



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

October 23, 2025

Case Number: 2025-ZON-109

Property Address: 8631 and 8701 Lepart Court, 6350, 6359, 6360, 6408 and 6416 Shamel Drive, 8620, 8621, 8631, 8632, 8643, 8644, 8719, and 8720 Mariesi Drive, 8723 – 8909 Bergeson Drive, 6202 Bergeson Drive, and 6652 Residence Drive (Approximate Addresses)

Location: Pike Township, Council District #1

Petitioner: Jeffrey M. Bellamy

Current Zoning: D-6II

Request: Rezoning of 28.8 acres from the D-6II District to the D-4 District to provide to legally establish the existing detached single-family dwellings.

Current Land Use: Residential (Single-family dwellings)

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 28.8-acre site is comprised of 38 lots with 36 developed with single-family dwellings and the remaining two are common areas for the homeowner's association.

The site is bordered to the east by I-465 and commercial and undeveloped land across the interstate, zoned C-S and I-4. There are single-family dwellings to the north, zoned D-2, single-family dwellings to the west, zoned D-4, and undeveloped land to the south, zoned D-2.

REZONING

The request would rezoning the single-family parcels from the D-6II district to the D-4 district.

The D-6II district is intended principally for medium-intensity residential development as a transition between areas of high intensity uses and low-intensity uses, or land areas characterized by more challenging terrain or unusual land configuration, such as remnant parcels of land resulting from public works improvements, exhausted mining operations, and changed intensity factors (such as between interstate highway locations, commercial development, and lower-density residential areas). Consequently, the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife, should be incorporated into the development plans and to promote the environmental aesthetic.

The D-4 district is intended for low or medium-intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.

STAFF ANALYSIS

The request to rezone the property from the D-6II district to the D-4 district would align with the suburban neighborhood development recommendation of the Comprehensive Plan.

The D-4 district would be more appropriate for the low-intensity single-family development of the subject site than the existing D-6II district that was intended to be developed with four to six dwelling units per acre or 65 to 94 maximum units according to the land use plan proposed in the D-6II rezoning. The grant of the rezoning would nullify the previous commitments associated with the D-6II district per 89-Z-94C, as attached.

Additionally, the proposed D-4 district would conform the subject site with the western section of this subdivision.

For these reasons, staff is recommending approval of the request.

GENERAL INFORMATION

Existing Zoning	D-6II	
Existing Land Use	Residential (Single-family dwellings)	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-2	Residential (Single-family dwelling)
South:	D-2	Undeveloped
East:	C-S / I-4	I-465 /Commercial / Undeveloped

West:	D-4	Residential (Single-family dwelling)
Thoroughfare Plan		
Lepart Court	Local Street	50-foot proposed and existing right-of-way.
Shamel Drive	Local Street	50-foot proposed and existing right-of-way.
Mariesi Drive	Local Street	50-foot proposed and existing right-of-way.
Bergeson Drive	Local Street	50-foot proposed and existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends suburban neighborhood development for the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This

typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

- **Conditions for All Land Use Types**

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

- **Conditions for All Housing**

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection. Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

- **Detached Housing**

- The house should extend beyond the front of the garage.
- Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



**Department of Metropolitan Development
Division of Planning
Current Planning**

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

Zoning History - Site

91-Z-107; 6436 West 86th Street (subject site), Rezoning of 0.98 acre, being in the D-A district, to the D-4 classification to provide for single-family development, **withdrawn**.

89-Z-94C; 6410 West 86th Street (subject site), Rezoning of 28.8 acres, being in the A-2 district, to the D-6II classification, to provide for residential development, **approved**.

88-Z-152; 6352 West 86th Street (subject site), Rezoning of 55.185 acres, being in the A-2 district, to the D-6II classification to provide for multi-family development, **denied**.

Zoning History - Vicinity

2023-CZN-814 / 2023-CVR-814; 6419 West 86th Street, 6302, 6360 and 6424 West 79th Street (south of site), Rezoning of 200 acres from the D-A, D-1 and D-2 districts to the C-S classification to provide for a mixed-use development consisting of C-3 permitted uses, limited C-4 permitted uses, Artisan Manufacturing, Light Manufacturing, Research and Development uses, Live-Work units, multi-family dwellings and single-family attached dwellings, two-family dwellings and Triplex or Fourplex uses and Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 90-foot tall buildings on the eastern portion of the development (maximum 45-foot tall buildings permitted), **withdrawn**.

2003-ZON-102; 8750 and 9550 Zionsville Road (east of site), Rezoning of 57.42 acres, being in the C-3 and C-S district, to the C-S classification to provide for office, retail, a hotel, and theater uses, **approved**.

89-Z-94A; 6410 West 86th Street (north of site), Rezoning of 82.12 acres, being in the A-2 district, to the D-2 classification to provide for residential development, **approved**.

89-Z-94B; 6410 West 86th Street (west of site), Rezoning of 18.3 acres being in the A-2 and D-1 district, to the D-2 classification to provide for residential development, **approved**.

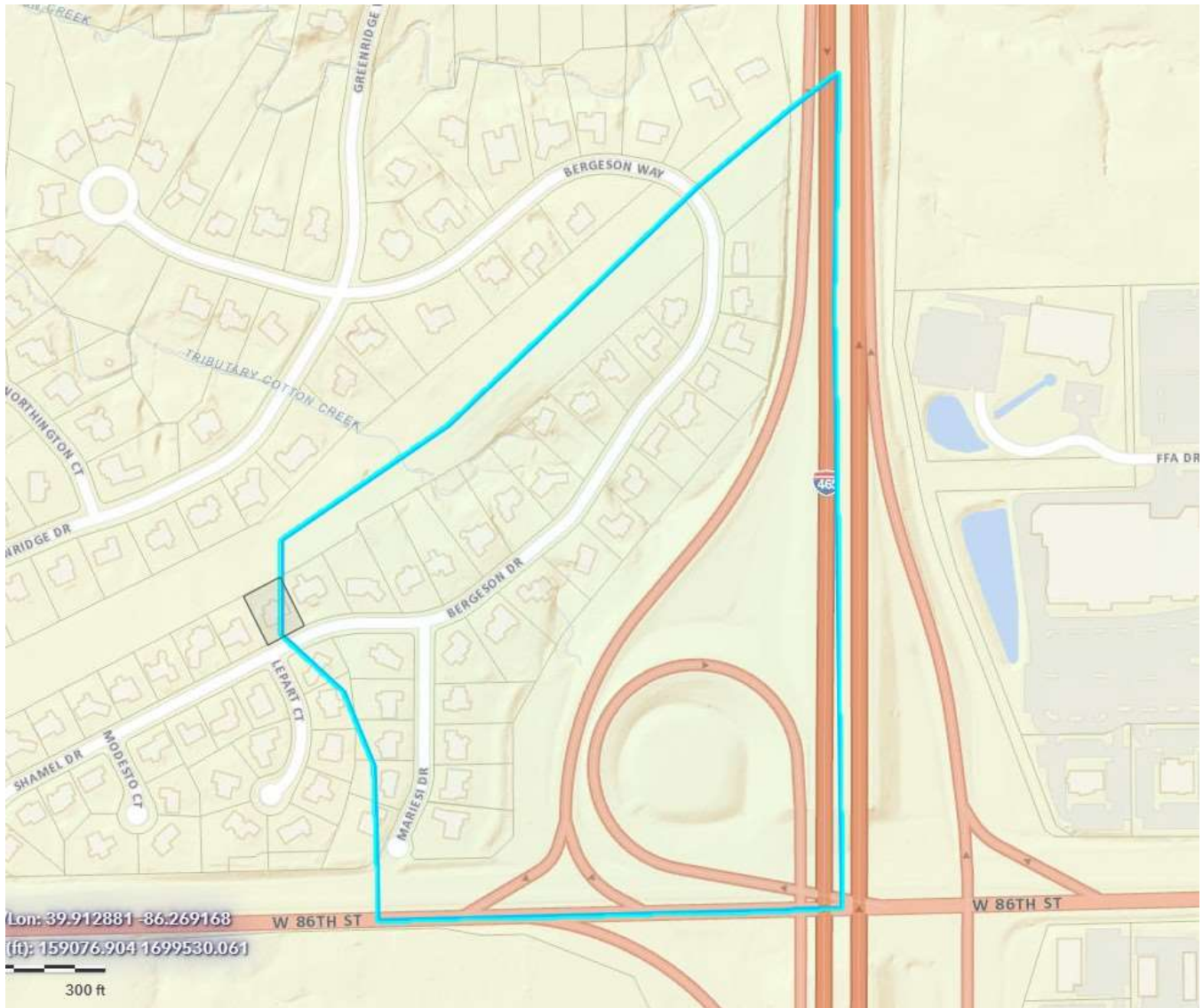
75-Z-32A; 8602 to 9600 Zionsville Road (east of site), Rezoning of 68.192-acres being in the I-2-S district to the I-4-S classification, **approved**.

75-Z-32B; (east of site), Rezoning to the C-S classification, **approved**.

75-Z-86; 6800 West 86th Street (west of site), Rezoning of 70.60-acres, being in A-2 district, to D-2 classification, **approved**.

56-A-56; (south of site), Rezoning from the A-2 district to the R-1 classification, **approved**.

AERIAL MAP



D-6II DISTRICT TO BE REZONED

89-Z-94C COMMITMENTS

890049804

~~EXHIBIT~~

5/17/89
 KED
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NOTE: Article VI, Section 3(b) of the rules of the Metropolitan Development Commission requires use of this form in recording commitments made with respect to zoning and approval cases in accordance with I.C. 36-7-4-607. Resolution No. 85-R-69, 1985 of the Metropolitan Development Commission requires the owner to make Commitment #1.

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
 MADE IN CONNECTION WITH A ZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-607, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description:

See attached: Exhibit A ("D-611 Property")
 Exhibit B ("D-2 Property")
 Exhibit C ("D-4 Property")

89 MAY 26 AM 10:07
 MARION COUNTY, INDIANA

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".

2. See Attachment B for additional Commitments.

3.

4.

5.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other persons acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A", which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

89-Z-94C COMMITMENTS (Continued)

COMMITMENTS contained in this instrument shall be effective upon:

(a) the adoption of rezoning petitions # 89-Z-94A, 89-Z-94B and 89-Z-95(C), respectively by the City-County Council changing the zoning classification of the real estate from an A-2 zoning classification to a D-2, D-4 and D-611 zoning classification respectively; or

(b) the adoption of approval petition # N/A by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the D-2, D-4 or D-611 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments);
4. Traders Point Civic Association, Inc. and Pike Township Residents Association, Inc.

The undersigned hereby authorizes the Division of Development Services of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # _____.

IN WITNESS WHEREOF, owner has executed this instrument this 15th day of May, 1989.

Signature _____ (Seal) SCM REAL ESTATE DEVELOPMENT CORP.
 Signature _____ (Seal)

Printed _____ Printed By Sol C. Miller, President

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, Sol C. Miller, President of SCM Real Estate Development Corp., personally appeared _____, owner(s) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

89-Z-94C COMMITMENTS (Continued)

ATTACHMENT B

2. The D-611 Property shall be developed for residential uses at a maximum density of not more than 6 residential units per acre.
3. The D-2 Property and D-4 Property shall be developed for residential uses at a maximum density of not more than 164 residential units in the aggregate.
4. With respect to the density limitation set forth in paragraphs 2 and 3 above, (i) such maximum densities may be increased to any higher amount as would be consistent with the zoning classification development standards applicable thereto (as in effect on this date) upon obtaining the advance written consent of both the Trader's Point Civic Association, Inc. and the Pike Township Residents Association, Inc., or any successors thereto exercising similar functions, or (ii) such maximum densities may be so increased through a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given as set forth in these COMMITMENTS.
5. Except as may be otherwise agreed to by DOT, the Petitioner shall comply with the requests of the Department of Transportation as referenced in the staff comments and detailed in the memorandum from the DOT file-dated May 9, 1989.
6. Final street layout and design shall be subject to the approval of the Department of Transportation.
7. A tree inventory and preservation plan shall be submitted for Administrator's review and approval prior to the commencement of any site preparation or alteration; provided, however, that inventory and preservation plans shall not be required with respect to that portion of the Real Estate to be developed for public rights of-way for streets and/or utilities.
8. The final plats (or final development plan for the D-611 Property if the same is not platted) shall either (i) be in substantial conformance with the conceptual plan file-dated May 8, 1989, or (ii) subject to reasonable review and approval of the Administrator.
9. Final landscape plans shall be subject to the approval of the Administrator.
10. The final plat to be recorded as approved in connection with the case 89-P-56 (or any other plat of the property described therein) shall contain not more than 31 lots, and such final plat shall not thereafter be amended or replatted in any manner that would result in more than 31 lots on the real estate described therein.
11. For purposes of paragraph 8 hereof, (i) any proposed development of the D-611 Property for residential rental purposes (whether as apartments or condominiums) or any development thereof with more than 115 residential units shall be deemed to constitute development not in substantial conformance with the conceptual plan file dated May 8, 1989 and shall be subject to review and approval of the Administrator, and (ii) any time the Administrator's review and approval is required, advance written notice shall be given to Trader's Point Civic Association, Inc. and Pike Township Residents Association, Inc.

8900-19804



Photo of 6202 Bergeson Drive looking northeast.



Photo of 6202 Bergeson Drive looking southeast



Photo looking south along Bergeson Drive.



Photo looking southwest along Bergeson Drive.



Photo of 8723 Bergeson Drive on the left looking south along Mariesi Drive.



Photo of Mariesi Drive looking north.



Photo of 8701 Lepart Court on the left looking south along Lepart Court.



Photo of 6416 Shamel Drive which is the western most property to be rezoned to the D-4 district.



Single-family dwellings west of 6416 Shamel Drive that are zoned D-4.