

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY PLAN COMMISSION
FEBRUARY 25, 2025**

The Michigan City Plan Commission held their regular monthly meeting in the Common Council Chambers, City Hall, 100 E. Michigan Boulevard, Michigan City, Indiana, on Tuesday, February 25, 2025, at 6:00 p.m. local time; the date, hour, and place duly established for the holding of said meeting. The meeting was also available via Zoom and streaming live on the Access LaPorte County Facebook page. Access LaPorte County Media hosted Zoom.

CALL TO ORDER

President Daniel Granquist called the meeting to order at approximately 6:00 p.m.

ROLL CALL

Mr. York called the roll with attendance being noted as follows:

Commission Members Present:

Antonio Conley, Bryant Dabney, Bruce De Medici, Daniel Granquist, Roscoe Hoffman, Fred Klinder, Rose Tejada, Timothy Werner – 8 (all in person)

Commission Members Absent:

Ross Balling – 1

Staff Present:

Planning Director Skyler York (in person), Attorney Steven Hale (via Zoom audio/video) Public Works Director Wendy Vachet (in person), and Redevelopment Business Manager Debbie Wilson (in person)

POLICY OF CONDUCT AND PROCEDURES

The Policy of Conduct and Procedures for the Michigan City Plan Commission states that the Commission is composed of nine members. By statute, five must vote affirmatively to approve a petition. Thus, whenever less than a full commission is present, the petitioner may choose to continue the hearing. Anyone wishing to speak on a petition, or to the commission in general at the end of the meeting, may do so in person by approaching the speaker's roster and stating their name and address, or, if on Zoom connection, by indicating their presence online and stating their name and address. Comments should be addressed to the Plan Commission, and not to a petitioner or remonstrator or others in the audience. The Plan Commission vote is based on the evidence presented.

APPROVAL OF AGENDA

The chair entertained a motion for approval of the agenda.

A motion was made by Commissioner Dabney and seconded by Commissioner Klinder approving the 02/25/2025 agenda as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Conley, Dabney, De Medici, Granquist, Hoffman, Klinder, Tejeda, Werner – 8; (Nays) None – 0. With 8 in favor and 0 opposed, the MOTION CARRIED.

APPROVAL OF MINUTES

The chair entertained a motion to accept the minutes of the regular hybrid meeting of January 28, 2025.

A motion was made by Commissioner Tejeda and seconded by Commissioner Dabney to accept the minutes of the January 28, 2025 hybrid meeting as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Conley, Dabney, De Medici, Granquist, Hoffman, Klinder, Tejeda, Werner – 8; (Nays) None – 0. With 8 in favor and 0 opposed, the MOTION CARRIED.

PETITION(S)

President Granquist read into the record, "Petition 903-24(4): Pyramid Properties requesting Major Subdivision Secondary Plat approval for Tract 1 of The Moore Subdivision, located at Moore Road/Highway 12 (Represented by Attorney Anthony G. Novak)."

Anthony Novak (in person) addressed the Commission stating that he is an attorney with the law firm of Newby Lewis Kaminski & Jones in LaPorte, Indiana, being present on behalf of the petitioner, Pyramid Properties, Inc. He acknowledged their owner, Tony Macri, being present in person. Mr. Novak recalled being before the Plan Commission many times for various reasons, all relating to this project known as The Moore development.

Mr. Novak explained that this will be a 40-unit residential development at the intersection of US 12/Moore Road. He noted that last month the Plan Commission granted final approval of the PUD; tonight, they are requesting Major Subdivision Secondary Plat approval for Tract 1 of the development. Mr. Novak pointed out that there will be two phases to this development. This is the first phase which will be to construct 16 townhomes out of the total 40. They have received Primary Plat approval on 10/22/24, conditioned on four elements. Mr. Novak summarized those conditions; 1) updated basin design related to stormwater on Tract 1; 2) Tract 2 stormwater will be reviewed when Tract 2 gets done; 3) prior to any sale of the unit there will be a conservation easement

recorded; and 4) a basin maintenance agreement would be developed, negotiated, and approved between the City and the developer. In response to those conditions, Mr. Novak stated that the City Engineer and Sanitary District have approved Tract 1 stormwater; Tract 2 stormwater is premature right now; the conservation easement has been taken care of; and the basin maintenance agreement has been taken care of as well.

In closing, Mr. Novak stated that tonight they are asking for approval to get the secondary plat done so they can start moving forward with development in the coming months.

The chair asked if there were any questions from Commissioners.

Commissioner Klinder asked for clarification as to whether there are 15 units or 16 units.

Mr. Novak replied that there will be 16 units in Tract 1.

President Granquist pointed out that the petitioner is present tonight for a public meeting, although it is not open for a public hearing since that was held before. The purpose of the Secondary Plat is to make sure it conforms to the previously approved Primary Plat. Mr. Novak has represented that they have complied with the requirements and conditions which are being presented to the Plan Commission tonight to verify that it does comply.

The chair called for reports.

Mr. York read comments from the Water Department, Engineer, and Fire Department (attached hereto and made a part of this record [1], [2], [3]), and he noted that the Sanitation Department has expressed they have no further comments until development gets to Tract 2.

Mr. York read his report into the record (attached hereto and made a part of this record [4]), giving a history of approval dates for each component of this development. He pointed out that there were four conditions of approval, reading those into the record and noting that all conditions have been met except for condition 2 which will take place when they are ready for Tract 2. Staff recommended approval of the final plat for Tract 1.

President Granquist acknowledged that Attorney Hale was not present but submitted his report (attached hereto and made a part of this record [5]). Commissioner Granquist summarized Attorney Hale's report, highlighting the process for a major subdivision, and indicating that the secondary plat is to comply with the primary plat and the subdivision ordinance. It was noted that the secondary plat requires approval of the Plan Commission at a public meeting but it does not require a public hearing. The Plan Commission may approve it, approve it with modifications that would bring the application into compliance with the primary plat, or deny it on the grounds that it does not comply with the primary plat. The report also includes for the record a list of materials submitted with the petition.

In summary, Mr. Novak stated his appreciation for the Commission's help throughout the process, acknowledging Councilman Dabney for sponsoring the ordinance. He thanked them for all their support.

Commissioner Dabney commented that there were some turbulent times during the beginning of this process, so he thanked the developer for sticking with the Plan Commission in getting this through. He pointed out the need for housing in Michigan City and stated that he looks forward to this project getting started.

The chair entertained a motion.

A motion was made by Commissioner Dabney and seconded by Commissioner Klinder approving Petition 903-24(4) for Secondary Plat approval for Tract 1 of The Moore Subdivision located at Moore Road/Highway 12, as it complies with the Primary Plat and Subdivision Ordinance. The roll was called, and the vote taken: (Ayes) Commissioners Conley, Dabney, De Medici, Granquist, Hoffman, Klinder, Tejeda, Werner – 8; (Nays) None – 0. With 8 in favor and 0 opposed, the MOTION CARRIED.

NEW BUSINESS / OLD BUSINESS

Discussion – Stormwater Ordinance:

Mr. York began the discussion, stating that they are trying to make an updated and new stormwater ordinance. He introduced Al Walus (formerly with Christopher B. Burke Engineering) now an employee with the City of Michigan City Sanitary District. Mr. York stated that Mr. Walus will speak about why the ordinance is currently in the zoning code and the need to separate the two.

Al Walus (in person) noted that he provided Commissioners with a handout (attached hereto and made a part of this record [6]). He said tonight's purpose of reviewing this is informational as they plan to come back to the Plan Commission next month for official approval of the draft ordinances.

Mr. Walus referred to the handout with the picture of the flooding on the front page, explaining that for over 40 years Purdue University has taken the lead role in stormwater management across the state, more specifically through the Local Technical Assistance Program (LTAP). Under "Vulnerabilities" he noted that a 100-year storm means once every 100 years there may be a storm with 6-7" rainfall within 24 hours, but he said what they are seeing from an engineering standpoint is that some of the small storms (1-2 year return) have a detrimental effect on the ditches because during those storms the water in the ditch will raise and lower repetitively and more frequently leading to erosion at the toe of the bank and slopping in of the ditches. As engineers have recognized, these small duration storms do not necessarily lead to flooding, but they lead to maintenance issues and ditches moving. Mr. Walus said part of the effort to update the ordinance and

technical standards is to address those smaller storms. As development occurs, they can control the runoff from new development so that it does not negatively impact the ditches during the lower storms. Also, under "Vulnerabilities" he pointed out that communities across Indiana must update local ordinances to incorporate the latest stormwater quality requirements and the updated requirements contained within IDEM's new Construction Stormwater General Permit (CSGP) that became effective on December 18, 2021. Mr. Walus mentioned that all communities across Indiana are going through this process and many have completed it. The City of LaPorte passed their stormwater ordinance last August.

Under "Our Response," Mr. Walus stated that the City wants the collection and organization of all stormwater related legal requirements into a single streamlined comprehensive document, along with detailed technical requirements organized into a companion technical standards manual. This will help both the development community better navigate the requirements and help plan reviewers better focus on major items. Mr. Walus stated that rather than having stormwater requirements interspersed throughout the entire City Code of Ordinances, it is recommended to put it all in one document.

Mr. Walus referred to the back page of the handout, outlining a historical summary indicating that Purdue has been producing documents dating back to 1981 with the latest update in 2022 when the stormwater ordinance and technical standards were put together. Mr. Walus talked about how the 2022 updates were prepared, stating that following past practice, LTAP worked with experts in stormwater management, IDEM, county surveyors, and MS4 Coordinators. Christopher B. Burke Engineering developed the initial drafts followed by peer review and incorporation of comments.

Mr. Walus referred to the summary of the Model Ordinance, stating that it is organized into seven sections. He said that communities across Indiana have been taking the Model Ordinance prepared under the direction of Purdue and presenting it to their local communities. Mr. Walus stated that within the local ordinance, they would provide the names of the different City departments who would have jurisdiction in implementing the ordinance as well as tweaking a few things.

Mr. Walus gave his background stating that when he was previously before the Plan Commission he was working for Christopher Burke Engineers as a consultant to the Michigan City Sanitary District. He retired and was hired at the Michigan City Sanitary District on January 13, 2025. His first order of business was to get the Stormwater Ordinance done and to the Sanitary Board by January 23rd, which has been approved.

Mr. Walus referred to the second handout "Stormwater Ordinance: Current versus Proposed Summary." He explained that they had to look at the entirety of the Michigan City Code (110 chapters), plus Appendix B (Subdivision Ordinance) and Appendix C (Joint Zoning Ordinance). Currently, all the stormwater regulations are interspersed

amongst all those different categories. The City Attorney and Plan Commission Attorney have recommended moving all the different components from all the sections into one brand new section under Chapter 46 Environment, Article 9 Stormwater and Drainage. All those references must be deleted from the current language and incorporated into Chapter 46, Article 9. The City Attorney has already taken the Sanitary District approved ordinance and codified it into a new Article 9 of Chapter 46. Mr. Walus explained that now Appendix B and Appendix C must be worked through the Plan Commission to be able to remove language from the current ordinances and make the references back to the new Article 9.

In closing, Mr. Walus stated that the City is legally mandated and required by IDEM to pass an updated Stormwater Ordinance and Technical Standards. He said he would be back to the Plan Commission in March to formally request approval from the Plan Commission. If that is accomplished, it must go to the City Council for three readings. There will also probably be a workshop with the City Council to review the current and proposed language and technical standards. Once the City Council approves that ordinance, it will come back before the Plan Commission. It will potentially have to go back to the Sanitary District if there are any changes through the process.

Mr. Walus stated that the main focus on the Stormwater Ordinance is to make sure they are adequately controlling stormwater quantity and rate of release from development as they are taking the grassy areas and making them impervious creating more stormwater runoff. He said they also want to control stormwater quality since all the discharges go into Trail Creek which then goes into Lake Michigan, which is the water supply for Michigan City and other communities.

Mr. York added to comments, stating that Mr. Walus spoke about the efficiency of navigating, pointing out that there is a checklist component to this as well. He said The Moore development presented an opportunity to look at some of these things because it was such a significant development, and that is where the wheels started turning. Mr. York said another component of this is the Basin Maintenance Agreement, which he feels is important when creating these shared spaces, HOA's, developments where there are 3-4 outlots and one basin. He said in the past the City has gotten stuck maintaining those basins or they have failed. Mr. York also felt that it makes review of the petitions and development more streamlined.

Mr. Walus added that what can help streamline the process is that communities across Indiana, especially Northwest Indiana, are adopting the same standards so everyone will be using the same design standards.

Commissioner Granquist commented that it should help petitioners and developers as they work with local engineers who are familiar with it to make it more convenient and streamlined.

Commissioner Tejeda asked for confirmation that some of these things being proposed in the new ordinance have already been incorporated into The Moore development.

Mr. Walus replied affirmatively, confirming that was correct.

Commissioner De Medici expressed appreciation for the effort to improve the infrastructure so the city looks good moving forward, and he appreciates any effort to make the municipal code more straight forward.

Commissioner Werner commented that it is great to see there will be maintenance of the basins in the future. He said when he started with the City a year ago he was surprised to see the number of basins that have been lost due to being overgrown, and as a result they do not have the storage capacity for which they were designed.

Mr. Walus added that it is not unique to Michigan City. It is a common issue across the region and state because of the development of stormwater measures being put in place without adequate long-term maintenance. With this ordinance and technical standards, Mr. Walus stated that it will be corrected.

Regarding the basins that have not been taken care of, Commissioner Tejeda asked what the risks are.

Mr. Walus replied that the main risk is that they must look at the water volume in those basins. They were designed based on detailed calculations. He said the most problematic to the basins is if they do a good job and capture sediments in the basin and keep them from going into Trail Creek, at a certain point in time the basin fills up with sediment and eventually it impacts the storage volume. He said a separate issue is vegetation with invasive species taking over; even after they are removed they come back.

Commissioner Tejeda asked if there is a process for surveying existing basins and if there is any action that can be taken retroactively to improve the quality of a basin.

In terms of surveying, Mr. Walus stated that there are many options with drone technology to get detailed elevations. If there is a stockpile of sediment in the basin they have computer programs that calculate how much volume is lost. Regarding doing maintenance, they would have to go back to the point in time the basin was built and check the local ordinance to see what requirements and restrictions were in place at that time.

Mr. York added that there are situations where the development already had a basin and now they have torn down the building and are redeveloping. He said Mr. Werner and Mr. Walus have been adamant about having the developer fix that basin and it must be calculated to hold what they are producing now even though it is still there. Mr. York

indicated that he feels with the basin agreements and the new ordinance there will be more power to force compliance.

Commissioner Werner commented on the basin at the former Steak 'n Shake, now Chick-fil-A, stating that you would not have even known there was a basin there because it is filled with junk/debris. He said he wants it cleaned up and to have a 15' green area around it so that it can be mowed and kept clean. He said that beyond sediment, there are other things happening to these basins making them so you cannot see them.

Commissioner Granquist referred to comments by Mr. Walus about ditches in addition to basins for detention/retention. He asked if the ditches are along the roads or in the developments and to what extent and how pervasive they are, and how that will be managed.

Mr. Walus replied that a lot of the technical guidance on the ditches is in county ditches in rural areas, the different legal drains. He said they have seen a lot of degradation of those county drains. Although, within the corporate limits of the City of Michigan City (25 square miles) there are remnants of five former county legal drains (i.e., Kimball Ditch, White Ditch, Kintzele Ditch...) under the jurisdiction of the City now. The ditches had bottoms of about 20' wide and banks at a 30 degree slope about 10' high. Mr. Walus stated that they are a critical important conveyance factor, so when the individual storm sewers collect water from the roads in Forest Manor and Village Green, those are all routed into the Striebel Arm of the Kintzele Ditch. As all those flows come together during small storms that is where you start seeing erosion on the toe of the banks. Mr. Walus stated that you do not see that as much with the roadside ditches but the Sanitary District is responsible for them. He said the concern is with the erosion of the bigger ditches with 20' wide bottoms.

PUBLIC COMMENTS

Scott Meland (in person) 200 Kenwood Place, Michigan City IN, commented that he was going to question if this ordinance streamlines anything, stating that he is happy to hear it sounds like it does in great effect. He congratulated Mr. Walus for joining the Michigan City team, stating that he was impressed by the expedited way he hit the ground running to get this before the Plan Commission. Mr. Meland asked if the ordinance allows greenscaping with things like swales, rain gardens, etc. for drainage.

Mr. Walus gestured affirmatively.

Mr. Meland talked about the basins, stating that they are on someone's property being privately owned, so he feels that if it is not working properly or being maintained they should be issued a citation to bring it into compliance.

Mr. Meland stated that as illustrated by the Pyramid Properties development, it is a mess of bureaucratic red tape and delay to get anything built, noting that they were before the Plan Commission at least 5-6 times as well as other boards. He said the City needs to do better and see what they can do to be more efficient to accelerate development in the city. He questioned what can be done to speed up these processes and if some of the steps can be combined.

In response, Commissioner Werner stated that is one thing they are doing with the stormwater ordinance by making it much easier for developers to get the answers in one place.

COMMISSIONER COMMENTS / DIRECTOR'S COMMENTS

Commissioner Dabney commented that they are looking for efficiency in what they are trying to do here by combining things to get it done quicker, the mayor cutting \$6 million in the budget, and software that will help in terms of people obtaining permits. He said the administration and what they are trying to do in conjunction with the City Council and the mayor is to address some of the efficiency issues and make the process the best it can be for people that want to come here to develop. He stated that we are seeing some concrete things happen to make that process go smoother to turn that reputation around of not being so difficult to work with.

Regarding efficiency and departments working together, Commissioner Werner acknowledged that the City has a new Public Works Director, Wendy Vachet.

Ms. Vachet (in person) came forward to introduce herself, stating she is the new Public Works Director. She said the idea is to streamline many things and give essential assistance to City staff through processes. Ms. Vachet stated that streamlining the code is essential and, by being more efficient it saves money, it saves time, and by saving time you can get more done. She said she is grateful to be here and to help everyone out. The mayor will be rolling out a lot of other good things in the next few weeks. She said she looks forward to working with everyone.

Ms. Vachet gave her background, stating that she has been in planning and infrastructure development for 30 years, has a background in environmental, and is a certified planner. She spent 20+ years working for Michael Baker Engineering as an environmental lead working on massive projects across the country. She was with U.S. Department of Defense, working for the Navy as subject matter expert for a 2-star admiral. Her parents live in Portage, Indiana so she came back home a few years ago and worked at the City of Gary.

Commissioner Granquist commented that one of the concerns of the Commission is also the time it takes for developers from their initial investment to the development phase.

He suggested looking into the possibility of having two meetings a month as the need arises to speed things up for those developers/petitioners.

ADJOURNMENT


The chair entertained a motion to adjourn.

Motion to adjourn by Commissioner Tejeda – seconded by Commissioner Conley and unanimously approved.

President Granquist declared the meeting adjourned at approximately 7:00 p.m.

ATTACHMENTS

- [1] Water Department comments 903-24(4)
- [2] Engineer comments 903-24(4)
- [3] Fire Department comments 903-24(4)
- [4] Staff Report 903-24(4)
- [5] Attorney Report 903-24(4)
- [6] Handout relating to Stormwater Ordinance



Daniel Granquist, President

ATTEST:



Rose Tejeda, Secretary

10/10/1918

10/10/1918

Dear Sir,

Yours faithfully

W. H. H. H.

Very truly yours

W. H. H. H.

W. H. H. H.

W. H. H. H.

W. H. H. H.

W. H. H. H.

**PETITION RECOMMENDATIONS
PLANNING DEPARTMENT**

PETITION NO: 903-24(4)

PETITIONER: PYRAMID PROPERTIES

REQUEST: MAJOR SUBDIVISION THE MOORE – SECONDARY PLAT TRACT 1

LOCATION: MOORE ROAD/HIGHWAY 12

Planning Department Observations:

Petitioner requests Secondary Plat approval of Major Subdivision (Tract 1) to build residential townhomes and villas. Please submit your comments to our office no later than 2/13/25.

Date Forwarded: 2/6/2025

Fire Department Comments:

Click or tap here to enter text.

Date Forwarded: Click or tap here to enter text.

Water Department Comments:

The developer has met the requirements set forth by the Department, so the Department has no issue with the current plan. C.Johnsen, Superintendent

Date Forwarded: 02/24/2025

Sanitation Department Comments:

Click or tap here to enter text.

Date Forwarded: Click or tap here to enter text.

Engineer Comments:

Click or tap here to enter text.

Date Forwarded: Click or tap here to enter text.

Attorney Comments:

Click or tap here to enter text.

Date Forwarded: Click or tap here to enter text.

**PETITION RECOMMENDATIONS
PLANNING DEPARTMENT**

2

PETITION NO: 903-24(4)

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Click or tap here to enter text.

Date Forwarded: Click or tap here to enter text.

Water Department Comments:

Click or tap here to enter text.

Date Forwarded: Click or tap here to enter text.

Sanitation Department Comments:

Click or tap here to enter text.

Date Forwarded: Click or tap here to enter text.

Engineer Comments:

It appears all comments from City Engineer have been addressed.

Date Forwarded: 2/21/2025

Attorney Comments:

Click or tap here to enter text.

Date Forwarded: Click or tap here to enter text.

**PETITION RECOMMENDATIONS
PLANNING DEPARTMENT**

PETITION NO: 903-24(4)

PETITIONER: PYRAMID PROPERTIES

REQUEST: MAJOR SUBDIVISION THE MOORE – SECONDARY PLAT TRACT 1

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Petitioner requests Secondary Plat approval of Major Subdivision (Tract 1) to build residential townhomes and villas. Please submit your comments to our office no later than 2/13/25.

Date Forwarded: 2/6/2025

Fire Department Comments:

FD has no issues with request

Date Forwarded: 2/13/25

Water Department Comments:

Click or tap here to enter text.

Date Forwarded: Click or tap here to enter text.

Sanitation Department Comments:

Click or tap here to enter text.

Date Forwarded: Click or tap here to enter text.

Engineer Comments:

Click or tap here to enter text.

Date Forwarded: Click or tap here to enter text.

Attorney Comments:

Click or tap here to enter text.

Date Forwarded: Click or tap here to enter text.

MICHIGAN CITY PLAN COMMISSION

February 25, 2025

Case # 903-24(4) The Moore PUD (Pyramid Properties) FINAL PLAT**Request**

Final Approval: Final plat for The Moore PUD.

Staff Analysis

A Planned Unit Development Overlay District (PUD) is a tool permitted and regulated by Indiana Code with standards intended to accommodate among other factors, development on sites with significant natural features, to provide the opportunity to preserve common open space and natural features.

The petitioner requested and received approval of Preliminary Site plan for The Moore PUD and approval of primary plat on October 22, 2024, Planning Commission Meeting. The petition was then sent to City Council where the petition was approved on December 3, 2024. On January 28, 2025, the Moore PUD received Final PUD approval from the planning Commission.

There were four conditions of approval that must be adhered to:

1. **The Applicant must provide the City MS4 Coordinator/Reviewer an updated basin design for the Tract 1 prior to Final PUD approval and Secondary Plat approval. The Plan will be reviewed again at the time of permitting to assure conformation with the review provided by Burke Engineering;**
2. **Tract 2 stormwater plan and design will be reviewed and approved at the time of primary plat to assure that adequate detention for stormwater is provided;**
3. **Prior to any sale or offer to sell any unit in Tract 1 and/or Tract 2, the Conservation Easement shall be recorded in its current form as submitted or with any changes approved by the Enforcement Officer;**
4. **A basin maintenance agreement shall be added to the "Proposed Commitments, Restrictions, Covenants" submitted by the Applicant to the Plan Commission as Exhibit 8 to the Applicant's Preliminary PUD Site Plan and said document, as amended, shall be made a part of the Preliminary PUD Site Plan and forwarded to the Michigan City Common Council; and**

Staff Recommendation

All of the conditions have been met, and the staff recommends approval of the final plat, phase 1 of the Moore PUD.

Attorney Report

Petition No.: 903-24(4)

Petitioner: Pyramid Properties, Inc.

Owner: Pyramid Properties, Inc.

Engineer/Surveyor: Bertsch-Frank & Associates
Land Surveyors & Consultants

Request: Major Subdivision - Secondary Plat Approval for
Tract 1

Location: Moore Road/Highway 12; also known as Parcel Number
46-01-14-476-001.000-022

Petitioner has filed for Major Subdivision approval to build residential townhomes and villas. Approval of the primary plat was granted at the Plan Commission's October 22, 2024 meeting. The Petitioner is now requesting approval of the secondary plat.

The provisions of the Subdivision Ordinance pertinent to a major subdivision include: Section 1.08(a)(3) (general provision for major subdivisions), Article 4 (general rules pertaining to major subdivisions) Article 5 (plat composition requirements) and Article 6 (design standards).

The process for a major subdivision includes: the Petitioner files a concept plan and a development plan (together with any fee) and our enforcement official reviews them; then the Plan Commission reviews and approves the development plan at a public hearing. For this Petition, the concept and development plans were reviewed by Skyler York (the enforcement official). The next step in the process: the Petitioner files a Petition for primary plat approval, together with any fee, which is followed by administrative review of the application and proposed primary plat by the enforcement official; The enforcement official then refers the primary plat and application to the Plan Commission for a public hearing. Following the public hearing, the Plan Commission adopts findings of fact and reaches a decision. This Plan Commission held a public hearing on this request and granted primary plat approval for this project at its regular monthly meeting held on October 22, 2024. See Section 4.03 of our Zoning Ordinance. See also I.C. 36-7-4-1401.5. Next, the Petitioner submits an application for approval of the secondary plat. The secondary plat is to be reviewed and approved (if it complies with the primary plat) by the enforcement official and then the secondary plat is reviewed and approved, if it complies with the primary plat, by the Plan Commission at a public meeting according to Section 4.06 of our Zoning Ordinance. This Petitioner is now requesting secondary plat approval. If approved by the Plan Commission the secondary plat will be recorded as the final step in the process.

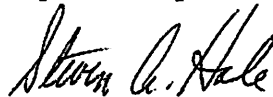
The secondary plat is to comply with the primary plat and the subdivision ordinance. (See Section 4.06(f)). The Plan Commission is to make findings as to such compliance or noncompliance and then make a decision in the same manner as for a primary plat approval. Approval of the secondary plat requires approval of the Plan Commission at a public meeting, but does not require a public hearing.

As to approval of the secondary plat, the Plan Commission may approve it, approve it with certain modifications that would bring the application into compliance with the primary plat or deny the application on the grounds that it does not comply with the primary plat. See Section 4.03(f) of our Subdivision Ordinance. So, the sole issue for the Plan Commission in considering approval of the secondary plat is: does it comply with the primary plat and our Subdivision Ordinance.

The record of this Petition includes:

1. Application to Approval Final/Secondary Plat - Tract 1 signed by Owner/Petitioner Tony Macei, President of Pyramid Properties Inc.
2. Secondary Subdivision Plat dated January 24, 2025 prepared by Bertsch-Frank & Associates (2 pages).
3. Stormwater Ordinance: Current Versus Proposed Summary (1 page).
4. Stormwater Management Regulations (43 pages).
5. Stormwater Technical Standards Manual Michigan City, Indiana dated January 2025 (156 pages).
6. All the materials submitted by the Petitioner as part of its request for primary plat approval.
7. Materials reviewed by the Planning Department staff.
8. Planning Department Staff Report.
9. Attorney Report.
10. Any materials to be submitted at the Public Hearing.

Respectfully submitted,



Steven A. Hale

Quick facts on local Stormwater Ordinances & Technical Standards...

The Necessity for Updating Local Development Standards

Complying with the minimum Federal and State regulations has not and will not protect our communities against the increased flood stages and increased streambank erosion that we have observed throughout Indiana. This Fact Sheet is a tool to educate community leaders on proven methods to implement proactive measures that are appropriate for and tailored to local conditions aimed at preventing an increase in community's vulnerabilities to flooding, erosion, and stormwater quality degradation: local Stormwater Ordinances and Stormwater Technical Standards.

Our Vulnerabilities:

- There is visual, scientific, and statistical evidence that Indiana communities are experiencing more frequent and higher rainfalls.
- If we do not address stormwater runoff from increased rainfall and future changes to land use (such as converting green space to developed/imperious areas and filling depressional areas and floodplains), flood stages will continue to rise and the flow path of flood waters will continue to spread further and further into our communities.
- In addition, while most communities regulate land use for stormwater runoff from medium (2-year storm events) to large (100-year) storms, many do not regulate smaller (1-year to 2-year) storms that cause rivers and channels to seek a new shape and erode streambanks. This must change to protect our communities.
- Communities across Indiana must update local ordinances to incorporate the latest stormwater quality requirements and the updated requirements contained within IDEM's new Construction Stormwater General Permit (CSGP) that became effective on December 18, 2021.

Our Response:

- Local governments can implement No-Adverse-Impact stormwater measures that encompass:
- Prohibiting/discouraging development in floodplain areas and prohibiting encroachment into floodways and erosional corridors.
 - Implementing stormwater control measures appropriate for local conditions by upgrading Stormwater Ordinances and Stormwater Technical Standards. These must include regulations and guidance for smaller (1-year to 2-year) storms; the storms that are shaping our local streams and channels.
 - Improved water quality through incorporating best practices and mandated IDEM requirements for smaller floods.
 - The collection and organization of all stormwater-related legal requirements into a single, streamlined comprehensive document, along with detailed technical requirements organized into a companion technical standards manual. This will help both the development community better navigate the requirements and help plan reviewers better focus on major items.

Why have a Model Ordinance & Standards?

For over 40 years, Purdue University (through LTAP, formerly HERPIC) has helped develop drainage standards and ordinances that could be adopted by Indiana jurisdictions to satisfy local needs related to: the current state of stormwater engineering practice; reasonable drainage control regulations; and reasonable engineering standards.

Who are these tools intended for?

While the model ordinance and standards meet the minimum requirements of the new IDEM CSGP which includes requirements for MS4-designated communities, they also contain practices and standards that every community in the state should consider adopting. These tools establish a baseline standard for responsible stormwater management, regardless of whether or not such a standard is required by a federal or state agency.

How were the 2022 updates prepared?

Following past practice, LTAP worked with experts in stormwater management, IDEM, County Surveyors, and MS4 Coordinators to prepare the 2022 model ordinance and accompanying technical standards updates. Christopher B. Burke Engineering, LLC, developed the initial drafts, followed by peer review and incorporation of comments.

Timeline of Drainage Standards and Model Ordinance Updates Developed by HERPIC and LTAP:



THE MODEL ORDINANCE

The Model Ordinance is organized into seven sections as identified and summarized below. Sections 2, 4, and 5 have been specifically developed to meet current best practice and the new IDEM CSGP requirements for entities that have MS4 designation. However, these provisions are prudent and recommended to be adopted by all entities regardless of federal or state mandates. Non-MS4 communities who do not wish to proactively regulate the water quality or prohibited non-stormwater flows in their communities can delete the sections highlighted in green.



SECTION 1: GENERAL INFORMATION

This Ordinance provides for the health, safety, and general welfare of the citizens of the Jurisdiction Entity through the regulation of stormwater and non-stormwater discharges to the storm drainage system and to protect, conserve and promote the orderly development of land and water resources within the Jurisdiction Entity.



SECTION 2: PROHIBITED DISCHARGES AND CONNECTIONS

No person shall discharge to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, through the use of best management practices.



SECTION 3: STORMWATER QUANTITY MANAGEMENT

Most streams and drainage channels serving the Jurisdiction Entity do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, the storage and controlled release of excess stormwater runoff shall be required for all developments and redevelopments within the Jurisdiction Entity.



SECTION 4: STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES

Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling.



SECTION 5: STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION

Developed areas generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants (fertilizers, herbicides, greases, oil, and salts). As new development continues, measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, and rivers.



SECTION 6: PERMIT REQUIREMENTS AND PROCEDURES

The project site owner shall submit an application for a Stormwater Management Permit to the Jurisdiction Entity. The application will include an application checklist, construction plan sheets, a stormwater drainage technical report, a stormwater pollution prevention plan, and any other necessary support information.



SECTION 7: COMPLIANCE AND ENFORCEMENT

If the Jurisdiction Entity determines that an applicant has failed to comply with the terms and conditions of a permit, an approved stormwater management design plan, a recorded stormwater management maintenance agreement, or the provisions of this ordinance, it shall issue a written Notice of Violation and impose fines to such applicant.

TECHNICAL STANDARDS

This up-to-date, consistent, comprehensive Model Stormwater Technical Standards Manual works hand-in-hand with its companion Model Stormwater Ordinance. The standards provide details of how the ordinance provisions will need to be satisfied and are intended to help counties and communities in Indiana manage stormwater impacts in a changing climate, which has exacerbated these impacts and created new concerns. Chapters 7, 8, and 9 have been specifically developed to meet IDEM's requirements for entities that have MS4 designation. Non-MS4 communities who do not wish to proactively regulate the stormwater quality in their communities can delete these chapters highlighted in green.

- Chapter 1: INTRODUCTION
- Chapter 2: METHODOLOGY FOR DETERMINATION OF RUNOFF RATES
- Chapter 3: METHODOLOGY FOR DETERMINATION OF RETENTION/ DETENTION STORAGE VOLUMES
- Chapter 4: STORM SEWER DESIGN STANDARDS AND SPECIFICATIONS
- Chapter 5: OPEN CHANNEL DESIGN STANDARDS AND SPECIFICATIONS
- Chapter 6: STORMWATER DETENTION DESIGN STANDARDS FOR PEAK FLOW CONTROL
- Chapter 7: CONSTRUCTION SITES STORMWATER POLLUTION PREVENTION STANDARDS
- Chapter 8: POST-CONSTRUCTION STORMWATER QUALITY MANAGEMENT STANDARDS
- Chapter 9: METHODOLOGY FOR DETERMINATION OF REQUIRED SIZING OF BMPs
- Chapter 10: MISCELLANEOUS REQUIREMENTS:
 - A. GRADING AND BUILDING PAD ELEVATIONS
 - B. LOT DRAINAGE
 - C. ADJOINING PROPERTY IMPACTS POLICIES
 - D. DEVELOPMENT WITHIN FLOODWAYS AND FLUVIAL EROSION HAZARD CORRIDORS
 - E. ADDITIONAL CONSIDERATION FOR DEVELOPMENT WITHIN OR ADJACENT TO BLUFF ZONES AND STEEP SLOPES
 - F. FLOODPLAIN AVOIDANCE/NO NET LOSS FLOODPLAIN STORAGE POLICY
 - G. POLICY ON DAMS AND LEVEES
 - H. DEVELOPMENTS DOWNSTREAM OF DAMS
- Appendix A: ABBREVIATIONS AND DEFINITIONS
- Appendix B: STANDARD FORMS

CHRISTOPHER B. BURKE ENGINEERING, LLC

February 2022

Stormwater Ordinance: Current Versus Proposed Summary

Column 1	Column 2	Column 3	Column 4	Column 5
Sections of Michigan City Municipal Code that Address Stormwater & Drainage	Title Code of Ordinances	Subtitle	Last Update	Proposed Changes
	MICHIGAN CITY INDIANA CODE			
	Chapter 1	GENERAL PROVISIONS		
	Chapter 2	ADMINISTRATION		
	Chapter 6	ADVERTISING		
	Chapter 10	AMUSEMENTS AND ENTERTAINMENTS		
	Chapter 14	ANIMALS		
	Chapter 18	AVIATION		
	Chapter 22	BUILDINGS AND BUILDING REGULATIONS		
	ARTICLE I.	IN GENERAL		
	ARTICLE II.	ADMINISTRATION AND ENFORCEMENT		
	ARTICLE III.	INDIANA ADMINISTRATIVE CODE		
	ARTICLE IV.	BUILDING DEMOLITION		
	ARTICLE V.	ELECTRICAL CODE		
	ARTICLE VI.	MECHANICAL CODE		
	ARTICLE VII.	PLUMBING CODE		
	ARTICLE VIII.	SWIMMING POOLS		
	ARTICLE IX.	HOUSING CODE		
	ARTICLE X.	BUILDING NUMBERING		
	ARTICLE XI.	CONTRACTORS		
Section 1	ARTICLE XII	POST-CONSTRUCTION ACTIVITY STORMWATER MANAGEMENT PLAN PROGRAM	2007	
Section 2	ARTICLE XIII	POST-CONSTRUCTION ACTIVITY EROSION AND SEDIMENT CONTROL PROGRAM	2007	
	Chapter 26	BUSINESSES		
	Chapter 30	CEMETERIES		
	Chapter 34	CIVIL EMERGENCIES		
	Chapter 38	COMMUNITY DEVELOPMENT		
	Chapter 42	ELECTIONS		
	Chapter 46	ENVIRONMENT		
	ARTICLE I.	IN GENERAL		
	ARTICLE II.	NOISE		
	ARTICLE III.	NUISANCES		
Section 3	ARTICLE IV.	JUNKED AND ABANDONED VEHICLES	2007	
	ARTICLE V.	LIQUID DISCHARGES AND CONNECTIONS PROGRAM		
	ARTICLE VI.	OUTDOOR HYDRONIC HEATERS		
	ARTICLE VII.	GRAFFITI NUISANCE CODE		
	ARTICLE VIII.	FLOODPLAINS		
	NEW ARTICLE IX.	STORMWATER & DRAINAGE		
	Chapter 50	FEES, FINES AND PERMITS		
	ARTICLE I.	IN GENERAL		
	ARTICLE II.	ADMINISTRATION		
	ARTICLE III.	ADVERTISING		
	ARTICLE IV.	AMUSEMENTS AND ENTERTAINMENTS		
	ARTICLE V.	ANIMALS		
	ARTICLE VI.	AVIATION		
	ARTICLE VII.	BUILDINGS AND BUILDING REGULATIONS		
	Sec. 50-131.	Reroofing, re-siding or window replacement permit fee.		
	Sec. 50-132.	Building permit fees; fee for moving building; permit fee for sidewalks, drives, parking lots, fences, grading, fill		
	Sec. 50-133.	Electrical permit fees.		
	Sec. 50-134.	Plumbing permit fees.		
	Sec. 50-135.	Heating, ventilating and air conditioning permit fees.		
	Sec. 50-136.	Permit fee for homeowners or businesses doing plumbing work on own premises.		
	Sec. 50-137.	Hotel, motel and roominghouse inspection fee.		
	Sec. 50-138.	Registration fee and renewal fee for general building contractors, building contractors and building subcontractors		
	Sec. 50-139.	Registration fee and renewal fee for master contractors of apartment complexes and residential rental properties		
	Sec. 50-140.	Registration fee for plumbing contractors and plumbing subcontractors.		
	Sec. 50-141.	Application fee for electrical and/or mechanical general contractors, electrical and/or mechanical contractors,		
	Sec. 50-142.	Registration of license fee and renewal fee for electrical and/or mechanical general contractors, electrical and/or		
Section 4	Sec. 50-143.	Penalty for violation of article XII (Post-Construction Activity Stormwater Management Plan Program).	2007	
Section 5	Sec. 50-144.	Penalty for violation of article XIII (Construction Activity Erosion and Sediment Control Program).	2007	
	ARTICLE VIII.	BUSINESSES		
	ARTICLE IX.	CEMETERIES		
	ARTICLE X.	CIVIL EMERGENCIES		
	ARTICLE XI.	COMMUNITY DEVELOPMENT		
	ARTICLE XII.	ELECTIONS		
	ARTICLE XIII.	ENVIRONMENT		
	Sec. 50-201.	Permit fee for temporary parking or storage of junk or abandoned vehicle.		
	Sec. 50-202.	Fine for loud noise violation.		
	Sec. 50-203.	Fine for violation of outdoor hydronic heaters.		
	Sec. 50-204.	Fine for person causing graffiti.		
	Sec. 50-205.	Fine for property owner failing to remove graffiti.		
	Sec. 50-206.	Fee for graffiti removal kit.		
	Sec. 50-209.	Fine for failing to abate nuisance order.		
Section 6	Sec. 50-210.	Fine for violation of article V (Liquid Discharges and Connections Program).	2007	
	Secs. 50-269 to	Reserved.		
	Sec. 50-269.	Permit Fees related to Stormwater and Drainage Ordinance		
	Sec. 50-270.	Fines for violations of Stormwater and Drainage Ordinance		
	ARTICLE XIV.	FIRE PREVENTION AND PROTECTION		
	ARTICLE XV.	HEALTH AND SANITATION		
	ARTICLE XVI.	HISTORICAL PRESERVATION		
	ARTICLE XVII.	HUMAN RELATIONS		
	ARTICLE XVIII.	LAW ENFORCEMENT		
	ARTICLE XIX.	MANUFACTURED HOMES AND TRAILERS		
	ARTICLE XX.	OFFENSES AND MISCELLANEOUS PROVISIONS		
	ARTICLE XXI.	PARKS AND RECREATION		
	ARTICLE XXII.	STREETS, SIDEWALKS AND OTHER PUBLIC PLACES		
	ARTICLE XXIII.	RESERVED		
	ARTICLE XXIV.	TRAFFIC AND VEHICLES		
	ARTICLE XXV.	UTILITIES		
	ARTICLE XXVI.	VEGETATION		
	ARTICLE XXVII.	VEHICLES FOR HIRE		
	ARTICLE XXVIII.	WATERWAYS		
	ARTICLE XXX.	MUNICIPAL COACH SYSTEM		
	Chapter 54	FIRE PREVENTION AND PROTECTION		
	Chapter 58	HEALTH AND SANITATION		
	Chapter 62	HISTORICAL PRESERVATION		
	Chapter 66	HUMAN RELATIONS		
	Chapter 70	LAW ENFORCEMENT		
	Chapter 74	MANUFACTURED HOMES AND TRAILERS		
	Chapter 78	OFFENSES AND MISCELLANEOUS PROVISIONS		
	Chapter 82	PARKS AND RECREATION		
	Chapter 86	STREETS, SIDEWALKS AND OTHER PUBLIC PLACES		
	Chapter 94	TRAFFIC AND VEHICLES		
	Chapter 98	UTILITIES		
	Chapter 102	VEGETATION		
	Chapter 106	VEHICLES FOR HIRE		
	Chapter 110	WATERWAYS		
	APPENDIX B	SUBDIVISION ORDINANCE		
	ARTICLE 19.	DESIGN STANDARDS		
Section 7	Sec. 06-07.	Stormwater management.	2011	
Section 8	Sec. 06-08.	Subdivision.	2011	
	ARTICLE 07.	IMPROVEMENTS		
	ARTICLE 08.	MODIFICATIONS AND WAIVERS		
	ARTICLE 09.	RE-SUBDIVISION AND VACATION OF PLATS		
	ARTICLE 10.	ADMINISTRATION AND ENFORCEMENT		
	ARTICLE 11.	DEFINITIONS		
Section 9	APPENDIX C	JOINT ZONING ORDINANCE	2011	
	ARTICLE 20.	STORMWATER MANAGEMENT		
	ARTICLE 22.	NATURAL RESOURCE PROTECTION		