

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**October 9, 2025**

**Case Number:** 2025-ZON-090  
**Property Address:** 3309 South Arlington Avenue  
**Location:** Franklin Township, Council District #20  
**Petitioner:** Arlington Distribution and Storage, LLC, by David Gilman  
**Current Zoning:** D-A (FF)  
**Request:** Rezoning of 9.037 acres from the D-A (FF) district to the I-1 (FF) district to provide for a distribution facility.  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Denial.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued this petition from the September 11, 2025 hearing, to the October 9, 2025 hearing.

**STAFF RECOMMENDATION**

Denial. If approved, staff would request that approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least five business days prior to the MDC hearing:

1. A 59.5-foot half right-of-way shall be dedicated along the frontage of South Arlington Avenue as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g.

provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

3. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

## PETITION OVERVIEW

This 9.037-acre site, zoned D-A (FF), is developed with a single-family dwelling and accessory building. It is surrounded by single-family dwellings and multi-family dwellings to the north zoned D-A and D-6II, respectively; industrial uses to the south, zoned I-2; single-family dwellings to the east, zoned D-P; and industrial uses to the west, across South Arlington Avenue, zoned I-3.

Petition 2006-ZON-069 requested rezoning to the I-2 district for light industrial uses but this request was withdrawn by the petitioner.

## REZONING

The request would rezone the site to the I-2 district. "The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots."

The Comprehensive Plan recommends light industrial typology for the site.

As proposed, this request would be consistent with the Comprehensive Plan recommendation, but residential development abuts this site to the north and east and The Pattern Book removes industrial uses "where they would be adjacent to a living typology."

Traffic generated by a distribution facility would not be appropriate in quiet neighborhoods. Warehousing and distribution centers could have specific needs that would be impactful to the residential uses that abut the site to the north and east, such as loading zones or pick-up / drop-off areas.

Compatibility between land uses is key to maintaining stable property values and resilient neighborhoods. Transitions in scale and character between residential uses and industrial uses should happen gradually. Staff believes that the proposed industrial uses would have a negative impact on the stability and resilience of the abutting residential neighborhoods.

## **Department of Public Works**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along South Arlington Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

## **Floodway / Floodway Fringe**

This site has a secondary zoning classification of a Floodway Fringe (FF). The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (I-1 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.

## **Tree Preservation / Heritage Tree Conservation**

There are significant amounts of natural vegetation and trees located throughout the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.

A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location Permit (ILP) issuance date. See [Exhibit ?](#), Table 744-503-3: Replacement Trees.

### **Environmental Public Nuisances**

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

## GENERAL INFORMATION

|                                   |                                                      |                                                                   |
|-----------------------------------|------------------------------------------------------|-------------------------------------------------------------------|
| <b>Existing Zoning</b>            | D-A (FF)                                             |                                                                   |
| <b>Existing Land Use</b>          | Single-family dwelling / accessory building          |                                                                   |
| <b>Comprehensive Plan</b>         | Light Industrial                                     |                                                                   |
| <b>Surrounding Context</b>        | <b><u>Zoning</u></b>                                 | <b><u>Land Use</u></b>                                            |
| North:                            | D-A / D-6II                                          | Single-family / multi-family dwellings                            |
| South:                            | I-2                                                  | Industrial uses                                                   |
| East:                             | D-P                                                  | Single-family dwellings                                           |
| West:                             | I-3                                                  | Industrial Uses                                                   |
| <b>Thoroughfare Plan</b>          |                                                      |                                                                   |
| South Arlington Avenue            | Primary arterial                                     | Existing 90-foot right-of-way and proposed 119-foot right-of-way. |
| <b>Context Area</b>               | Metro                                                |                                                                   |
| <b>Floodway / Floodway Fringe</b> | Yes – unregulated 500-year floodplain of Sloan Ditch |                                                                   |
| <b>Overlay</b>                    | No                                                   |                                                                   |
| <b>Wellfield Protection Area</b>  | No                                                   |                                                                   |
| <b>Site Plan</b>                  | N/A                                                  |                                                                   |
| <b>Site Plan (Amended)</b>        | N/A                                                  |                                                                   |
| <b>Elevations</b>                 | N/A                                                  |                                                                   |
| <b>Elevations (Amended)</b>       | N/A                                                  |                                                                   |
| <b>Landscape Plan</b>             | N/A                                                  |                                                                   |
| <b>Findings of Fact</b>           | N/A                                                  |                                                                   |
| <b>Findings of Fact (Amended)</b> | N/A                                                  |                                                                   |
| <b>C-S/D-P Statement</b>          | N/A                                                  |                                                                   |

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

The Comprehensive Plan recommends Light Industrial typology. The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

### **Pattern Book / Land Use Plan**

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Light Industrial Uses*
  - Industrial truck traffic should not utilize local, residential streets.
  - Streets internal to industrial development must feed into an arterial street.
  - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

### **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.

### **Indy Moves**

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

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)



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

- Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database

## ZONING HISTORY

**2006-ZON-069; 3309 South Arlington Avenue**, requested rezoning of 9.42 acres, being in the D-A District, to the I-2-S classification to provide for light industrial suburban uses, **withdrawn**.

### VICINITY

**2000-ZON-040; 3303 South Arlington Avenue (north of site)**, rezoning of 10.24 acres from D-A to D-6II to provide for multi-family dwellings, **granted**.

**98-Z-171 (98-DP-8); 6201 East Troy Avenue (east of site)**, rezoning of 68 acres from D-3 and D-6II to D-P to provide for single-family dwellings, **granted**.

**98-Z-238; 3313 South Arlington Avenue (south of site)**, rezoning of 9.28 acres from D-A to I-2-S to provide for light industrial uses, **granted**.

**91-Z-3; 3313 South Arlington Avenue (south of site)**, requested rezoning of 56.68 acres, being in the D-A, SU-18 and D-6II districts, to the I-5-S classification to provide for industrial uses, **withdrawn**.

**72-Z-304; 6295 East Troy Avenue (north of site)**, requested rezoning of 51.34 acres, being in the A-2 district to the D-3 classification to provide for single-family residential development, **approved**.

**72-Z-303; 6295 East Troy Avenue (north of site)**, requested rezoning of 547.89 acres, being in the A-2 district, to the D-6II classification to provide for multi-family residential development, **approved**.

**71-Z-55; 801 South Emerson Avenue (east of site)**, requested rezoning of 51.07 acres being in the A-2 district to the C-7 classification to provide for construction of wholesale grocery warehouse, **approved**.



EXHIBITS



3309 South Arlington Avenue

0 0.01 0.03 0.06 0.09 0.12 Miles

## EXHIBIT A

### Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

| Table 744-503-3: Replacement Trees    |                                                          |                                                           |
|---------------------------------------|----------------------------------------------------------|-----------------------------------------------------------|
| Size of tree removed or dead (inches) | Number of Trees to be planted to replace a Heritage Tree | Number of Trees to be planted to replace an existing tree |
| Over 36 DBH                           | 15                                                       | 10                                                        |
| 25.5 to 36 DBH                        | 11                                                       | 8                                                         |
| 13 to 25 DBH                          | 8                                                        | 6                                                         |
| 10.5 to 12.5 DBH                      | 6                                                        | 4                                                         |
| 8.5 to 10 DBH                         | 5                                                        | 4                                                         |
| 6.5 to 8                              | 3                                                        | 2                                                         |
| 4 to 6                                | 2                                                        | 2                                                         |
| 2.5 to 3.5                            | 1                                                        | 1                                                         |





View looking north along South Arlington Avenue



View looking south along South Arlington Avenue





View of site looking southeast across South Arlington Avenue



View of site and adjacent property to the north looking east across South Arlington Avenue





View of site looking east across South Arlington Avenue



View of site and adjacent property to the south looking southeast across South Arlington Avenue



View of adjacent property to the south of site looking east across South Arlington Avenue