential	

ANALYSIS

The Petitioner is requesting to rezone 115 Virginia Street from C-1 General Commercial District to R-1 Single Family Residential District. The property is located on Virginia Street just north of Lincolnway East. Surrounding properties to the north, east and west are zoned R-1 Single Family Residential and property located on Lincolnway East are zoned C-1 General Commercial/C-4 Automobile Oriented Commercial.

The property was previously under the same ownership as the southern lot, 2934 Lincolnway East, which was sold in 2016. The property has been zoned as C-1 General Commercial since before the 1980's when single family residences were permitted in commercial districts. The current owner is selling the property.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition #25-03 to rezone 115 Virginia Street from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. *The applicable Comprehensive Plan* is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Low Density Residential. Rezoning this property to R-1 Single Family Residential would match the intended land use by the Comprehensive Plan.

2. *Current conditions and the character of current structures and uses in each district* – A zoning of R-1 Single Family Residential would adhere to the current conditions and character of the property as it being used a single family home.

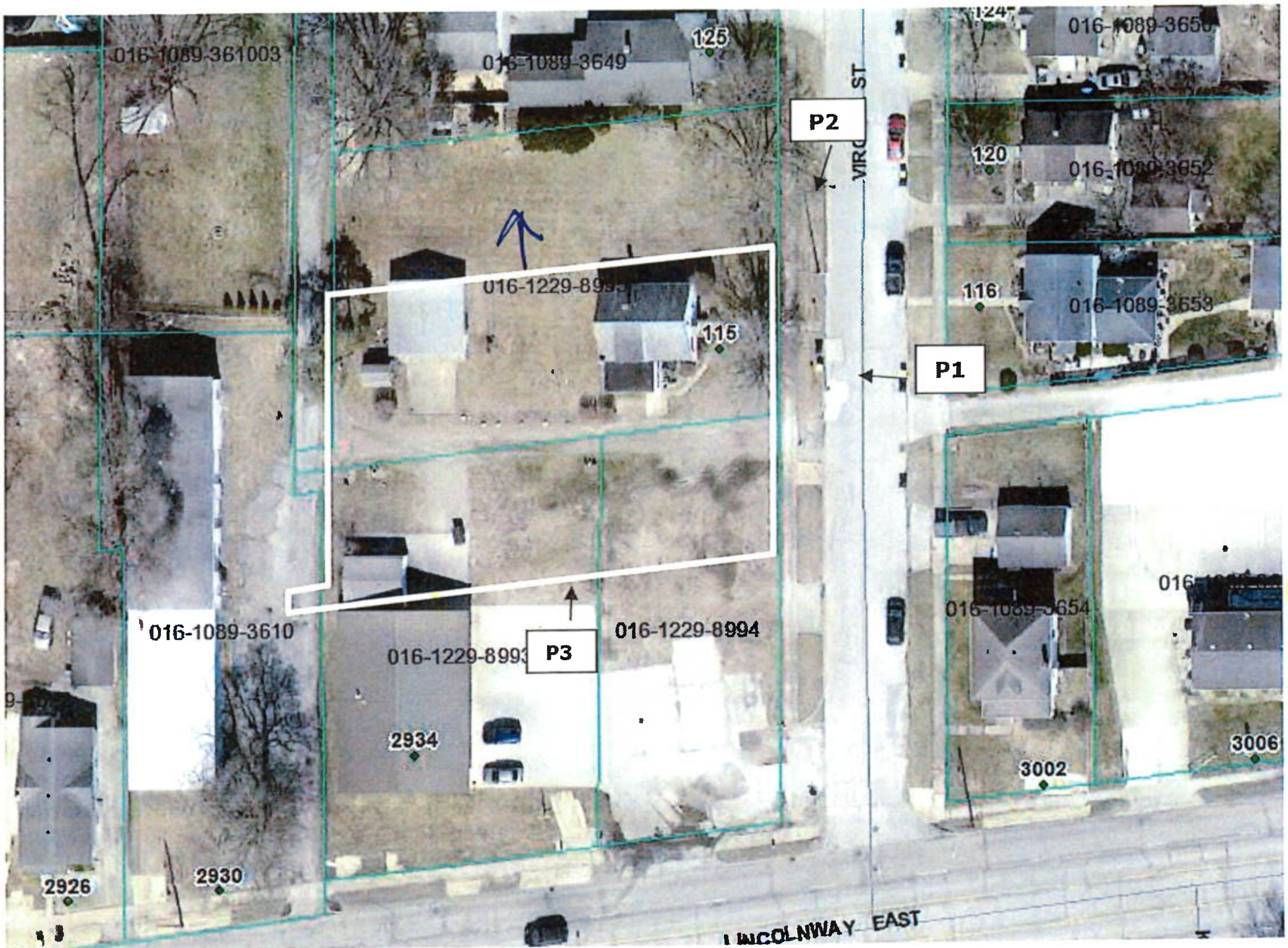
3. *The most desirable use for which the land in each district is adopted* – The most desirable use for the property is a single family home as the Comprehensive Plan indicated.

4. *The conservation of property values throughout the jurisdiction* –The property is and has been a single family residence so there would be no impact to the neighboring properties thus conserving the property values in the neighborhood.

5. *Responsible development and growth* - The proposed change is desirable given the surrounding area north of Lincolnway East is single family homes and zoned as R-1 Single Family Residential.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP


016-1089-361003
016-1089-3649
125
016-1089-3650
124
P2
VIRG ST
120
016-1089-3652
016-1229-8995
116
016-1089-3653
115
P1
016-1089-3610
016-1229-8993
P3
016-1229-8994
016-1089-3654
2934
3002
3006
2926
2930
LINCOLNWAY EAST
Aerial

P1. Facing west from Virginia Street

P2. Facing southwest from Virginia Street

P3. Facing north from parking lot at 2934 Lincolnway East

PC25-03
Received
MAR 18 2025
Planning and
Community Development

Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: PETITION TO REZONE

The undersigned, Robert Henry, respectfully submits this petition as the owner of the following real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana:

Property Address:
115 Virginia St, Mishawaka, IN 46544

Legal Description:
Lot 3 & 4, C.G. Klein's Subdivision

PARCEL IDs:

16-1229-8996 & 16-1229-8995

The above-described parcel is 100% owned by *Henry Carolyn A Living Trust*, with Robert Henry as the sole executor.

The lot was previously conjoined with the adjacent parcel under prior ownership and was utilized for a business. When the previous owner subdivided the parcels, this lot retained its **C-1 zoning** despite no longer being associated with the commercial use. The property is currently zoned **C-1 (Commercial District)** but is used solely as a residential home. The petitioner requests that the property be **downzoned to R-1 (Residential District)** to align with its current and intended residential use.

Wherefore, the petitioner respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission for review and, after due consideration, enact an ordinance rezoning the property to R-1.

Respectfully submitted,

Robert Henry
____________________________ Date: 03/17/2025

Robert Henry, Executor of *Henry Carolyn A Living Trust*
(574)309-3939

Designated Representatives:

Sky Dawson
(260)264-8083
TC@middleamericahomes.com

Seth Dawson
(260)888-3939
Seth@middleamericahomes.com

PET 25-03

Received

MAR 18 2025

Planning and
Community Development

Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

Subject: Designation of Representatives for Rezoning Matters

To whom it may concern,

I, Robert Henry, as the Executor of the *Henry Carolyn A Living Trust*, hereby designate **Seth Dawson** and **Sky Dawson** as my authorized representatives for all matters related to the rezoning process for the property located at 115 Virginia St, Mishawaka, IN 46544.

Seth Dawson is the owner of *Middle America Homes*, and Sky Dawson is the transaction manager of *Middle America Homes*. Middle America Homes is assisting me in the sale of the property, and both individuals are authorized to act on my behalf in communications, submissions, and proceedings related to rezoning.

Please direct all inquiries and correspondence regarding this matter to Seth Dawson and Sky Dawson, who will coordinate with me as necessary.

Thank you for your time and assistance.

Sincerely,

Robert Henry

Date: 03/17/2025

Robert Henry
Executor, *Henry Carolyn A Living Trust*

Designated Representatives:

Sky Dawson
(260)264-8083
TC@middleamericahomes.com

Seth Dawson
(260)888-3939
Seth@middleamericahomes.com

Proof

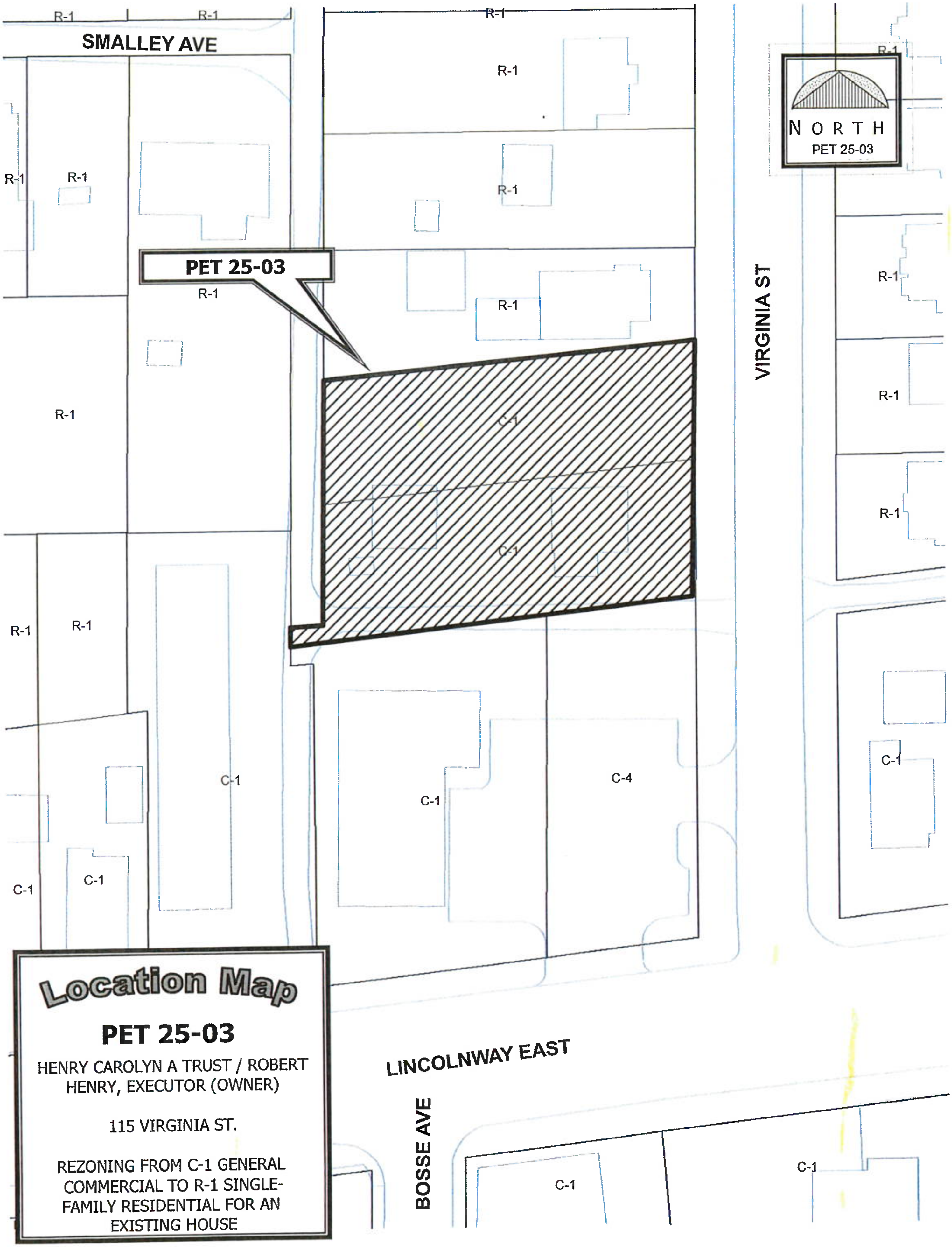
How to Verify This Transaction

Every Proof transaction is recorded and saved for a minimum of five years. Whether you receive an electronic or printed paper copy of a Proof document, you can access details of the transaction and verify its authenticity with the information below.

To get started, visit verify.proof.com and enter this information:

Access ID:	3SRND97Z
Access PIN:	UZ35SB

For more information on how to verify Proof transactions, please visit: support.proof.com



Location Map

PET 25-03

HENRY CAROLYN A TRUST / ROBERT HENRY, EXECUTOR (OWNER)

115 VIRGINIA ST.

REZONING FROM C-1 GENERAL COMMERCIAL TO R-1 SINGLE-FAMILY RESIDENTIAL FOR AN EXISTING HOUSE

PROPOSED ORDINACE No. 2025-12

ORDNIANCE NO. ______

An ordinance of the Common Council of the of the City of Mishawaka authorizing special utility service agreements for economic development and customized Utility needs.

Whereas, the City of Mishawaka, through Mishawaka Utilities, owns and operates public water (MUW), wastewater (MUWW), and sewer utilities (MU Sewer) that provide essential services to residents and businesses; and

Whereas, the City of Mishawaka recognizes the importance of supporting economic development, encouraging capital investment, and attracting innovative, large-scale industries through flexible and responsive public utility policies; and

Whereas, certain industrial or commercial developments may require customized utility service arrangements, including volume-based pricing, infrastructure coordination, or unique delivery terms that fall outside standard rates and practices; and

Whereas, similar to investor-owned utilities operating in Indiana, which are permitted to submit special contracts to the Indiana Utility Regulatory Commission (IURC) confidentially to protect sensitive pricing and negotiation data, municipalities may seek to preserve the confidentiality of specific economic terms through recognized exemptions under Indiana's public access laws; and

Whereas, it is the intent of the City of Mishawaka to authorize Mishawaka Utilities to enter into such agreements while ensuring full protection of its ratepayers, maintaining financial integrity, and safeguarding transparency in all matters of public interest.

Now, Therefore, be it ordained by the Common Council of the City of Mishawaka, Indiana, that :

Section 1. Mishawaka Utilities is hereby authorized to negotiate and enter into special utility service agreements for the provision of water, wastewater, and sewer services to commercial, industrial, or institutional users whose operations or investments justify a tailored service approach. These may include:

- Non-standard rate structures
- Bulk or volume-based pricing
- Infrastructure delivery coordination
- Timed service implementation aligned with project milestones
- Other terms as mutually negotiated

Section 2.

A. Recognizing the competitive and strategic nature of economic development negotiations, the economic terms and conditions of any special contract may be treated as confidential and exempt from public disclosure to the extent permitted by Indiana Code § 5-14-3-4(b)(5) or other applicable provisions of the Indiana Access to Public Records Act (APRA), as related to ongoing or prospective economic development activities.

B. Such confidentiality shall extend to but is not limited to:

- Unit rate(s) and pricing structures
- Contribution amounts for infrastructure
- Service incentives or negotiated benefits
- Project-specific utility usage estimates or projections

C. While specific monetary amounts and economic details shall not be disclosed in this ordinance, the City of Mishawaka affirms that no agreement shall result in Mishawaka Utilities' ratepayers subsidizing or financially underwriting any portion of the agreement.

Section 3: To ensure transparency and maintain the integrity of the Council's decision-making process while adhering to applicable confidentiality requirements, the Administration shall keep the Common Council informed of negotiations conducted pursuant to this ordinance.

Section 4. All special utility service agreements shall:

1. Be prepared in writing with a clear scope, term, and mutually agreed obligations;
2. Include a fiscal impact assessment and legal review;
3. Be approved by the Mishawaka Utility Board prior to execution; and
4. Be submitted to the Mishawaka Common Council for final approval.

Section 5. To maintain transparency, the City shall:

- Disclose the general purpose, geographic scope, and anticipated service impacts of the agreement;
- Include confirmation that the agreement does not impose financial burden on general ratepayers;
- Make non-confidential portions of the agreement available upon request in accordance with APRA.
- In accordance with APRA, the terms of the final offer of public financial resources communicated by Mishawaka Utilities to a prospect for a special utility agreement shall be available for inspection and copying after negotiations with that prospect have terminated.

Section 6. If any section, clause, or portion of this ordinance is found to be invalid or unenforceable, the remaining portions shall remain in full force and effect.

Section 7. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Mishawaka and approval by the Mayor.

PASSED by the Common Council on this ___ day of ________, 2025 at _________ o'clock __.m.

____
Gregg Hixenbaugh, Council President

ATTES__________________________
Deborah S. Block, IAMCA, MMC
City Clerk

PRESENTED to the Mayor on this ___ day of ________________, 2025 at _____ o'clock ___.m.

____
Deborah S. Block, IAMCA, MMC
City Clerk

APPROVED by me this ____ day of _____________, 2025 at _______ o'clock ___.m.

____
David A. Wood

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

OFFICE OF THE MAYOR

Deborah S. Block, IAMC, MMC

MAY 14 2025

City Clerk
Mishawaka, IN

Subject: Introduction of MU Special Contract Ordinance

Dear President Hixenbaugh and Members of the Mishawaka Common Council,

I am writing to formally introduce and request your consideration of the proposed MU Special Contract Ordinance.

This ordinance has been carefully developed in response to the evolving needs and opportunities within our community, particularly in relation to our continued commitment to economic development, utility service innovation, and long-term strategic partnerships. It is intended to provide the legal framework necessary for the City of Mishawaka, through its Municipal Utilities, to negotiate and enter into special utility service contracts under defined and controlled circumstances.

The need for this ordinance stems from an increasing number of unique service requests and infrastructure projects that fall outside the parameters of our existing utility rate structures. Without this flexibility, we risk missing timely opportunities to support major developments and investments that can significantly benefit our community. By enabling these contracts—with appropriate oversight and within the bounds of existing law—we aim to remain competitive while safeguarding the public interest.

Importantly, this ordinance also includes provisions to maintain transparency and Council involvement. We have incorporated language to ensure that Council leadership is kept informed of any ongoing negotiations, and when appropriate under the Open Door Law, briefed in executive session prior to final action. Where such sessions are not permitted, the ordinance provides for the Council President to be apprised of relevant details in advance, fostering a clear and consistent line of communication between the Administration and Council.

I respectfully ask for your thoughtful consideration and support of this ordinance. I believe it represents a balanced, forward-looking policy that protects public accountability while allowing our City the flexibility needed to adapt and grow in a changing economic environment.

Should you have any questions or wish to discuss the ordinance further, I am available at your convenience and welcome any input or recommendations.

Sincerely,
Matthew Lentsch, MPA
Executive Director of Development and Governmental Affairs
City of Mishawaka

Deborah S. Block, IAMC, MMC

MAY 14 2025

City Clerk
Mishawaka, IN

APPEAL #25-11

RESOLUTION NO. 2025-12

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:

811 W Catalpa, 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 **811 W Catalpa, Mishawaka, Indiana**, more particularly known and described as follows:

Lot 7 Liberty Gardens 2nd Pro 4 37 3E

The Use Variance will allow eight unrelated individuals to reside in one residence in a R-1 Single Family Residential zoning subject to the following conditions:

1. As a group home for people with intellectual and developmental disabilities only, as operated solely by LOGAN.
2. Any change in use, or ownership, shall require a change in zoning or re-approval of a use variance.
3. The use shall not be transferable, and any future use of any structure built on the property shall comply with the underlying zoning, which is currently R-1 single family residential, or shall be specifically re-approved/approved by the City as a separate process.

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 people with intellectual & developmental disabilities make good neighbors and community members;*

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 area adjacent to the property is residential. Wherever possible, existing trees will remain to present boundary from all the neighbors;*

3. *The need for the variance arises from some condition peculiar to the property as the R-1 zoning district does not permit more than four unrelated adults and one employee in a single residence;*

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 house as many people with intellectual and developmental disabilities to live in neighborhoods and communities with other while receiving the support they require; 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 as low density residential.*

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____________________, 2025, at ______o'clock ____ .m.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED by me to the Mayor this ________day of ____________________2025, at ______ o'clock ___m.

____
Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED by me this _______ day of______________________, 2025, at _______o'clock ______.m.

____
David A. Wood, Mayor

STAFF REPORT

Location: 811 West Catalpa Drive

Date: May 13, 2025

Appeal: 25 11

Prepared By: SA

GENERAL INFORMATION

Applicant:	City of Mishawaka Department of Redevelopment / LOGAN Community Resources, Inc.
Status:	Property Owner / Appellant
Request:	Use Variance to allow eight unrelated people to reside in one residence
Zoning Classification:	R-1 Single Family Residential
Acreage:	0.99 acres
Applicable Regulations:	Section 137-42 Board of Zoning Appeals Use Variance, Section 137-165 R-1 Single Family Residential Uses, Indiana Code 36-7-4-918.4

SPECIAL INFORMATION

Area Development Pattern:	North:	R-1 Single Family Residential
	South:	R-1 Single Family Residential
	East:	R-1 Single Family Residential
	West:	R-1 Single Family Residential

Thoroughfare:	West Catalpa Drive
Council District:	6
School District:	Penn-Harris-Madison
Township:	Penn
Public Utilities:	All utilities are available to site or will be provided at the developer's expense
Comprehensive Plan:	Low Density Residential

ANALYSIS

The Appellants are requesting a Use Variance to allow for eight unrelated people to reside in a home once constructed by LOGAN Community Resources, Inc. The City of Mishawaka who currently owns the vacant lot proposes to donate it to LOGAN who intends to construct an 8-bedroom group home for individuals with intellectual and developmental disabilities.

An Adult care home is an approved Use in R-1 Single Family Residential, however it is defined as "the legal residence of a person in which accommodation, board, care, supervision, instruction, and/or maintenance of adult people unrelated by blood or marriage to the owner of the residence is provided for any part of the day for two or more consecutive weeks; provided, however, that the number of adults so provided for does not exceed ***four***; and the number of people employed on the premises, by the adult care home, shall not exceed ***one*** at any one specific time."

LOGAN is planning to have ***eight*** residents with ***one to three*** direct support professionals staffed 24/7. The home will have one Residential Lead who provides direction and support to the staff of the home. The Lead is often present in the home and reports to Program Leadership. 24-hour on-call support is also provided to personnel in the home. During traditional business hours, the residents will either be going to their job or receiving other LOGAN services. There is currently a similar home at 107 East Edgar Avenue in Mishawaka that has housed four LOGAN residents since 2016.

In accordance with the buy sell agreement with the City of Mishawaka; LOGAN (Buyer) agrees and commits to a restriction being placed on the property that restricts use of the property as a group home for people with intellectual and developmental disabilities only, as operated solely by the Buyer. Any change in use, or ownership, shall require a change in zoning or re-approval of a use variance. The use shall not be transferable, and any future use of any structure built on the property shall comply with the underlying zoning, which is currently R-1 single family residential, or shall be specifically re-approved/approved by the City as a separate process.

The Fire Department has commented that a Construction Design Release is needed. The Water Department has commented; call them with any questions regarding water service, metering, or backflow needs. All other pertinent City departments have reviewed and approved this appeal.

The LOGAN will be required to obtain all necessary permits from the City prior to construction and licenses prior to occupancy.

RECOMMENDATION

The Planning Staff recommends approval of Appeal #25-11 to allow eight unrelated individuals to reside in one residence in a R-1 Single Family Residential zoning subject to the following conditions:

1. As a group home for people with intellectual and developmental disabilities only, as operated solely by LOGAN.
2. Any change in use, or ownership, shall require a change in zoning or re-approval of a use variance.
3. The use shall not be transferable, and any future use of any structure built on the property shall comply with the underlying zoning, which is currently R-1 single family residential, or shall be specifically re-approved/approved by the City as a separate process.

This recommendation is based the following findings of fact *per Indiana Code 36-7-4-918.4*:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the people with intellectual & developmental disabilities make good neighbors and community members;

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 area adjacent to the property is residential. Wherever possible, existing trees will remain to present boundary from all the neighbors;

3. The need for the variance arises from some condition peculiar to the property as the R-1 zoning district does not permit more than four unrelated adults and one employee in a single residence;

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 house as many people with intellectual and developmental disabilities to live in neighborhoods and communities with other while receiving the support they require; 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 as low density residential.

ATTACHMENTS

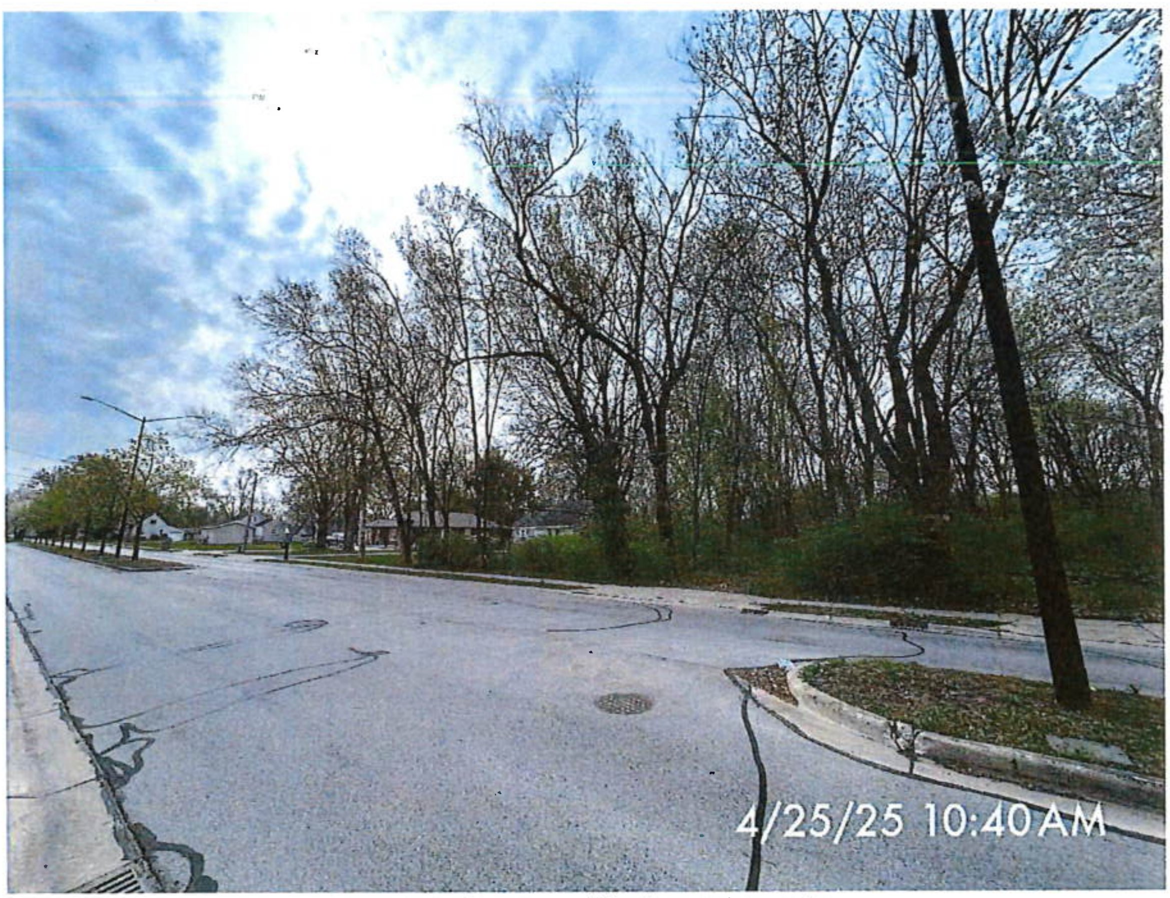
Aerial, Photographs, Appeal, Location Map

Aerial of Vacant Lot with Proposed

South facing from West Catalpa Drive

South facing from West Catalpa Drive

Southwest facing from West Catalpa Drive



Southeast facing from West Catalpa Drive

AP 25-11

Received
APR 11 2025
Planning and
Community Development

DATE: April 11, 2025

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

RE: Use Variance
811 West Catalpa Drive
Lot 7 Liberty Gardens 2nd Pro 4 37 3e
PARCELID 027-1020-029204

Current Owner:
City of Mishawaka, Redevelopment Commission
100 Lincolnway West
Mishawaka, IN 46544
574-258-1601

Applicant/Contingent Owner:
LOGAN Community Resources, Inc.
2505 E. Jefferson Blvd.
South Bend, IN 46615
574-289-4831

The undersigned appellant respectfully shows the Board:

1. The City of Mishawaka Redevelopment Commission is the current owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

811 West Catalpa Drive

Lot 7 Liberty Gardens 2nd Pro 4 37 3e
PARCELID 027-1020-029204

2. The above-described real estate presently has a zoning classification of Residential R-1 District under the Zoning Ordinance of the City of Mishawaka.

3. The property is currently vacant. The City of Mishawaka proposes to donate the property to LOGAN Community Resources who intends to construct an 8-bedroom group home for persons with intellectual and developmental disabilities on the property equal or greater to in quality, size, and appearance to the plans attached as Exhibit "A" pages 1-8.

4. Appellant desires to allow for eight unrelated people with intellectual and developmental disabilities to reside in the home once constructed by LOGAN.

5. The Zoning Ordinance of the City of Mishawaka requires this residence to be a single-family dwelling (Residential R-1-District).

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.

Strict adherence to the Ordinance would not enable people with intellectual and developmental disabilities to live in neighborhoods and communities with others while receiving the support they require.

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?

No. People with intellectual and developmental disabilities make good neighbors and community members. The home will be staffed 24/7. Depending on the time of day and activities of the residents, one to three Direct Support Professionals will always be with them. The home will have one Residential Lead who provides direction and support to the staff of the home, is often present at the home, and reports to Program Leadership. 24-hour on-call support is also provided to personnel in the home. During traditional business hours, the residents will either be going to their job or receiving other LOGAN services.

(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. The area adjacent to the property is residential. Wherever possible, existing trees will remain on the property to present a boundary from the neighbors and enhance the look of the home and neighborhood.

(3) Does the need for the variance arise from some condition peculiar to the property involved?

Yes. The property is zoned no differently than other properties in the neighborhood. Strict adherence to the Ordinance would not enable people with intellectual and developmental disabilities to live in neighborhoods and communities with others while receiving the support they require.

(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. Strict adherence to the Ordinance would not enable people with intellectual and developmental disabilities to live in neighborhoods and communities with others while receiving the support they require. In the event of any change in use or ownership, LOGAN agrees to submit a change in zoning or re-approval of a use variance. The use will not be transferable, and any further use of any structure built on the property shall comply with the R-1 single family residential requirement or shall be approved/re-approved by the city of Mishawaka.

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?

No. It makes use of vacant property in city. It enhances the neighborhood and the city of Mishawaka. Furthermore, it demonstrates a commitment to the inclusion of people with disabilities in Mishawaka neighborhoods.

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

Ken Prince, City of Mishawaka Redevelopment Commission

CONTACT PERSON for LOGAN Community Resources, Inc.:
Name: Cheryl Schade, VP/ Chief Program Officer
Address: 2505 E. Jefferson Blvd, South Bend, IN 46615
Day Phone Number: 574-289-4831
Fax Number: 574-544-5545
Email: Cheryls@logancenter.org

ABONMARCHE

315 W. Jefferson Blvd.
South Bend, IN 46601
T 574.232.8700
F 574.251.4440
abonmarche.com

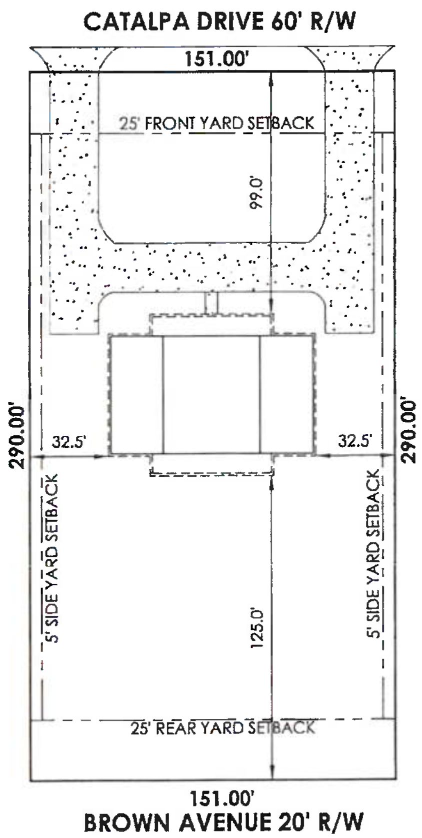
Benton Harbor, Grand Haven, Grand Rapids, Kalamazoo, Fort Wayne, Goshen, Hobart, Lafayette, South Bend, Valparaiso

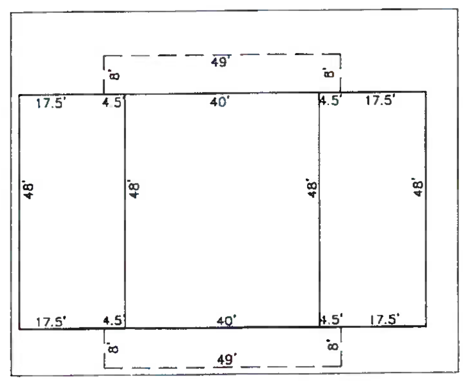
Engineering · Architecture · Land Surveying

Exhibit A

LOT 7, LIBERTY GARDENS 2ND REPLAT UNRECORDED

SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST,
PENN TOWNSHIP, ST. JOSEPH COUNTY,
INDIANA





BUILDING DETAIL
SCALE: 1"=30'

NOTES:

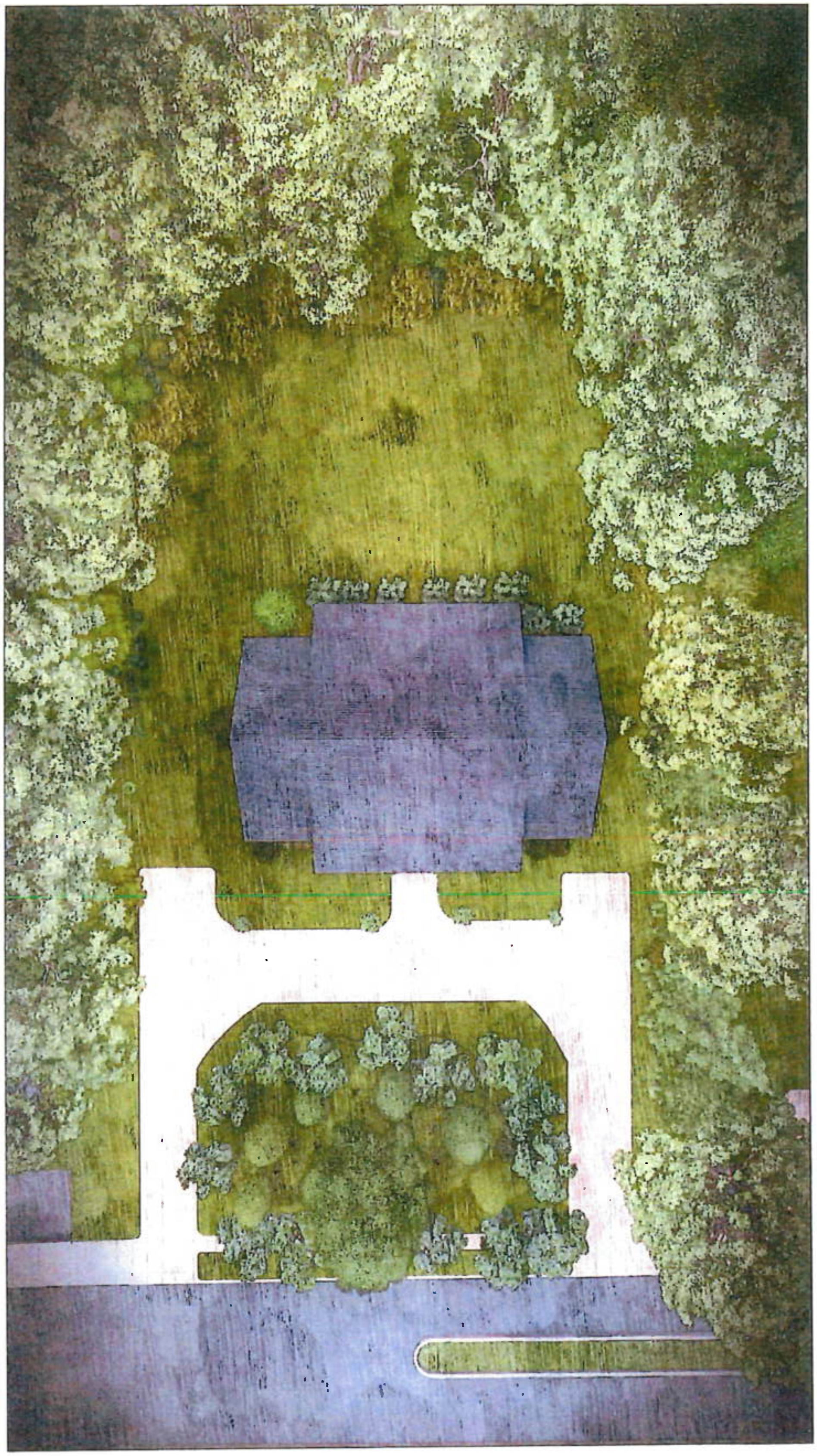
1. FRONT & SIDE YARD SETBACK DIMENSIONS SHOWN ARE MEASURED TO HOUSE FACIA.
2. CONTRACTOR SHALL NOT PROCEED WITH ANY EXCAVATION OR CONSTRUCTION ACTIVITY UNTIL ALL PERMITS ARE OBTAINED.
3. THIS DRAWING DEPICTS THE APPROXIMATE LAYOUT OF THE LOT. FOR ACTUAL DIMENSIONS, SEE THE RECORDED FINAL PLAT.
4. WHEN BUILDING A STRUCTURE BELOW GRADE, SPECIAL CONSIDERATION SHOULD BE GIVEN TO SOIL CONDITIONS, FOUNDATION DESIGN, ETC. SUCH CONSIDERATION IS BEYOND, AND NOT PART OF, THE SCOPE OF THIS PLAN.

0 30 60

SCALE : 1" = 60'
BAR SCALE IN FEET

JOB NO. 25-0304

DRAWING FOR: BUILDING PERMITS ONLY	DATE OF FIELDWORK:	DATE: 03/05/2025
PREPARED FOR: LOGAN COMMUNITY RESOURCES	FIELDBOOK:	ZONING: MISHAWAKA R1
THE STRUCTURE IS APPROX. 99' FROM THE R/W	REVIEWED BY:	DRAWN BY: EMR
	SCALE: 1"=60'	SHEET 1 OF 1



SHEET NO.
1 of 3

ACI JOB #
25-0304

DATE:
03/13/2025

QA/QC REVIEW:

PM REVIEW:

DESIGNED BY:

DRAWN BY:

SHEET TITLE:

PROJECT:

ABONMARCHE

315 W. Jefferson Blvd.
South Bend, IN 46601
T 574.232.8700
F 574.251.4440
abonmarche.com

South Bend
Goshen
Valparaiso
Hobart
Ft. Wayne

Benton Harbor
Grand Haven
Grand Rapids
Kalamazoo
Lafayette

Engineering Architecture Land Surveying

SHEET TITLE:

PROJECT:

DRAWN BY:

DESIGNED BY:

PM REVIEW:

QA/QC REVIEW:

DATE: 03/13/2025

ACI JOB # 25-0304

SHEET NO. 2 of 3

ABONMARCHE

315 W. Jefferson Blvd.
South Bend, IN 46601
T 574.232.8700
F 574.251.4440
abonmarche.com

South Bend
Goshen
Valparaiso
Hobart
Ft. Wayne

Benton Harbor
Grand Haven
Grand Rapids
Kalamazoo
Lafayette

Engineering Architecture Land Surveying

SHEET NO. **3 of 3**

ACI JOB # **25-0304**

DATE: 03/13/2025

QA/QC REVIEW:

PM REVIEW:

DESIGNED BY:

DRAWN BY:

SHEET TITLE:

PROJECT:

ABONMARCHE

315 W. Jefferson Blvd.
South Bend, IN 46601
T 574.232.8700
F 574.251.4440
abonmarche.com

South Bend
Goshen
Valparaiso
Hobart
Ft. Wayne

Benton Harbor
Grand Haven
Grand Rapids
Kalamazoo
Lafayette

Engineering · Architecture · Land Surveying

* These plans are not approved, stamped or signed by an architect or engineer. *

- Double every other joist under kitchen and vanities
- LSL studs, walls that touch cabinets or vanities
- No interior sloping ceilings unless called out as a vault. Raise heels if needed.
- 4'x1' windows in the showers with the header all the way up
- 4'x1' windows in shower use obscure glass
- 2x4 exterior walls is standard
- Close basement stairs on two stories unless called out
- Show ½ wall on all stairs unless rails are noted

FRONT ELEV 2
SCALE: 1/4" = 1'-0"

REAR ELEV 2
SCALE: 1/4" = 1'-0"

DIMENSIONING, FLOOR, AND ROOF LOADING, AND BEAM DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION

NOTES:
- 2x6 EXTERIOR WALLS
- 9'-1 1/8" FIRST FLOOR WALL HT.
- 8' FOUNDATION WALLS (PARTIAL)
- 4' CRAWL FOUNDATION (PARTIAL)
- MAIN FLOOR LIVING AREA = 4,032 SQ. FT.

These plans were designed with standard construction practices in mind. Due to variations in local, state, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review this information and assure that it is revised to become code compliant, appropriate, and complete.

FRONT/REAR ELEVATIONS

LOGAN CENTER

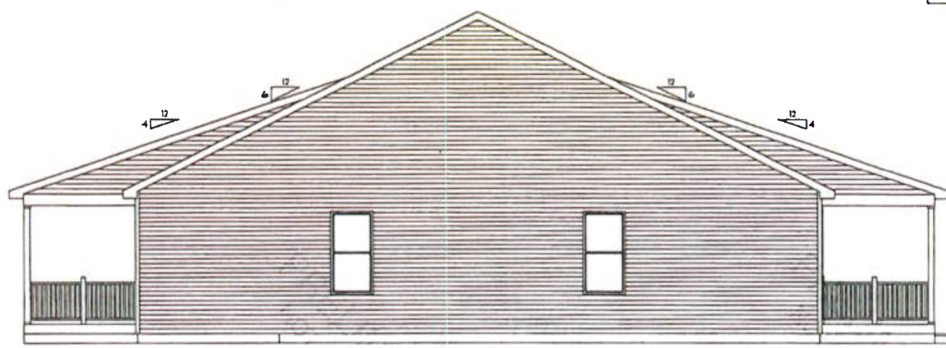
PROJECT NO	SP23265
DATE	8/29/2024
SCALE	1/4" = 1'-0"
FINAL	
REVISIONS	12/21/2023 12/21/2023-2 01/12/2024 02/12/2024 06/28/2024 08/29/2024
DESIGNED BY	LISA L

RESIDENTIAL DRAFTING DEPARTMENT
574 .243 .3277
BIG C LUMBER

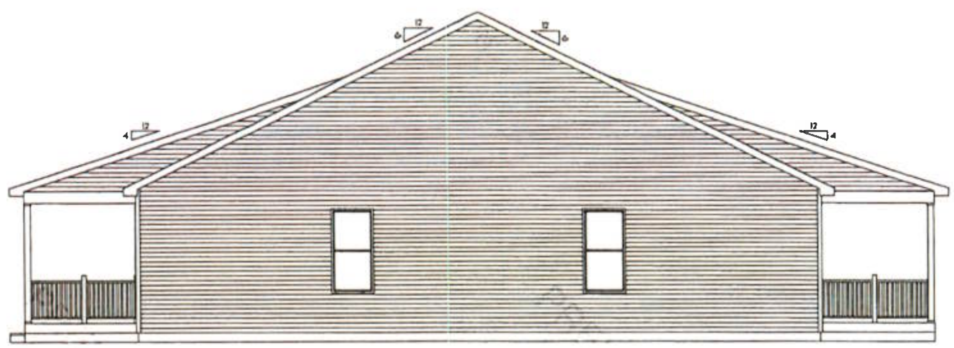
PLEASE RECYCLE

* These plans are not approved, stamped or signed by an architect or engineer. *

- Double every other joist under kitchen and vanities
- LSL studs, walls that touch cabinets or vanities
- No interior sloping ceilings unless called out as a vault. Raise heels if needed.
- 4'x1' windows in the showers with the header all the way up
- 4'x1' windows in shower use obscure glass
- 2x4 exterior walls is standard
- Close basement stairs on two stories unless called out
- Show ½ wall on all stairs unless rails are noted



LEFT ELEV 2
SCALE: 1/4" = 1'-0"



RIGHT ELEV 2
SCALE: 1/4" = 1'-0"

DIMENSIONING, FLOOR, AND ROOF LOADING, AND BEAM DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION

NOTES:

- 2x6 EXTERIOR WALLS
- 9'-1 1/8" FIRST FLOOR WALL HT.
- 8' FOUNDATION WALLS (PARTIAL)
- 4' CRAWL FOUNDATION (PARTIAL)
- MAIN FLOOR LIVING AREA = 4,032 SQ. FT.

These plans were designed with standard construction practices in mind. Due to variations in local, state, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review this information and assure that it is revised to become code compliant, appropriate, and complete.

LEFT/RIGHT ELEVATIONS

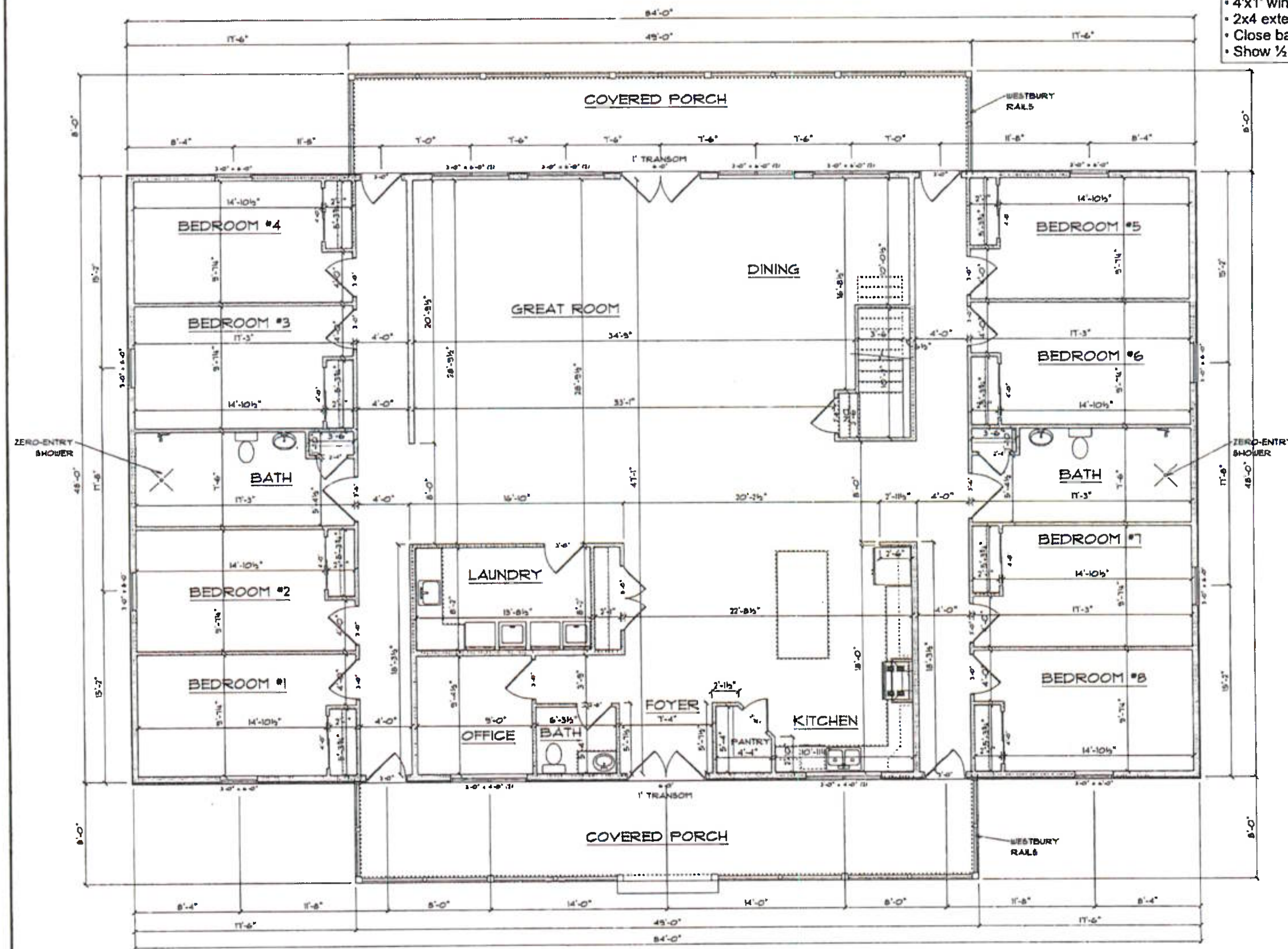
LOGAN CENTER

PROJECT NO	SP23265
DATE	8/29/2024
SCALE	1/4" = 1'-0"
FINAL	
REVISIONS	12/21/2023 12/21/2023-2 01/12/2024 02/12/2024 06/22/2024 06/25/2024
DESIGNED BY	LISA L

RESIDENTIAL DRAFTING DEPARTMENT
574.243.3277
BIG C LUMBER

* These plans are not approved, stamped or signed by an architect or engineer. *

- Double every other joist under kitchen and vanities
- LSL studs, walls that touch cabinets or vanities
- No interior sloping ceilings unless called out as a vault. Raise heels if needed.
- 4'x1' windows in the showers with the header all the way up
- 4'x1' windows in shower use obscure glass
- 2x4 exterior walls is standard
- Close basement stairs on two stories unless called out
- Show ½ wall on all stairs unless rails are noted



MAIN FLOOR 2
SCALE: 1/4" = 1'-0"

DIMENSIONING, FLOOR, AND ROOF LOADING, AND BEAM DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION

NOTES:

- 2x6 EXTERIOR WALLS
- 9'-1 1/8" FIRST FLOOR WALL HT.
- 8' FOUNDATION WALLS (PARTIAL)
- 4' CRAWL FOUNDATION (PARTIAL)
- MAIN FLOOR LIVING AREA = 4,032 SQ. FT.

These plans were designed with standard construction practices in mind. Due to variations in local, state, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review this information and assure that it is revised to become code compliant, appropriate, and complete.

MAIN FLOOR PLAN

LOGAN CENTER

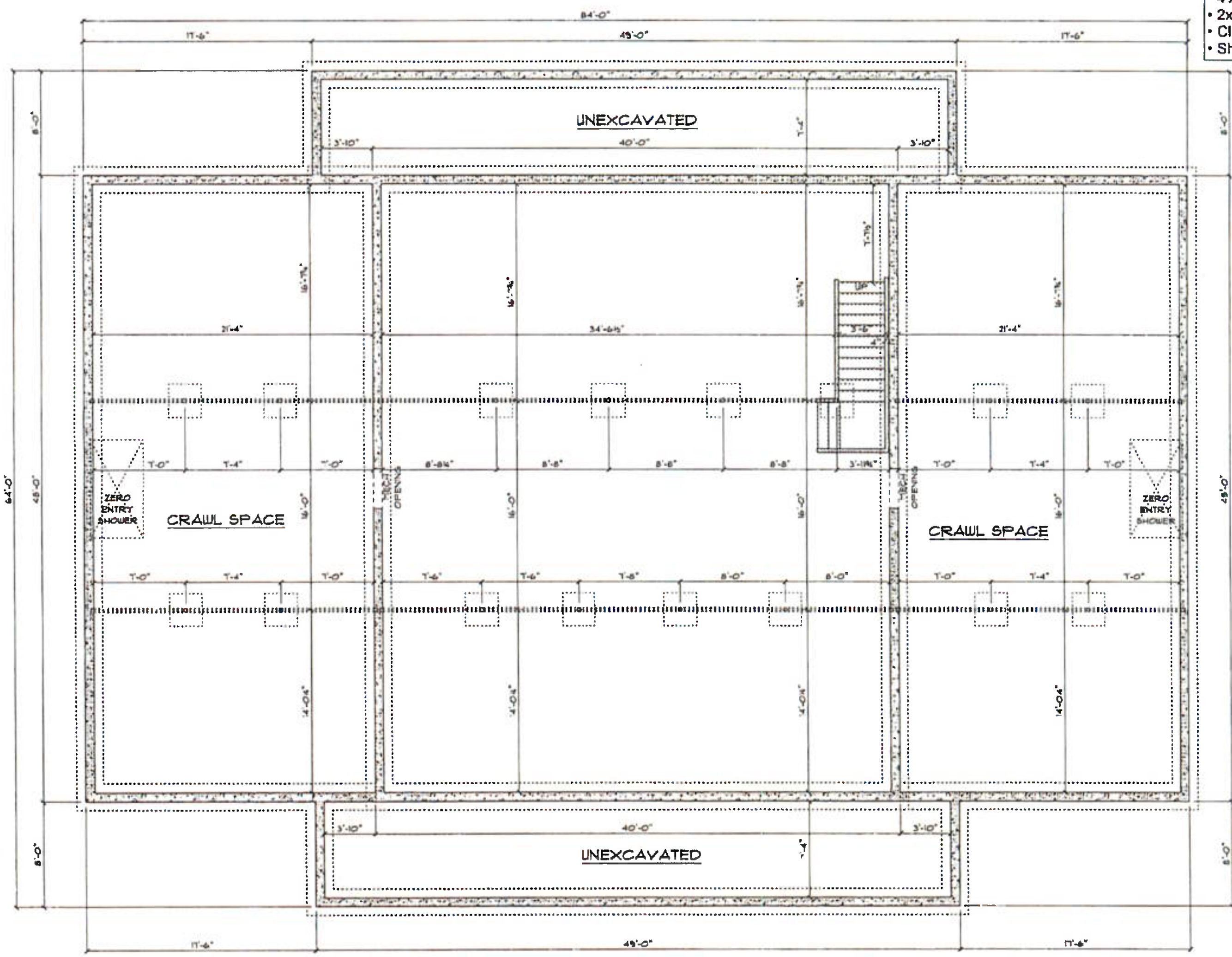
PROJECT NO	SP23265
DATE	8/23/2024
SCALE	1/4" = 1'-0"
FINAL	
REVISIONS	
DESIGNED BY	LISA L

RESIDENTIAL DRAFTING DEPARTMENT
574 .243 .3277
BIG C LUMBER

PLEASE RECYCLE

* These plans are not approved, stamped or signed by an architect or engineer. *

- Double every other joist under kitchen and vanities
- LSL studs, walls that touch cabinets or vanities
- No interior sloping ceilings unless called out as a vault. Raise heels if needed.
- 4'x1' windows in the showers with the header all the way up
- 4'x1' windows in shower use obscure glass
- 2x4 exterior walls is standard
- Close basement stairs on two stories unless called out
- Show ½ wall on all stairs unless rails are noted



FOUNDATION 2

SCALE: 1/4" = 1'-0"

DIMENSIONING, FLOOR, AND ROOF LOADING, AND BEAM DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION

NOTES:

- 2x6 EXTERIOR WALLS
- 9'-1 1/8" FIRST FLOOR WALL HT.
- 8' FOUNDATION WALLS (PARTIAL)
- 4' CRAWL FOUNDATION (PARTIAL)
- MAIN FLOOR LIVING AREA = 4,032 SQ. FT.

These plans were designed with standard construction practices in mind. Due to variations in local, state, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review this information and assure that it is revised to become code compliant, appropriate, and complete.

FOUNDATION PLAN

LOGAN CENTER

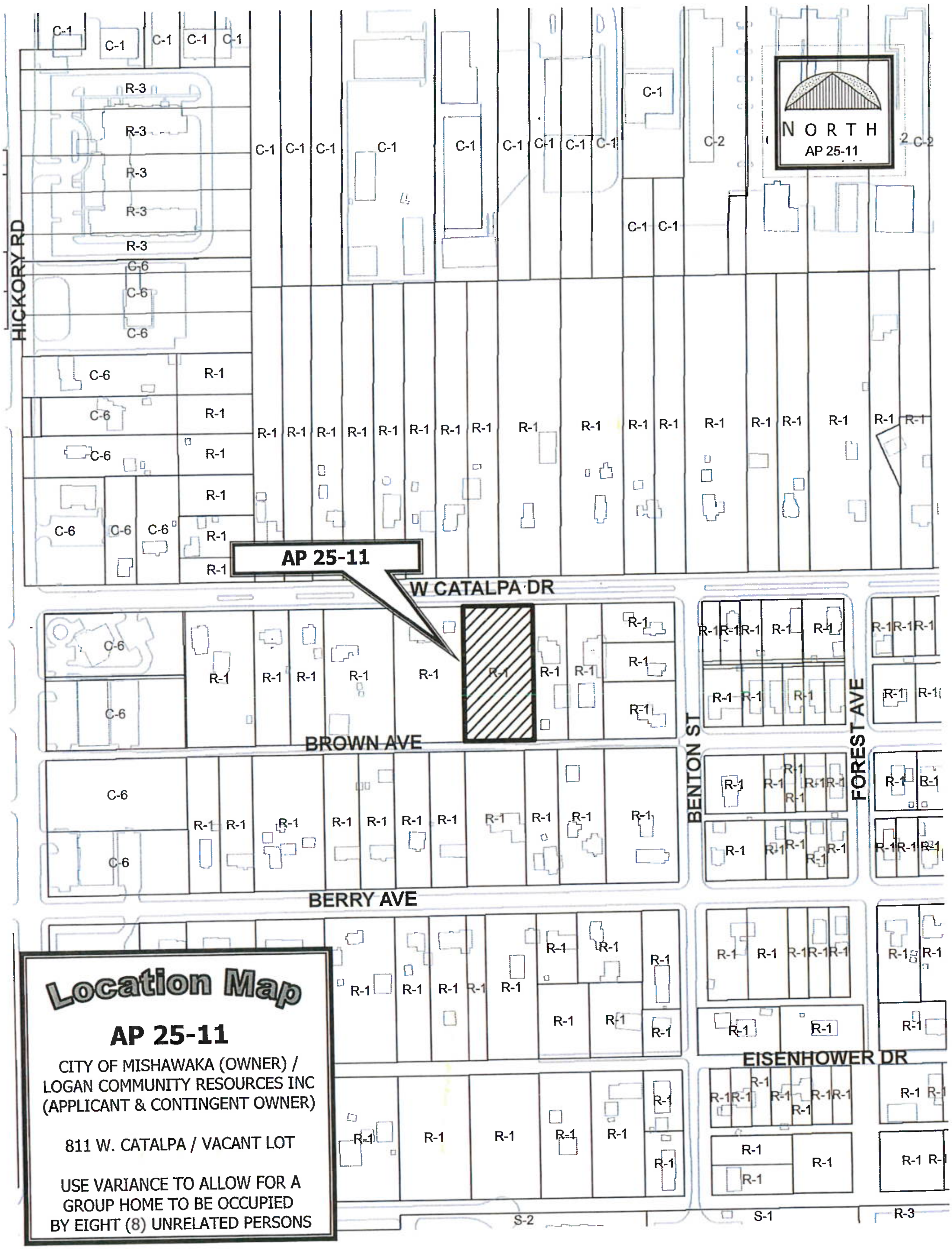
PROJECT NO	DATE	SCALE	FINAL	REVISIONS	DESIGNED BY
SP23265	8/23/2024	1/4" = 1'-0"		12/21/2023 12/21/2023-2 01/12/2024 02/12/2024 06/24/2024 06/26/2024	LISA L

RESIDENTIAL DRAFTING DEPARTMENT

574 249 .1277

BIG LUMBER

PLEASE RECYCLE


NORTH
AP 25-11
HICKORY RD
W CATALPA DR
BROWN AVE
BERRY AVE
BENTON ST
FOREST AVE
EISENHOWER DR
AP 25-11
Location Map
AP 25-11
CITY OF MISHAWAKA (OWNER) /
LOGAN COMMUNITY RESOURCES INC
(APPLICANT & CONTINGENT OWNER)
811 W. CATALPA / VACANT LOT
USE VARIANCE TO ALLOW FOR A
GROUP HOME TO BE OCCUPIED
BY EIGHT (8) UNRELATED PERSONS

RESOLUTION NO. R 2025- 13

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA

United PetFood Producers USA, Inc.

DECLARATORY RESOLUTION

WHEREAS, the Common Council of the City of Mishawaka, Indiana, has pursuant to the "Deduction for Rehabilitation or Redevelopment of Real Property in Economic Revitalization Area Act" (Indiana Code 6-1.1-12.1-1 et. seq.) as amended hereinafter referred to as the "Act", determined and declared that the following described area in the City of Mishawaka, County of St. Joseph, State of Indiana, is an "Economic Revitalization Area":

A lot or parcels of land described as follows:

> Tax Key #016-1161-6463.04, 016-1161-6463.06, and 016-1161-6463.09; also legally described as:
>
> A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN THE CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA. DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF ELEVENTH AND CLEVELAND STREETS IN SAID CITY OF MISHAWAKA; RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID CLEVELAND STREET 500 FEET; THENCE LEFT (WEST) 88 DEGREES 46 MINUTES AND PARALLEL WITH THE NORTH LINE OF ELEVENTH STREET 382.95 FEET TO A POINT 8.25 FEET EAST OF THE CENTERLINE OF A RAILROAD TRACT, THENCE LEFT (SOUTH) 91 DEGREES 05 MINUTES 30 SECONDS AND PARALLEL WITH THE CENTER LINE OF SAID RAILROAD TRACT, 169.33 FEET TO THE POINT OF A CURVATURE OF A CURVE TO THE LEFT; THENCE SOUTHERLY ON A CURVE HAVING A RADIUS OF 508.78 FEET AND AN INTERSECTING ANGLE OF 20 DEGREES 49 MINUTES, AN ARC DISTANCE OF 184.85 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE SOUTHERLY PARALLEL WITH THE CENTER OF SAID RAILROAD TRACT AND ON A LINE 8.25 FEET AT RIGHT ANGLES THEREFROM AND ALSO ON THE PRODUCED TANGENT LINE OF SAID CURVE, A DISTANCE OF 162.31 FEET TO A POINT ON THE NORTH LINE OF ELEVENTH STREET; THENCE EAST ALONG THE NORTH LINE OF SAID ELEVENTH STREET, 293.14 FEET TO THE PLACE OF BEGINNING.
>
> More commonly known as 919 Cleveland Street, Mishawaka, IN 46544

All of the above described property being located within the municipal corporation limits of the City of Mishawaka, Indiana, and

WHEREAS, this declaration of the above described area as an "Economic Revitalization Area" shall expire one (1) year from the effective date of the declaration unless officially extended by the Common Council of the City of Mishawaka, Indiana, and

WHEREAS, the area so described above, shall be eligible for a deduction from an increase in assessed valuation resulting from the redevelopment or rehabilitation of said property, and

WHEREAS, an owner or occupant of the area described above shall be eligible for a deduction from assessed valuation resulting from the improvement of real property used within that area so described, and

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Mishawaka, Indiana:

1. That the area described hereinabove is hereby declared to be an "Economic Revitalization Area" within the meaning of the Act; and

2. That the City Clerk shall cause notice of the adoption of this Resolution to be published pursuant to I.C. 5-3-1, and shall file a copy of this Resolution with the St. Joseph County Assessor; and

3. That the City Clerk shall include in such notice the substance of this Resolution, a description of the affected area, that this Resolution may be inspected in the County Assessor's office or the office of the Mishawaka City Clerk, the date when the Common Council will receive and hear all remonstrance and objections from interested persons, and any other information required by Section 6-1.1-12.1-2.5 of the Act; and

4. That the City Clerk shall file a copy of the aforesaid public notice along with a copy of this Resolution and the Statement of Benefits (Form SB-1) with the officers of each taxing unit that has the authority to levy property taxes in the geographic area where the aforesaid economic revitalization area is located; and

5. That following the legal publication and on the date published in the public notice, a public hearing shall be held by the Common Council, at which time the Common Council shall receive and hear all remonstrance and objections from interested persons and shall then take final action determining whether the qualifications for an Economic Revitalization Area have been met and confirming, modifying and confirming, or rescinding this Resolution; and

6. That the determination of the Common Council shall be final except that an appeal may be taken and heard as provided by I.C. 6-1.1-12.1-2.5 (d) and (e).

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this 19th day of May, 2025.

____
Gregg Hixenbaugh, President

ATTEST:

____
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this ______ day of __________, 2025.

____
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of ______________________, 2025, at _____ o'clock ____.M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
Kenneth B. Prince, FASLA, Executive Director

May 14, 2025

Deborah S. Block, IAMC, MMC
MAY 14 2025
City Clerk
Mishawaka, IN

Woody Emmons, 1st District City Council
Matt Carroll, 2nd District City Council
Lou Ann Hazen, 3rd District City Council
Kate Voelker, 4th District City Council
Anthony Violi, 5th District City Council
Ron Banicki, 6th District City Council
Gregg Hixenbaugh, At-Large City Council
Matt Mammolenti, At-Large City Council
Lacy Hahn, At-Large City Council
Deborah Block, City Clerk

Re: Declaratory Resolution 2025-13
Tax Abatement – United PetFood Producers USA, Inc.
Real Property Tax Abatement – 919 Cleveland Street

Dear Council Members and Clerk:

Please find attached Declaratory Resolution 2025-13 pertaining to a petition for tax abatement that has been filed for consideration at the Monday, May 19th meeting. The request has been submitted by United PetFood Producers USA, Inc., a manufacturer of high quality dry and wet pet food, biscuits and snacks for dogs and cats headquartered in Ghent, Belgium. The company acquired the facility from WellPet in June 2024.

United PetFood Producers is proposing to demolish their existing warehouse building located at 919 Cleveland Street and construct a new 69,000 sq. ft. warehouse and distribution facility with the associated access drives, parking, and stormwater retention basin. A copy of the approved site plan is attached to the abatement application. Construction is anticipated to begin in June 2025 with completion by the end of the year. The total planned investment is approximately $5.4 million.

The company also has plans for a new dryer facility and other site improvements for their main production facility located to the south at 1121 W. 11th Street. A separate tax abatement will also be requested for these planned improvements and will be submitted at a later date.

WellPet LLC, which is the prior owner of the facility, received three prior real and personal property tax abatements approved by the Council in 2014, 2015, and 2021. The first two requests from 2014 and 2015 allowed the company to purchase equipment it would not have had the capacity to do so, along with hiring more employees than projected, and at higher wage rates. Employment levels at the facility have increased over the years from 91 employees in 2014 to 101 employees present day. Commensurate with the increase in employment, total payroll has significantly increased over these years.

As you may recall, the abatement approved in 2021 was rescinded by the Council in 2023 as the previous owner of the company did not follow through with the installation of the proposed new manufacturing and odor control equipment. As mentioned above, the new owner has plans to move forward with these improvements and plans to file an additional abatement petition.

With the current request, United PetFood Producers will retain 101 employees while adding 19 jobs as a result of the investment. The estimated hourly wage, excluding benefits, is $24.27 for the 11 unskilled new positions and $42.01 for the 8 salaried new positions. These wages equate to a blended hourly rate of approximately $32. Total annual salaries for the new jobs are estimated at $1,254,427. Benefits available to employees include sick, vacation, and volunteer time off; 401 (k) with company match; short- and long-term disability insurance; health, dental, and vision insurance; and tuition reimbursement.

Similar to the previously approved abatements, Staff is recommending a 5-year abatement for the real property tax abatement request. A standard phase-in for the abatement is recommended beginning 100% for the first year and decreasing 20% annually (80%, 60%, 40%, and 20%) over the 5 year life of the abatement.

A copy of the tax abatement application and Staff prepared declaratory resolution are attached for your review and information. The property is not located within the City's tax increment finance district.

As you are aware, tax abatement requests before the Common Council are considered in two steps. The first step is the declaratory resolution where the abatement is essentially accepted for consideration. Once the declaratory resolution is approved, the Clerk's Office has specific advertising requirements to notify other taxing entities within the jurisdiction that could be impacted by the abatement. This allows for input from those other taxing units prior to the Council's consideration and vote on the request. The second step is the hearing and consideration of a confirming resolution where the merits of the request are considered. The only item being considered at the May 19th meeting is the declaratory resolution, which staff is recommending approval of to allow the appropriate advertising to take place. If approved, staff will prepare a more detailed analysis of the request as part of your consideration of the confirming resolution.

Please do not hesitate to contact me with any questions.

Sincerely,

Derek J. Spier, AICP
City Planner

cc: David A. Wood, Mayor
Kenneth B. Prince, FASLA, Executive Director

Received
MAY 14 2025
Planning and
Community Development

City of Mishawaka
Planning and Community Development

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

REAL PROPERTY TAX ABATEMENT

Indiana State law requires that the designation application and statement of benefits form (SB-1/RE) be submitted prior to the initiation of the project. Additionally, **final approval of the Economic Revitalization Area designation must be obtained before starting the installation of the new manufacturing equipment for which tax abatement is being requested.**

Prior to submitting the attached application to the City's Department of Planning & Community Development, all questions must be answered as completely as possible and must be signed on the Statement of Benefits Form (SB-1/RE) and last page of the application. Incomplete or unsigned applications will not be accepted. A **non-refundable application fee** of $300.00 is required when making an application for Economic Revitalization Area designation and is payable to the **City of Mishawaka** at the time of submission.

All firms requesting Economic Revitalization Area designation are required to conduct an initial site visit with city staff members prior to a public hearing on the tax abatement request. During that visit, the company shall reveal the capital investment levels, job creation and/or retention levels and hourly wage rates the applicant has committed to the City of Mishawaka in order to receive consideration for Economic Revitalization Area designation and tax abatement deduction.

Additionally, the City of Mishawaka, by and through the Common Council, reserves the right to rescind or "claw back" an Economic Revitalization Area designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, as well as the applicant's failure to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City rescinds the Economic Revitalization Area designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be determined at the time of the "claw back."

Questions, applications, and fees should be directed to the:
City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Derek Spier, City Planner
574-258-1625
dspier@mishawaka.in.gov

1. Name of the company for which Economic Revitalization Area (ERA) designation is being requested:

United Petfood Producers USA, Inc.

2. State the name, title, address and telephone number of a company representative who may be contacted concerning this application:

Name and Title: Terry Peterson, Controller

Address: 1101 W 11th Street, Mishawaka, IN 46544

Telephone: 574.404.5963

3. State the name, title, address and telephone number of a company representative who may be sent annual compliance surveys. Please note that the **annual survey will determine if your company is compliant with the terms of the abatement agreement and whether the abatement will continue or be terminated**, so the contact should be made aware of the survey's importance.

Name and Title: Terry Peterson, Controller

Address: 1101 W 11th Street, Mishawaka, IN 46544

Telephone: 574.404.5963

4. Location of property for which ERA designation (real property tax abatement) is being sought (this information is available through the Township Assessor's Office):

   a) Street Address: 919 Cleveland, Mishawaka, IN 46544

   b) Township: Mishawaka-Penn Township

   c) Taxing District Number: 023 Mishawaka-Penn

   d) Council District Number: 1

   e) Tax Parcel Number(s): 016-1161-646304; 016-1161-646306; 016-1161-646309

   f) Current Zoning of the Property: I-2

   g) Case/approval number of any variance, rezoning, or approval petition(s) which is/are required or have been obtained for this project: SP 25-01 and Replat 25-01

5. What is the amount of the most recent assessment attributable to (this information is available from the most recent property tax form):

   Land: $133,700

Improvements: $360,500

Inventory: ______

Equipment: ______

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? X Yes ______ No

7. Does your company currently conduct manufacturing operations at this location? If so, how long has your company been at this location?

Yes, company has been at location since June 2024

a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification.

311111 - Dog and Cat Food Manufacturing

b) Please list any special certifications/designations.

New Market Tax Credit: Severely Distressed Community & Federal Opportunity Zone #18141000900

8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka.

No, this is the only location in the United States. Current company headquarters is in Terdonkkaai 16, 9042 Ghent, Belgium.

9. What is the size of the real estate that will be developed? (in acres) 4.22 (acreage of three parcels)

10. What is the estimated construction or rehabilitation cost? $5,376,000

11. Have building permits been obtained? *(Please note that state statute requires petitioner to file abatement application **before** obtaining permits) ______ Yes X No

12. Does your company/business require contractors working on construction projects on your property to use the E-Verify system to verify the eligibility of their employees to work in the United States? X Yes ______ No

13. What is the anticipated date for construction to begin? June 2025

14. What is the anticipated date for project completion? December 2025

15. Profile of Company that will occupy the property for which tax abatement is being requested:

a) Are your employees represented by a union? If so, by whom? No

b) Does your business/company verify the eligibility of your employees to work in the United States using the E-Verify system? X Yes ______ No

c) Number of current full time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	______	Average hourly wage rate for skilled positions	______
Semi-skilled	76	Average hourly wage rate for unskilled positions	$27.65
Clerical	______	Average hourly wage rate for clerical positions	______
Salaried	25	Average salary (per hour) for salaried positions	$47.98

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) 101

d) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.)

Sick time, vacation time, volunteer time, health insurance, dental insurance, vision insurance, short term and long term disability insurance, 401k with company match, tuition reimbursement.

e) Approximate value of benefits for existing and new employees on a per hour basis (e.g. benefits are valued at an additional $3.00 per hour, etc.) approx. $8 per hour

f) What is the total dollar amount spent on retained salaries? $6,269,716

g) Number of created full-time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	0	Average hourly wage rate for skilled positions	______
Semi-skilled	11	Average hourly wage rate for unskilled positions	$24.27
Clerical	0	Average hourly wage rate for clerical positions	______
Salaried	8	Average salary (per hour) for salaried positions	$42.01

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) 19

h) What is the total dollar amount to be spent on new salaries? $1,254,427

i) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees	$32.68
Retained hourly employees	$32.68
New hourly employees	$31.74

j) (if applicable)What is the usual market for goods or services produced by the company? List the percentage of the company's product or service that reaches:

Inside St. Joseph County:	____%
Outside St. Joseph County, but inside Indiana:	3 %
Outside Indiana, but within 500 miles	14 %
Outside of 500 miles	82 %
Outside of the United States:	1 %

k) (if applicable)List the name and location (City and State) of your five largest vendors or suppliers:

1. Badger Ingredients, Inc. Carefree, AZ
2. Diversified Ingredients Inc. Ballwin, MO
3. Anchor Ingredients Co., LLC Fargo, ND
4. The Scoular Company Omaha, NE
5. Morris Packaging, LLC Bloomington, IL

16. Describe the project for which tax abatement is being requested. Include the types of improvements that will be made, and indicate whether improvement is freestanding or an expansion to existing facility. In addition, indicate whether your company will utilize the entire project space or lease a portion of it to an outside company.

Seeking demolition of existing warehouse and construction of a new freestanding warehouse. Company plans to maintain project space for itself.

17. Briefly describe the product or service of the company/business which will occupy the property for which tax abatement is being requested.

Manufacturing of high quality dry & wet pet food, biscuits and snacks for dogs & cats.

18. What evidence can be provided to show the positive impact the abatement will have on the **project property and surrounding area**?

Abatement will support the economic revitalization of an underutilized site and contribute to increased tax revenue over time with the increase in the assessed value of the property. In additional the construction of the new building will promote the creation of new jobs in the area to bolster the local economy

19. Please give a detailed description of what the impact on your business will be if the proposed project is not undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

Loss of production capability. Company may decide to relocate proposed investment to a new facility outside of IN for capacity expansion.

20. Will you require any additional assistance from the City of Mishawaka?

Yes. Community support for an expedited process and collaborative effort. Support for assistance on any public infrastructure improvements and training resources for recruitment and creation of new jobs

21. Have you applied for any assistance from the State of Indiana?

No, currently applying

22. Miscellaneous Attachments Required:

- Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Real Property Tax Abatement are true and complete.

I understand that if this request for property tax abatement is granted that I will be required to participate in a mandatory annual compliance process. The survey will measure compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in the final resolution authorizing the property tax abatement. I also acknowledge that failure to respond to the mandatory annual compliance or failure to achieve investment, job creation, retention, and salary levels contained in the final resolution may result in a loss of tax abatement deductions, and may result in the repayment of tax abatement savings received.

Elodie Fleury
Elodie Fleury (May 12, 2025 10:12 EDT)

Signature of Owner or Authorized Representative

Title

05/12/2025

Date

Tax Abatement Application Real Property 2024_ Mishawaka_Revised

Final Audit Report 2025-05-12

Created:	2025-05-09
By:	Terry Peterson (tpeterson@unitedpetfood.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAFwB-n_GsupArE8W2vSRMtFyG5mkCzikY

"Tax Abatement Application Real Property 2024_Mishawaka_Revised" History

Document created by Terry Peterson (tpeterson@unitedpetfood.com)
2025-05-09 - 7:46:15 PM GMT

Document emailed to Elodie Fleury (efleury@unitedpetfood.com) for signature
2025-05-09 - 7:49:18 PM GMT

Email viewed by Elodie Fleury (efleury@unitedpetfood.com)
2025-05-09 - 8:17:37 PM GMT

Document e-signed by Elodie Fleury (efleury@unitedpetfood.com)
Signature Date: 2025-05-12 - 2:12:58 PM GMT - Time Source: server

Agreement completed.
2025-05-12 - 2:12:58 PM GMT

Exhibit A

Parcel Number: 71-09-16-352-006.000-023

Legal Description of Parcel: Irr. Tract 200 Ft. DeepOn North Side 11th. StBet. Rr. & Cleveland Sw SwSec. 16-37- E

Parcel Number: 71-09-16-352-005.000-023

Legal Description of Parcel: 265 Ft. N & S X An Irr. TractE & W Beg 200 Ft. N. Of NwCor. 11th & Cleveland St.Sec 16-37-3e

Parcel Number: 71-09-16-352-004.000-023

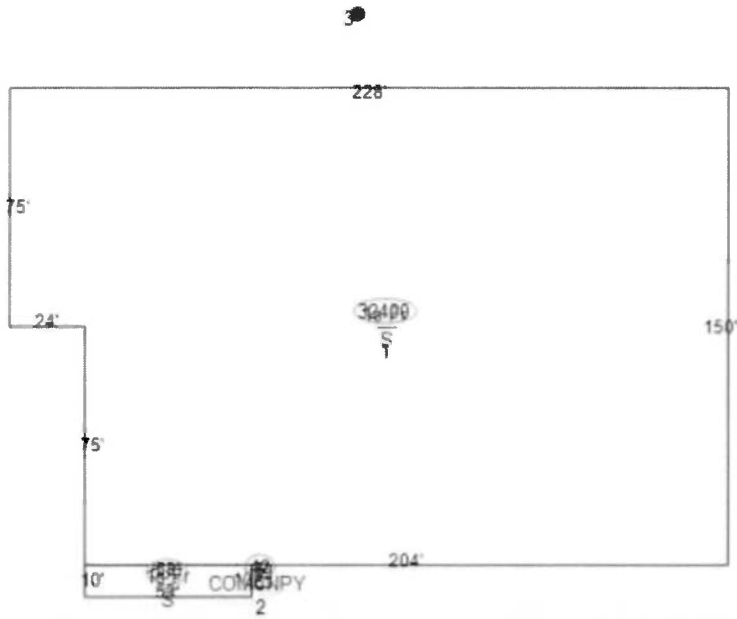
Legal Description of Parcel: 35' N & S X 382.95' E & WBeg. 465' N Of Nw Cor.11th & Cleveland St'S.Sw Sec. 16-37-3e

PARCEL 2, 3 AND 4

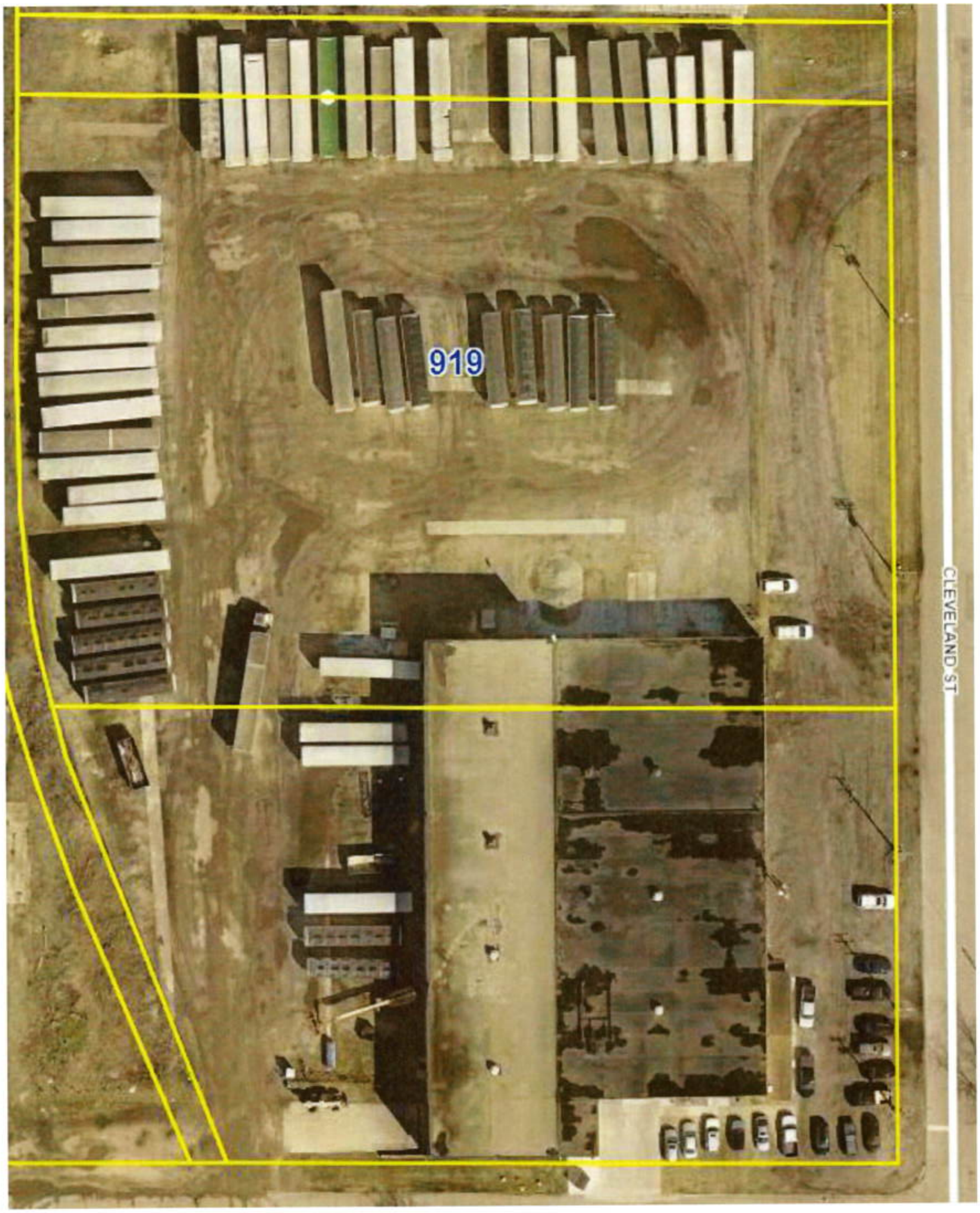
A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN THE CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA. DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF ELEVENTH AND CLEVELAND STREETS IN SAID CITY OF MISHAWAKA; RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID CLEVELAND STREET 500 FEET; THENCE LEFT (WEST) 88 DEGREES 46 MINUTES AND PARALLEL WITH THE NORTH LINE OF ELEVENTH STREET 382.95 FEET TO A POINT 8.25 FEET EAST OF THE CENTERLINE OF A RAILROAD TRACT, THENCE LEFT (SOUTH) 91 DEGREES 05 MINUTES 30 SECONDS AND PARALLEL WITH THE CENTER LINE OF SAID RAILROAD TRACT, 169.33 FEET TO THE POINT OF A CURVATURE OF A CURVE TO THE LEFT; THENCE SOUTHERLY ON A CURVE HAVING A RADIUS OF 508.78 FEET AND AN INTERSECTING ANGLE OF 20 DEGI EES 49 MINUTES, AN ARC DISTANCE OF 184.85 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE SOUTHERLY PARALLEL WITH THE CENTER OF SAID RAILROAD TRACT AND ON A LINE 8.25 FEET AT RIGHT ANGLES THEREFROM AND ALSO ON THE PRODUCED TANGENT LINE OF SAID CURVE, A DISTANCE OF 162.31 FEET TO A POINT ON THE NORTH LINE OF ELEVENTH STREET; THENCE EAST ALONG THE NORTH LINE OF SAID ELEVENTH STREET, 293.14 FEET TO THE PLACE OF BEGINNING.

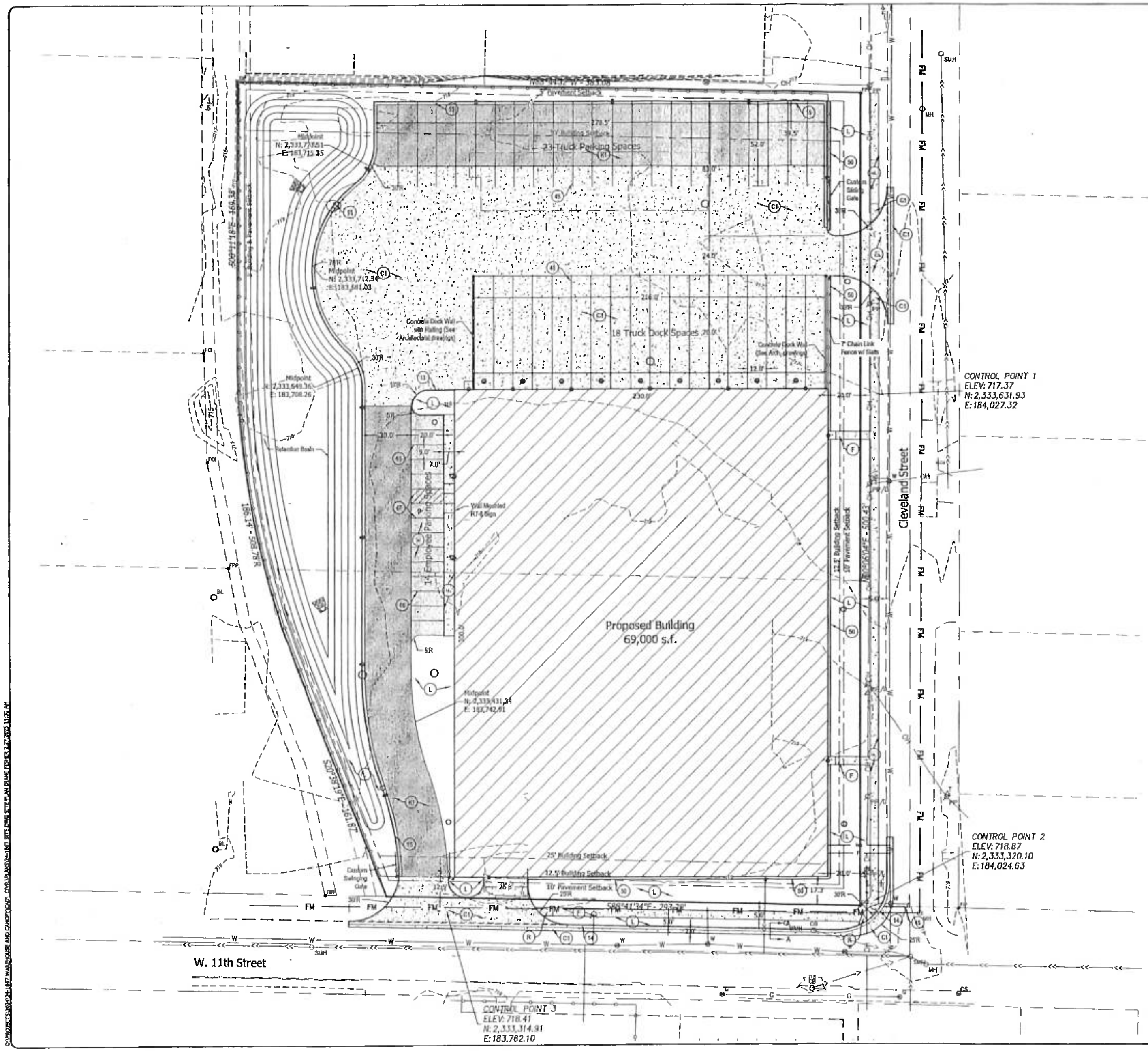
Exhibit B

Property Sketch of 919 S Cleveland (From St. Joseph County Tax Assessor website)



Aerial Photos of Parcels (United Petfoods owns Parcel labeled 919 and the two above and beneath said parcel)





GENERAL NOTES

1. Current Zoning: "I-2" Heavy Industrial
2. Sanitary and water shall be serviced by City of Mishawaka.
3. Setbacks shall conform to City of Mishawaka Zoning Ordinance unless the proper variances have been approved.
4. Proposed parking and drives shall be paved and privately owned.
5. All landscape and lighting shall be in accordance with the City of Mishawaka Zoning Ordinance unless the proper variances have been obtained.
6. Coordinate with utility companies for relocation of any utilities prior to any construction activity.
7. All work in Right-of Way shall conform to City of Mishawaka Engineering Standards.
8. Contractor shall submit a Maintenance of Traffic plan to the City of Mishawaka prior to installing utility connections.
9. On December 10, 2024, the Board of Zoning Appeals approved a variance (AP 24-54) will allow a 12.5' front building setback along W. 11th Street. The site shall conform to all other area, height and developmental regulations of the I-2 Heavy Industrial District unless the proper variances are granted by the Board of Zoning Appeals.

TABULATED SITE DATA

Parcel Size = #.##± Acres

Proposed Land Coverage	Area (Acres)	Percentage
Proposed Building	1.58	38.2%
Proposed Hard Surface	1.53	37.0%
Existing Building(s)	0.00	0.0%
Existing Hard Surface	0.00	0.0%
Open Space / Landscape Area	1.03	24.8%
Total	4.14±	100%

PARKING CALCULATIONS

Parking Required:	1 Space per Employee on Largest Shift	
	(1 Space / 1 Employee) x 10 Employees	= 10
	Total Spaces Required	10 Spaces
Parking Provided:	20 ft. x 9 ft. (Including 1 ADA Spaces)	14 Total Spaces

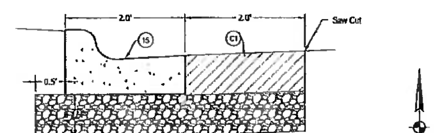
LEGEND

(K) **STANDARD DUTY HMA PAVEMENT**
1½" HMA Surface (165 lbs/syd)
2 ½" HMA Base (220 lbs/syd)
6" Compacted INDOT #53 Aggregate

(K1) **HEAVY DUTY HMA PAVEMENT**
1 ½" #/SY HMA Surface (165 lbs/syd)
3 ½" #/SY HMA Base (330 lbs/syd)
8" Compacted INDOT #53 Aggregate

(C1) **CONCRETE PAVEMENT**
8" Class "A" Concrete
6" Compacted #53 Aggregate

- ♿ ADA International Symbol of Accessibility, Paint: Blue
- (F) Sidewalk, 4"
- (L) Landscape/Yard Area, See Lanscape Plan
- (R) Sidewalk Curb Ramp - Type I
- (13) Concrete Curb - Type C
- (14) Comb. Concrete Curb & Gutter - Type C
- (15) Comb. Concrete Curb & Gutter
- (46) Stop Line, Thermoplastic, White, 24 in.
- (46) Line, Paint, Solid, White, 4 in.
- (47) Line, Paint, Solid, Blue, 4 in.
- (50) 18" Mow Strip - 3" of River Rock over Filter Fabric
- Light Pole
- 7' Chain Link Fence with Slats



SECTION A-A
Scale: 1" = 1'-0"

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

NO.	REVISION DESCRIPTION	BY	DATE
1	CITY COMMENTS	DEF	2/27/2025

ABONMARCHE
315 W. Jefferson Boulevard
South Bend, IN 46601
T 574.232.8700
F 574.231.4446
abonmarche.com
Benton Harbor, South Bend, Goshen, Fort Wayne, Lafayette
Valparaiso, Hobart, Kalamazoo, Grand Haven, Grand Rapids
Engineering · Architecture · Land Surveying

PROJECT:
UNITED PETFOOD WAREHOUSE BUILDING
919 Cleveland Street, Mishawaka, IN 46544

SHEET TITLE: **SITE PLAN**

DRAWN BY: DEF
DESIGNED BY: DEF
PM REVIEW: SDR
QA/QC REVIEW: RTM
DATE: 1/22/2026
SEAL: ROGER T. NAWROT, REGISTERED No. 60069?? STATE OF INDIANA PROFESSIONAL ENGINEER
SIGNATURE:
DATE:
SCALE: 1" = 30'
ACT JOB #: 24-1867
SHEET NO. **C2.0**
3 of 10

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

20____ PAY 20____
FORM SB-1 / Real Property
PRIVACY NOTICE
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

- [x] Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- [ ] Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body* ***BEFORE*** *the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.*
3. *To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.*
4. *A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)*
5. *For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: United Petfood Producers USA, Inc.		
Address of taxpayer (*number and street, city, state, and ZIP code*): 1011 W 11th Street, Mishawaka, IN 46544		
Name of contact person: Terry Peterson	Telephone number: (574) 404-5963	E-mail address: tpeterson@unitedpetfood.com

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body:		Resolution number:
Location of property: 919 Cleveland, Mishawaka, IN 46544	County: St. Joseph	DLGF taxing district number: 023
Description of real property improvements, redevelopment, or rehabilitation (*use additional sheets if necessary*): Demolition and rebuilding of company warehouse facility to promote additional capacity for production and storage		Estimated start date (*month, day, year*): June 2025 Estimated completion date (*month, day, year*): December 2025

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
101	$6269716.0	101	$6269716.00	19	$1254427.00

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	**ASSESSED VALUE**
Current values		494200
Plus estimated values of proposed project	5376000	
Less values of any property being replaced		360500
Net estimated values upon completion of project	5420800	

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (*pounds*) ________________

Estimated hazardous waste converted (*pounds*) ________________

Other benefits

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative: *Elodie Fleury* Elodie Fleury (May 12, 2025 10:12 EDT)	Date signed (*month, day, year*): 05/12/2025
Printed name of authorized representative: Elodie Fleury	Title:

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed ____________ calendar years* *(see below)*. The date this designation expires is ______________________. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements ☐ Yes ☐ No
2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to $ __________________.

D. Other limitations or conditions *(specify)*______________________________

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below) ☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☐ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved *(signature and title of authorized member of designating body)*	Telephone number ( )	Date signed *(month, day, year)*
Printed name of authorized member of designating body	Name of designating body	
Attested by *(signature and title of attester)*	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)

B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.