

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY PLAN COMMISSION
JANUARY 28, 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, January 28, 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

Being the first meeting of the year, Planning Director Skyler York assumed the position of chair and called the meeting to order at approximately 6:05 p.m.

ROLL CALL

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

Commission Members Present:

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

Commission Members Absent:

Roscoe Hoffman – 1

Staff Present:

Planning Director Skyler York (in person), Attorney Steven Hale (via Zoom audio/video); 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.

ELECTION OF OFFICERS

Mr. York noted that officers for 2024 were: Daniel Granquist, President; Bruce De Medici, Vice-President; Rose Tejeda, Secretary.

Mr. York opened the floor for nominations for president.

Commissioner Tejeda nominated Daniel Granquist for president. There were no other nominations; nominations were closed. Mr. Granquist accepted the nomination. The roll was called, and the vote taken: (Ayes) Commissioners Balling, Conley, Dabney, De Medici, Granquist, Klinder, Tejeda, Werner – 8; (Nays) None – 0. APPROVED

Mr. York stepped down as chair. President Granquist assumed the position of chair and continued with the election of officers, opening the floor for nominations for vice-president.

Commissioner Klinder nominated Bruce De Medici for vice-president. Mr. Dabney seconded the nomination. There were no other nominations; nominations were closed. Mr. De Medici accepted the nomination. The roll was called and the vote taken: (Ayes) Commissioners Balling, Conley, Dabney, De Medici, Granquist, Klinder, Tejeda, Werner – 8; (Nays) None – 0. APPROVED

President Granquist asked for a motion to appoint a secretary.

Commissioner De Medici made a motion to appoint Rose Tejeda as secretary. Mr. Dabney seconded the motion. Ms. Tejeda accepted the appointment. The roll was called and the vote taken: (Ayes) Commissioners Balling, Conley, Dabney, De Medici, Granquist, Klinder, Tejeda, Werner – 8; (Nays) None – 0. APPROVED

Officers for 2025 are: Daniel Granquist, President; Bruce De Medici, Vice-President; Rose Tejeda, Secretary.

APPROVAL OF AGENDA

The chair entertained a motion for approval of the agenda.

Motion by Commissioner Werner – seconded by Commissioner Dabney approving the 01/28/2025 agenda as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Balling, Conley, Dabney, De Medici, Granquist, 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 November 26, 2024.

A motion was made by Commissioner Tejeda and seconded by Commissioner Balling to accept the minutes of the November 26, 2024 hybrid meeting as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Balling, Conley, Dabney, De Medici, Granquist, 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(3): Pyramid Properties requesting Final PUD Site Plan approval for The Moore Subdivision, located at Moore Road/Highway 12 (Represented by Attorney Anthony G. Novak)."

Mr. York recalled that the Preliminary PUD site plan was approved by the Plan Commission on October 22, 2024. He said that he has met with the Petitioner (Tony Macri) numerous times regarding this and it has gone through development review. He pointed out that a lot of work has been done on this up to a year before the October 22nd meeting. It was sent to the Common Council with a favorable recommendation from the Plan Commission and approved by the Common Council on December 3, 2024.

Anthony Novak (in person) addressed the Commission stating he is an attorney with Newby Lewis Kaminski & Jones in LaPorte, Indiana, indicating that he is present on behalf of Pyramid Properties, Inc. and their owner Tony Macri, seeking final approval of the PUD Plan known as The Moore. Mr. Novak noted that they will be before the Plan Commission next month for approval of the Major Subdivision Secondary Plat for Tract 1 (first 16 units) of this development. The focus tonight is on the Final PUD.

Mr. Novak gave a history pointing out that they were before the Plan Commission on October 22, 2024 with the Preliminary PUD Site Plan and received a favorable (9-0) recommendation for this development. He reminded everyone that this is a residential development with a total of 40 units on about 8.5 acres near the intersection of Moore Road and Highway 12. It currently is a retired church. He explained that they went before the Common Council with the PUD Ordinance on November 19, 2024 for first reading and December 3, 2024 for second and third reading which was unanimously approved and subsequently recorded on January 2, 2025. He said they are now before the Plan Commission with the Final PUD. He noted that there were four conditions with the Preliminary PUD approval: 1) Do an updated basin design for tract 1 to essentially enlarge the basins to 150%; 2) The Tract 2 stormwater plan would be presented, reviewed, and approved prior to the Primary Plat of Tract 2 (in the future); 3) Prior to any sale of a unit, the Conservation Easement will be recorded; and 4) A Basin Maintenance Agreement be created and made part of the PUD Plan.

Mr. Novak confirmed that of those conditions, the basins were redesigned to meet the requirements that were asked of them, and per a memo yesterday from Al Walus, he reviewed the plans and indicated they meet what needs to be done and it can be

approved. He also confirmed that the form of Conservation Easement has been negotiated, reviewed, and approved by Attorney Steve Hale. Mr. Novak stated that once the PUD is approved, he will insert that recorded information into the Conservation Easement and have it recorded. He indicated that the Tract 2 component is premature just because they are not there yet but said other than that all the conditions have been met.

In addition to those conditions, and after they submitted the Final PUD on December 26, 2024, Mr. Novak stated they had a couple additional requests. The City Engineer asked that they replace the existing wet well structure located on Birch Tree Lane and relocate it. Mr. Novak confirmed that they had done that with their plans. The Water Department asked that they extend the water main on Tract 1, which Mr. Novak confirmed they have done as well.

In closing, Mr. Novak stated that all the conditions and requests have been completed, they believe they are in compliance with the conditions set forth, and he respectfully asked for final approval of the PUD tonight.

The chair asked if there were any questions from Commissioners.

Commissioner Dabney commented that when they came before the Common Council there was no dissent for this project; everyone was in favor of it.

Mr. York asked Mr. Novak for confirmation that they have satisfied the Water Department request.

Mr. Novak confirmed that they have and it is incorporated into the plans. He explained that they wanted to make sure the water lines were connected between the tracts and they wanted the main extended.

Mr. York pointed out that even if they grant easements to the Water Department, it would not be done through this process, it would be done through the subdivision process.

Mr. Novak agreed with Mr. York that the easements are platted during the subdivision process.

The chair called for the staff report.

Mr. York read his report into the record (attached hereto and made a part of the minutes [1]), noting that he is incorporating by reference the staff report from October 22, 2024 with a favorable recommendation. He pointed out that the only thing that changed from that are things that the City Engineer and Water Department required, which have all been satisfied. Mr. York reviewed the four conditions of approval, which were also approved by the City Council as well. 1) The Applicant must provide the City MS4

Coordinator/Review an updated basin design for 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. Mr. York indicated that the condition was satisfied, and with the depth and size of the ponds, it results in less runoff than what is being produced right now. 2) Tract 2 stormwater plan and design will be reviewed and approved at the time of primary plat to ensure that adequate detention for stormwater is provided. Mr. York said to keep in mind that they are requesting Tract 2 final plat approval at the next meeting. 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. Mr. York noted that it has been prepared and will be executed at the time of final plat approval.

Mr. Novak clarified that once the PUD is approved and the HOA formed it will be recorded prior to any sales.

Mr. York continued reviewing the conditions. 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. Mr. York noted that condition has been satisfied as well. The Basin Agreement has been executed between the PUD and Sanitary District and will now become a covenant and restriction to be added to the HOA.

Mr. Novak confirmed that it is part of the PUD Ordinance that was recorded.

Mr. York verbally changed his recommendation as conditions #3 and #4 have been met and he is satisfied. He recommended approving the Final PUD Site Plan as presented. He noted a couple other things the developer agreed to do outside of these conditions which included the City Engineer suggesting moving the basin so it is not in the middle of one of the drives, and that they also provide some other stormwater infrastructure in the right-of-way.

Commissioner Werner stated that he appreciates they have acted on the catch basin issue which was in the main entryway.

The chair called for the attorney's report.

Attorney Hale read his report into the record (attached hereto and made a part of this record [2]). He gave a brief history of the request, noting that the Common Council approved Ordinance No. 4754 which approved the requested petition and incorporated the four conditions. He explained the process for Final PUD Site Plan approval. He advised that the Plan Commission is required to review the Final PUD Site Plan and determine that it is substantially in compliance with the Preliminary PUD Site Plan that

was approved on 10/22/24, and that the conditions attached to it have been satisfied. He continued, advising that there is no requirement for additional notice or a public hearing. Attorney Hale listed in his report all the materials submitted by the petitioner, as well as all the new documentation that has been supplied, and materials provided at the preliminary stage, all of which he said should be considered part of the record. Attorney Hale advised that the Plan Commission is free to make a motion approving or not approving this matter; the motion based upon its compliance with Preliminary PUD Site Plan and any conditions that were attached to that.

The chair called for department reports.

Mr. York read comments from the Water Department (attached hereto and made a part of this record [3]), indicating no objections to the PUD but requested stipulations. Mr. York noted that those stipulations have been satisfied. Mr. York read comments from MS4 and City Engineer (attached hereto and made a part of this record [4]), both indicating satisfaction with compliance. Mr. York read comments from the Sanitation Department indicating that Stormwater Management Permit 2025-001 was issued on 1/27/25 for Tract 1 of the development, and Mr. York also read additional comments from MS4 indicating the SWPPP approval form was completed and issued on 1/27/25 (both attached hereto and made a part of this record [5]).

There were no further questions/comments from Commissioners.

The chair opened comments to the public.

Scott Meland (in person) stated his address is 200 Kenwood Place, Michigan City, Indiana. He pointed out a couple of things, commenting that the City is building the Lake Street lift station in part to allow this type of development. He said it is good to see development is happening and that it is good City planning. He commented that the developer has accommodated every request that the City has made. Mr. Meland pointed out that the developer is only proposing 44 units, wherein zoning allows him to build 66, which is a 50% reduction in potential density. He said it fits the area very well and by economics it determines this will be a high-end development. He also pointed out that the developer accommodated the request to move the entrance from where the original entrance was on Moore to the side street (Birch), moved the sanitary sewer, and enlarged the stormwater basins to 150% of what the engineer felt was required. Mr. Meland commented that this sounds like a positive development and the developer seems like he will do a good job and has accommodated every request from the City. He encouraged the Plan Commission to approve it.

Tommy Kulavik (in person) stated his address is 1316 Ohio Street, Michigan City, Indiana. He echoed Mr. Meland's comments and wished the developer a safe and successful project. He said he thinks it will be wonderful that there will be some high-end housing for working Michigan City families to move in there. He encouraged those families to

send their students to Michigan City Area Schools to help boost the continuously declining enrollment. He reminded everyone that there is a local hiring ordinance in Michigan City, and he hopes they get good local union contractors on this job.

There were no other public comments. The chair closed public comments.

The chair entertained a motion.

A motion was made by Commissioner Dabney and seconded by Commissioner Werner approving Petition 903-24(3) for Final PUD Site Plan approval for The Moore located at Moore Road/Highway 12. The roll was called, and the vote taken: (Ayes) Commissioners Balling, Conley, Dabney, De Medici, Granquist, Klinder, Tejeda, Werner – 8; (Nays) None – 0. With 8 in favor and 0 opposed, the MOTION CARRIED.

NEW BUSINESS / OLD BUSINESS

Mr. York stated that a new stormwater ordinance will hopefully be presented next month. He explained that it will become its own section in the City Code. Currently, it is housed in the Zoning Code. He is not sure why it is in the Zoning Code but stated that it should be a code that it is passed on its own standing and incorporated into the City's Municipal Code. The Plan Commission will be asked to review the ordinance. It will need to be removed from the Zoning Code, redacting the Zoning Code, but making sure the Zoning Code has the correct references to reference back to the ordinance created by the City Council. It will still play a part in numerous things like the PUD. Mr. York stated that he, along with Attorney Hale will be reviewing it, and he will provide it to the Plan Commission in February. The goal is to move it simultaneously through the Plan Commission approval process and then onto the Common Council for their approval.

Commission Klinder asked what caused it to be brought up to be separated from the Zoning Code and made into a new ordinance.

Mr. York replied that the reason for doing this is that our Zoning Code is out of date. It is two years out of date with respect to the new ordinances that have come out regarding stormwater. He recalled that during this PUD process, Christopher Burke Engineering was helping staff. This development that was passed tonight will exceed what would be required in the future. He said he does not know the answer to why it is currently housed in the Zoning Code, stating that during his time with the City it has always been the Sanitary District that has done MS4, stormwater, and SWPPP; it has never been the Planning Department. He believes there is a reason for that because there is a separation of jurisdiction/authority. Other cities they have looked at do not have it in their Zoning Code; it is a standalone code.

Commissioner Werner added that the communities he has worked in before as a consultant engineer, the MS4 requirements are primarily just involving the engineering

department and hydraulics, not in zoning. He recalled during their investigation into where all the different codes and ordinances were, they have been in many different places, as opposed to now where MS4 requirements are in one place with the Sanitary District and referenced back to that in the codes.

Mr. York stated that it will streamline that process and will provide a checklist of stormwater requirements. When a project goes through a development review, there will be a form given to the developer letting them know what is required. He said it will be helpful and take some of the burden off the Sanitation Department with trying to get the correct documents.

PUBLIC COMMENTS

(None)

COMMISSIONER COMMENTS / DIRECTOR'S COMMENTS

Commissioner Klinder commented that it is great to start off the year with a proposal like this one that the Commission approved tonight for the Moore Road project.

Commissioner Balling thanked Mr. York for his persistence; stated that Kyle Anthony-Petter will be missed; he is happy for Michigan City that they are moving ahead on projects like this.

With the comment that came up from Mr. Kulavik talking about the hiring ordinance, Commissioner Dabney asked Mr. York what projects fall under the hiring ordinance, and if this is a project that falls under the purview of the hiring ordinance.

Mr. York replied that this project does not fall under the hiring ordinance. The hiring ordinance covers projects that the City would be participating in – public works projects. An example would be the Lake Avenue sanitary lift station project, which did require the local hiring ordinance. The Sanitary District did that in their bid process. It has already been reviewed and approved to Woodruff & Sons. Mr. York stated that this PUD project is a private development. All that the developer is seeking from the City is to do this project; the City is not participating in anything, so the developer is not required to meet that hiring ordinance.

Commissioner Granquist commented that this is a good Plan Commission and that he looks forward to a good year with new petitions and new development coming into our city. He thanked and recognized Mr. York and the staff for all their work, diligence, and preparation for all this because when the Plan Commission receives a petition, a lot of work by staff has already gone into it. He thanked Ms. Wilson for the minutes prepared every month. He also thanked Mr. White for the online technology.

ADJOURNMENT

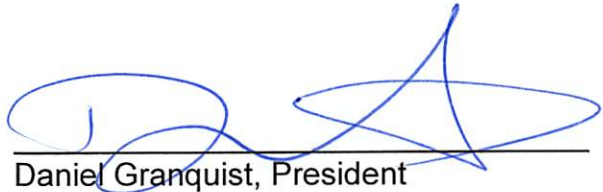
The chair entertained a motion to adjourn.

Motion to adjourn by Commissioner Werner – seconded by Commissioner Klinder and unanimously approved.

President Granquist declared the meeting adjourned at approximately 6:45 p.m.

ATTACHMENTS

- [1] Staff report 903-24(3)
- [2] Attorney report 903-24(3)
- [3] Water Department comments 903-24(3)
- [4] MS4 & Engineer comments 903-24(3)
- [5] Sanitation Department & additional MS4 comments 903-24(3)



Daniel Granquist, President

ATTEST:



Rose Tejeda, Secretary

ATTACHMENTS 1-5

1/28/2025 PLAN COMMISSION MINUTES

MICHIGAN CITY PLAN COMMISSION

January 28, 2025

Case # 903-24(3) The Moore PUD (Pyramid Properties) FINAL PUD SITE PLAN

Request

Final PUD Approval: The Moore PUD

Staff Analysis

The petitioner requested and received approval of ~~Final~~ ^{- Preliminary} PUD Site plan for The Moore PUD on October 22, 2024, Planning Commission Meeting. Staff would like to incorporate by reference the staff report from October 22, 2024 with a favorable recommendation.

The petition then went to City Council, with a favorable recommendation from the plan commission and the petition was approved on December 3, 2024.

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

Staff recommends final approval subject to conditions #3 and #4 being satisfied and submitted to the Enforcement official for review and approval.

MICHIGAN CITY PLAN COMMISSION

October 18, 2024

Case # 903-23(1) The Moore PUD (Pyramid Properties)

Request

Approval of a new PUD to develop 44 New Dwellings

Staff Analysis

According to the Zoning Ordinance, the 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 ordinance further states that the standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications. In order to encourage PUD developments on specific properties, the Plan Commission and City Council may relax or waive one or more of the requirements of the underlying zoning district through the approval of a PUD Overlay District ordinance.

The property in question is currently a former Church and large associated parking lot. The underlying zoning is R2A Multi Family Zoning District. The land immediately adjacent to the North is R2B Multi Family Residential zoning. The land in question has never been formally subdivided and no record has been found of a previous subdivision. The developer is proposing a two-phase subdivision and development plan consisting of attached 16 town homes in Tract 1 (Phase 1) and duplexes in Tract 2 (Phase 2).

According to Section 25.08, based upon the following standards, the plan commission may deny, approve, or approve with conditions the proposed preliminary PUD site plan, subject to approval of the PUD ordinance by the legislative body. Planning department makes the following findings in accordance with section 25.08:

(a) The PUD shall meet the qualifying conditions of Section 25.02.

(a) **Demonstrated Benefit.** The PUD shall provide one or more of the following benefits not possible under the requirements of another zoning district, as determined by the plan commission:

(1) **Preservation of significant natural features or farmland.**

(2) **A complementary mixture of uses or a variety of housing types that provides a benefit to the community over conventional development.**

The underlying zoning allows 8 units per acre (8 acres = 64 units) and the petitioner is proposed 44 units which is a significant reduction of density on the site and the units will be a mixture of townhome and duplexes which compliments what is currently surrounding the property.

(3) Common open space for passive or active recreational use. The petitioner is providing both passive and active recreational on site. Open areas provide places to gather while the Singing Sands Trail provides opportunity for active.

(4) Off-site mitigation to community impacts resulting from the development, such as public roadway improvements to maintain or improve roadway level of service. The petitioner has agreed to close the original entrance from Moore Road for the church at the request of the City Engineer and provide access from Birchtree, this is a significant improvement for the intersection of Moore Road and Birchtree.

(5) Redevelopment of an outdated urban site or brownfield site where creative design can address unique site constraints. *This site was developed as a church in the 60's. This PUD will reduce allowable density and create a unique neighborhood and also create 44 new taxable residential units.*

- (b) Availability and Capacity of Public Services. The proposed type and density of use(s) shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities. *The Proposal as presented has been reviewed by the MS4 consulting engineers for the city, the city consulting engineers have worked with the petitioner's engineers for a solution for stormwater detention that will not adversely affect surrounding properties. Other utility capacities are adequate to handle the proposed development.*
- (c) Compatibility with the County Land Development Plan. The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the county or city county land development plan. *This land is zoned for multifamily development and proposed for the same in the Comprehensive Plan and County Land Use Plan.*
- (d) Compatibility with the PUD Purpose. The proposed PUD shall be consistent with the intent of this Article and spirit of this Ordinance. *This proposal is keeping with the intent of the Article and Ordinance. In fact, it is an example of how a residential PUD should be used.*
- (e) Development Impact. The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance. *Once the stormwater is engineered to meet the specifications required of the Sanitary District, the PUD will not impede the continued use or development of the surrounding properties.*

- (a) The PUD must be consistent with the county land development plan.

The proposed PUD amendment is currently exceeding twenty-five (25%) percent conservation requirement as 53% of the land will be used for open space and conservation easement. The proposed use is compatible with the overall goals of residential use as proposed in Michigan City Comprehensive Plan and the City (County) Land Development Plan.

- (b) The uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone or that of any other zoning district.

The underlying zoning of this parcel of land is R2A, multi-family residential district. This district allows duplexes, townhomes, and apartments at a density of 8 per acre. The parcel has the potential for a maximum density of 68 units but the developer is proposing 44 units and on a significantly reduced footprint on the property. This will will reduce congestion in the area and reduce demand for utility capacity.

- (c) Any modifications to the dimensional standards of this Ordinance, such as lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards shall be reviewed and approved by the plan commission.

The modifications have been provided in the PUD documents and are acceptable to planning department based on the comparison with the required standards.

- (d) Any increase in the density requirements of the underlying zoning district must be approved by the plan commission and be included under review of the preliminary PUD site plan and in the PUD ordinance.

The developer is not proposing any increases in density and is actually proposing a decrease from the allowable density.

- (e) The number and dimensions of off-street parking shall be sufficient to meet the minimum required by Article 18. However, where warranted by overlapping or shared parking arrangements, the plan commission may reduce the required number of parking spaces in the PUD ordinance.

This petition did not request any special consideration for parking or off-street parking

- (f) All roads and parking areas within the PUD shall meet the minimum design standards, unless modified by the plan commission and legislative body in the PUD ordinance.

The access roads in this development will be private drives and remain private and cared for by the HOA for the development.

- (g) Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided.

The access drives provide plenty of circulation around the development and the developer has agreed to close the original access for the church from Moore Road and access the site from Birchtree which is a safer access plan for the development. This was at the request of the city engineer for safety concerns on Moore Road.

- (h) Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall meet or exceed the standards of Article 17.

The proposed landscaping plan and preservation of existing trees meets the intent of Article 17 at this time and will be reviewed again at the time when application for permits is made to insure that the landscaping is met.

- (i) Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land.

The developer is trying to conserve what trees they can in order to accommodate the development as well as lay out additional land for conservation.

- (j) Adequate water and sewer facilities shall be available or shall be provided by the developer as part of the site development.

The developer has already had significant conversations with each utility. The sanitary district has reviewed the stormwater plan and provided a recommendation to the developer that will protect the surrounding area from stormwater runoff by capturing and retaining the stormwater onsite for the Tract 1 phase.

Staff Recommendation

Planning staff has reviewed the proposed Preliminary PUD Site Plan and PUD Overlay District, and recommends that the Plan Commission forward the proposed Preliminary PUD Site Plan and PUD Overlay District Ordinance to the City Council with a favorable recommendation subject to the following conditions:

#1 The petitioner must provide the city MS4 coordinator/reviewer a 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.

Attorney Report

Petition No.: 903-24(3)

Applicant/Owner: Pyramid Properties, Inc.
P.O. Box 175 New Buffalo, Michigan

Engineer/Surveyor: Arkos Design
117 Lincolnway West
Mishawaka, IN 46544
Darla D. Aldred, Landscape Architect

Bertsch-Frank & Associates
Land Surveyor's & Consultants
Wayne P. Richardson, Professional Engineer

Request: Final PUD Site Plan approval

Location: 8.593 acres lying generally north of U.S. Highway 12
and west of Moore Road, referred to as Parcel
46-01-14-476-001.000-022. Referred to as "the
Property"

The Preliminary PUD Site Plan was approved by the Plan Commission at its October 22, 2024 meeting and was forwarded to the Michigan City Common Council with a favorable recommendation for granting the requested Petition, but subject to 4 conditions set out in the Resolution from the Plan Commission to the Michigan City Common Council. The Michigan City Common Council unanimously approved Ordinance No. 4754 which approved the requested Petition and incorporated the 4 conditions.

Pursuant to our Zoning Ordinance for a Planned Unit Development ("PUD") as set out in Article 25, following approval of the Preliminary PUD Site Plan by the Plan Commission and the Michigan City Common Council, the Petitioner is to file a Final PUD Site Plan with the Plan Commission for review and approval. With this Petition, the Petitioner has filed its Final PUD Site Plan and is requesting approval. The Petitioner received preliminary plat approval from this Commission also on October 22, 2024, but will request final plat approval at a later date. So, this request is only for approval of the Final PUD Site Plan.

The Plan Commission review shall determine that the Final PUD Site Plan meets with the standards and regulations of the Zoning Ordinance (see Sections 25.08 and 25.10 of Zoning Ordinance) and that any condition attached to the Preliminary PUD Site Plan approval were satisfied.

The Plan Commission approval of the Final Site Plan should be based upon the standards set out in Section 25.08 of our Zoning Ordinance and Article 30 of our Zoning Ordinance (particularly Section 30.07).

A motion on the request for Final Site Approval could take the following form:

I move that the Michigan City Plan Commission finds that Petition 903-24(3) (meets/does not meet) the standards and requirements of the Michigan City Zoning Ordinance as a Final PUD Site Plan and (approves or denies) Petition 903-24(3) and the Petitioner's submitted materials as the Final Site Plan.

The Petitioner has submitted additional materials with this request for final approval, namely:

- (a) Final PUD Plan plat dated December 20, 2024;
- (b) Stormwater Management Best Management Practices Maintenance Agreement dated December 13, 2024, signed by the developer Pyramid Properties, Inc. and Chris J. Yagelski, General Manager for the Sanitary District of Michigan City;
- (c) Stormwater Management Report for Tract 1 dated December 10, 2024, which, along with the Final PUD updated the basin design from the preliminary PUD so that the basins have been oversized to handle 150% volume of the peak 100-year storm event;
- (d) Construction Storm Water Pollution Prevention Plan for Tract 1, dated December 2024;
- (e) Stormwater Checklist;
- (f) Existing Photos of the Property;
- (g) Checkpoint Agency Review Form Preliminary and Final PUD
- (h) Email dated January 13, 2025 from Christopher Johnsen to Zack Brown.
- (i) Site Construction Documents for The Moore-Tract 1 (21 pages).
- (j) Secondary Subdivision Plat for The Moore (2 pages).
- (k) The materials included in the file "The Moore-Final PUD Plan Submission", namely:

1. Final PUD Plan dated December 20, 2024;
2. Stormwater Management Best Management Practices Agreement dated December 13, 2024 signed by Pyramid Properties, Inc and Sanitary District of Michigan City;
3. Stormwater Management Report For Tract 1 dated December 10, 2024;
4. Construction Storm Water Pollution Prevention Plan (SWPPP) for Tract 1 dated December 2024;
5. Stormwater Checklist;
6. Existing Photos of Property;
7. The transmission email to the Plat Commission dated 26, 2024 referencing the above.

(1) The following documents:

1. The Moore Development PUD Plan (2 pages);
2. Checkpoint Agency Review Form Preliminary and Final PUD dated 1/6/2025 (3 pages);
3. Updated version of Conservation Easement;
4. Email from Anthony Novak to Skyler York regarding the above.
5. Email from Anthony Novak to Skyler York dated January 23, 2025 and the documents attached, replacement page 3 of 3 of The Moore Development PUD Plan and FINAL PUD Review - City Engineer.

The record in this matter includes the new material above and all of the materials submitted with the request for Preliminary PUD Site Plan Approval, namely:

- (a) Instructions for filing a Petition before the City of Michigan City Plan Commission.
- (b) Michigan City Plan Commission Petition for Public Hearing signed by Tony Macer, President of Pyramid Properties, Inc.
- (c) Acknowledgment of the Michigan City Plan Commission Public Hearing Notice Requirements signed by Petitioner's attorney, Anthony G. Novak.

- (d) A copy of Notice for publication and mailing.
- (e) Beacon Report (Exhibit 1).
- (f) Legal Description.
- (g) Written Description of Project (Exhibit 2).
- (h) The Moore Development PUD Plan (Exhibit 3) being:
Preliminary Pud Site Plan (3 pages) consisting of:
 - The Moore Development PUD Plan Cover Sheet-Sheet 1
 - The Moore Development PUD Plan-Pud Site Plan-Sheet 2
 - The Moore Development PUD Plan-General Engineering Information-Sheet 3
- (i) The Moore Tract 1 Set (Exhibit 6) being:
Primary Subdivision Plat For The Moore -for Tract 1-Townhomes,
including:
 - Primary Subdivision Plat
 - Tract 1 Site Plan
 - Trace 1 Erosion Control Plan
 - Tract 1 Drainage Plan
 - Tract 1 Utility Plan
 - Tract 1 Landscape Plan
- (j) Stormwater Management Report (Exhibit 5).
- (k) Requested Deviations From Underlying Zoning Districts (Exhibit 7).
- (l) Proposed Commitments, Restrictions, Covenants (Exhibit 8).
- (m) Proposed Ordinance (Exhibit 9).
- (n) List of names and addresses of neighboring property owners.
- (o) Beacon Overview (Exhibit 11).
- (p) Proposed Conservation Easement.
- (q) Documents presented by Petitioner at the Plan Commission meeting of October 22, 2024.

Respectfully submitted,



Steven A. Hale

Street Department comments (Shong Smith - ssmith@emichgancity.com):

By: _____

Health Department comments (Amanda Lahners - alahners@laporteco.in.gov)

By: _____

Water Department comments (Christopher Johnsen - cjohnsen@mcwaterdept.com):

903-24(3)
 The Department of Water Works has no objections to a PUD for the purposes of this development. However, there are several stipulations that the Department has requested of the Developer for the Department to quote, install, and take ownership of the potable water lines within the PUD. Attached is an e-mail with those details that has been provided to the Developer. I do recommend that the PUD decision be contingent on a final agreement between the Department and the Developer.

By: Chris Johnsen 1/13/25

Sanitation Department comments (Tony Bazil – abazil@mcsan.org) (Al Walus – awalus@cbbel-in.com) :

By: _____

Legal counsel comments (Steve Hale - halelaw@sbcglobal.net):

Christopher Johnsen

From: Christopher Johnsen <cjohnsen@mcwaterdept.com>
Sent: Monday, January 13, 2025 5:37 PM
To: 'Zach Brown'
Cc: 'Wayne Richardson'
Subject: RE: The Moore (Development) - Public Water Main

Good afternoon, Zach.

I am good with the water main being installed in this PUD and it being a public water main. I will state the following for the Department to take ownership of the main:

- The need for the easements along the private road is correct. Since this is an open utility easement, there needs to be a plan for the acceptable location of non-public utilities (CATV, electric, gas, fiber, phone, etc.) . The reason is that since this is a privately owned easement, those other utilities have a history of installing directly over our facilities. Normally, the Department requires it own 10-foot wide easement that is recorded so that if other utilities lay within that space, we can make them move. Could you specify location for those other utilities that allows a minimum of 5-foot horizontal separation from our utility?
- The Department will procure and install the materials. We will quote the materials, subtract the 3-year estimated revenues for the number of units to be served in tract 1, and you would pay the net cost of the materials. Since your engineer has already drawn a design, we would only need them to sign off on the IDEM Notice of Intent. We will be able to provide the necessary information for them to complete the calculations. The installation labor and testing is at our expense. After the main is installed and tested, you would need to pay tap fees for the units as they are being built.
- This main in tract 1 must be attached to the main for tract 2 when tract 2 is installed, or, if the road is being put in as part of the first tract, then I would recommend having us bring the main to the tee that would be necessary. This will greatly improve flows and water quality through the subdivision. The segment for tract 1 needs to be 6-inch. The segment for tract 2 can also be 6-inch if both tracts are tied together. The line tying into the existing 8-inch main can be 6-inch if the two tracts are tied together.
- I do need a note from the Fire Department that they are satisfied with the decision regarding fire hydrants for tract 1.

These requirements for the Department to take over ownership of this water main will be included in my comments for the PUD request.

Christopher Johnsen
 Superintendent
 Department of Water Works
 PO Box 888
 532 Franklin St.
 Michigan City, IN 46361

[Cjohnsen@mcwaterdept.com](mailto:cjohnsen@mcwaterdept.com)
 Phone: 219-874-3228 ext. 111

From: Zach Brown <zbrown@bertschfrank.com>
Sent: Tuesday, January 7, 2025 7:05 AM
To: cjohnsen@mcwaterdept.com

Cc: Wayne Richardson <wrichardson@bertschfrank.com>
Subject: The Moore (Development) - Public Water Main

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Hi Chris,

I am reaching out in regards to The Moore, which is the residential subdivision planned at the former St. Andrew's Church site. The Primary Plat & Preliminary PUD have been approved, and we have submitted documents for Secondary Plat & Final PUD review. Bertsch-Frank & Associates is the civil engineer for this project, and we wanted to reach-out directly to coordinate the water for "Tract 1" which is the first phase of development. Some information about the water:

- Per our previous conversations, we are leaning toward a public water main extension.
- The road connecting the new townhomes is a private driveway with a 44' easement for utilities
- Per our previous conversations, the water main will be CL50 Ductile Iron (approx. 500 LF with a dead-end blow-off assembly)
- No hydrants for Tract 1 (existing hydrants on Moore Rd & Birch Tree Lane provide adequate coverage)

Could you please review the attached plans? We would like to coordinate the following:

1. Determination of water main size?
2. Any additional specifications or standard drawings we need to include on our plans?
3. Flow tests needed?
4. Does your department handle the IDEM permitting, or does that fall on the developer?

Thank you,

Zachary Brown, EI, CESSWI

Bertsch - Frank & Assoc. LLC
 811 Lawrence Dr.
 Ft. Wayne, IN 46804
 T (260) 459-9393
 F (260) 459-9303
www.bertschfrank.com

CHECKPOINT AGENCY REVIEW FORM PRELIMINARY AND FINAL PUD

NOTE: Per Joint Zoning Ordinance of the City of Michigan City, Effective 1/1/11, Section 25.06 Application and Review Procedure for Preliminary and Final PUD (c) Checkpoint Agency Review: The following agencies shall review the attached application prior to the Plan Commission hearing and recommend changes or sign-off that they do not have concerns with the application: (1) Natural Resource Conservation Service (NRCS); (2) Drainage Board or MS4 coordinating agency; (3) City or county engineer; (4) Fire Department; (5) Street or highway department; (6) Health Department; (7) Utility providers (water, sewer) if applicable.

PETITION NO: 903-24(3)
PETITIONER: Pyramid Properties
REQUEST: Final PUD
ADDRESS: Moore Road/Highway 12
DATE: 1/6/2025

Please provide comments to our office by 1/13/2025 to debbiew@emichigancity.com

MS4 comments (Tim Werner – twerner@emichigancity.com) :

The Stormwater report has been reviewed by the City Engineer and staff of CBBEL, consultant to the MCSD. Any earlier submittal review comments have been incorporated to the satisfaction of the MCSD and the City Engineer for MS4 compliance.

By: Timothy D. Werner
 Timothy Werner, P.E.; City Engineer

City Engineer comments (Tim Werner – twerner@emichigancity.com) :

Site work components as to roadway, sidewalks, drainage structures and pipe appear to meet local and applicable codes and standards and are found to be satisfactory. The City Engineer recommends to replacement of the existing Wet Well Structure in the curb line of Birtchtree Lane at the proposed drive entrance and the new structure be moved to the west side of this proposed driveway entrance.

By: Timothy D. Werner
 Timothy Werner, P.E.; City Engineer

Fire Department comments (Jeff Bruder - jebruder@emichigancity.com):

By: _____

By: _____

Street Department comments (Shong Smith - ssmith@emichlgancity.com):

By: _____

Health Department comments (Amanda Lahners - alahners@laporteco.in.gov)

By: _____

Water Department comments (Christopher Johnsen - cjohnsen@mcwaterdept.com):

By: _____

Sanitation Department comments (Tony Bazil – abazil@mcsan.org) (Al Walus – awalus@cbbel-in.com) :

Stormwater Management Permit #2025-001 was issued on 1/27/25 for The Moore Tract 1 development.

By: Al Walus

Legal counsel comments (Steve Hale - halelaw@sbcglobal.net):

**CHECKPOINT AGENCY REVIEW FORM
PRELIMINARY AND FINAL PUD**

NOTE: Per Joint Zoning Ordinance of the City of Michigan City, Effective 1/1/11, Section 25.06 Application and Review Procedure for Preliminary and Final PUD (c) Checkpoint Agency Review: The following agencies shall review the attached application prior to the Plan Commission hearing and recommend changes or sign-off that they do not have concerns with the application: (1) Natural Resource Conservation Service (NRCS); (2) Drainage Board or MS4 coordinating agency; (3) City or county engineer; (4) Fire Department; (5) Street or highway department; (6) Health Department; (7) Utility providers (water, sewer) if applicable.

PETITION NO: 903-24(3)
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Please provide comments to our office by 1/13/2025 to debbiew@emichigancity.com

MS4 comments (Tim Werner – twerner@emichigancity.com) :

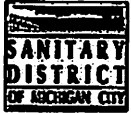
Additional Comments from Al Walus: An official SWPPP approval form was completed and issued on 1/27/25.

By: Al Walus

City Engineer comments (Tim Werner – twerner@emichigancity.com) :

By: _____

Fire Department comments (Jeff Bruder - jebruder@emichigancity.com):



To: Skyler York, Dir. of Planning & Development; Tim Werner, City Engineer
From: Al Walus, Operations & Inspections Manager
Subject: Plan Commission Petition 903-24 – The Moore PUD – Stormwater Review Update #3
Date: January 27, 2025
cc: Chris Yagelski, Rhonda Anderson

Within the October 15, 2025, Stormwater Drainage Plan Review Update #2 memorandum for this project, the conclusions contained in the memorandum stated that Tract 1 Basin 1.1 and Basin 1.2 are to be oversized to accommodate additional flow to address emergency bypass conditions. Based on a review of the updated Bertsch-Frank & Associates "Stormwater Management Report" for The Moore Tract 1 Development dated December 10, 2024, this requirement has been satisfied. Thus, the stormwater/drainage plan for this project satisfies local standards and is considered approved.

A formal Sanitary District of Michigan City "Stormwater Management Permit" Number 2025-001 has been issued under a separate document.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Walus".

Al Walus, Operation & Inspections Manager
Sanitary District of Michigan City



SANITARY DISTRICT OF MICHIGAN CITY

STORMWATER MANAGEMENT PERMIT

1100 E. 8th St. * Michigan City, IN * Phone: (219) 874-7799

GENERAL PROJECT INFORMATION	
Project Name:	The Moore Tract 1 Development
Project Location:	Moore Road & Birch Tree Lane
Project Tracking #:	MCSD Stormwater Permit #2025-001
Project Acreage:	2.7 Acres (Tract 1)
Hydrologic Unit Code:	HUC 0404 0001 090 020
Plan Received Date:	Multiple Submittals; Final Submittal Received 1/6/25
Plan Reviewed Date:	Final Review: 1/27/25
PROJECT CONTACT INFORMATION	
Project Owner's Name:	Tony Macri, Pyramid Properties, Inc.
Address:	
City/State/Zip:	
Telephone:	
E-Mail:	
PLAN PREPARER INFORMATION	
Plan Preparer:	Wayne Richardson, Bertsch-Frank & Associates
Address:	811 Lawrence Drive
City/State/Zip:	Fort Wayne, IN 46804
Telephone:	260-459-9393
E-Mail:	wrichardson@bertschfrank.com
PLAN REVIEWER INFORMATION	
Plan Reviewer:	Al Walus, Operations & Inspection Manager
Address:	1100 E. 8 th Street
City/State/Zip:	Michigan City, IN 46360
Telephone:	219-874-7799
E-Mail:	alwalus@mcsan.org



PLAN IS ADEQUATE

Reviews of the stormwater/drainage plan and the Stormwater Pollution Prevention Plan (SWPPP) have been completed and it has been determined that the minimum requirements of local stormwater/drainage standards and the IDEM Construction Stormwater General Permit (CSGP) have been satisfied.

Michigan City MS4
Representative: _____

Al Walus
Signature

1/27/25

Date

Comments:

This MCSD Stormwater Permit is related to PUD Petition Number 903-24.