



Avon Advisory Planning Commission Meeting
January 26, 2026 at 6:30 pm
at Avon Town Hall

1. Start Of Meeting

- o Call to Order
- o Pledge of Allegiance
- o Roll Call
- o Determination of Quorum

2. Approval Of Minutes

2.1. Approval Of Minutes For December 22, 2025

[_12222025-472](#)

3. Public Comment

The public may comment on items on the agenda that are not a public hearing or on a specific matter within the Council's jurisdiction.

4. Request For Continuances Or Agenda Modifications

4.1. DPR 25-12: Park Place Crossing

DPR 25-12 Park Place Crossing, requesting approval of a Development Plan Review to provide for construction of a one-story, multi-tenant office building. The 1.68-acre property is located along the west side of Park Place Boulevard, approximately 200 feet north of U.S. Highway 36 (approximate address 100 Park Place Boulevard).

Petitioner: Tranquility, LLC, by Kruse Consulting, Inc.

Documents:

[DPR 25-12 STAFF REPORT JAN 2026 CONT.PDF](#)

5. Old Business

5.1. DPR 25-18 Walmart Market

DPR 25-18 Walmart Market, requesting approval of a Development Plan Review to provide for construction of a ~50,000-square foot retail building, with a pharmacy drive-through, surface parking, and related improvements, with a Waiver of Design Standards of UDO 7.21(E)(1) to allow for a full-access commercial driveway being ~260 feet from a street intersection (minimum 400-foot separation required), and Waivers of Development Standards of UDO 6.10

(A) & 6.10(C) to allow for excessive parking lot lighting and excessive light spillage across property lines. The 9.73-acre property is located at the southeast corner of Avon Avenue and Governors Row (~1439 South Avon Avenue).

Petitioner: Walmart Real Estate Business Trust, c/o Misha Rabinowitch

Documents:

[DPR 25-18 STAFF REPORT 01262026.PDF](#)

5.2. DPR 25-20: Avon Retail Shops

DPR 25-20 Avon Retail Shops, requesting approval of a Development Plan Review to provide for construction of two retail buildings totaling ~29,400 square feet, with a Waiver of Design Standards of UDO 2.10(L) to allow for two driveway access points with drive separations of approximately 50 feet, 150 feet and 280 feet, (minimum 600-foot separation between access driveways required). The four-acre property is located at 10654, 10688, and 10690 East U.S. Highway 36.

Petitioner: Evergreen Commons, LLC, by Brian Cross, Civil Site Group, Inc.

Documents:

[DPR 25-20 STAFF REPORT 01262026.PDF](#)

6. New Business

6.1. DPR 25-21: Mo' Bettahs

DPR 25-21: Mo' Bettahs, requesting approval of a Development Plan Review to provide for renovation of an existing 1,580-square foot restaurant building, including a 760-square foot building addition with a drive-through pick-up window and miscellaneous changes to parking and landscaping, with a Waiver of Design Standards of UDO 7.10(I)(1) to allow for the use of "thin brick" siding (brick less than four inches thick not permitted). The 1.32-acre property is located at 8894 East U.S. Highway 36.

Petitioner: Savory MB Stores LLC, c/o Will Scott

Documents:

[DPR 25-21 STAFF REPORT.PDF](#)

6.2. ZA 25-03: The Gatherings, Lot 2

ZA 25-03: The Gatherings Lot 2, requests a favorable recommendation of a petition to rezone 2.08 acres, from the I-2 General Industrial District to the C-2 General Commercial District, to legally establish existing retail uses. The property is located 8403 East U.S. Highway 36

Petitioner: Churchyard LLC, c/o David Gilman

Documents:

[STAFF REPORT ZA 25-03.PDF](#)

7. **Other Business**

8. **Committee Reports**

9. **Adjournment**

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Town of Avon, should contact the Town Administrative Offices as soon as possible but no later than 48 hours before the scheduled event.

"Avon is a safe, vibrant community for active families and thriving businesses."

Avon Town Hall | 6570 East US Highway 36 | Avon, IN 46123 | 317-272-0948 | avonindiana.gov | Next Meeting: **02/23/2026**

Member	Appointed by:	Term
Dave Kauffman	Town Council	1/2026 - 12/2026
Andrew Rockabrand	Council President	1/2023 - 12/2026
Jennifer Spencer	Council President	1/2023 - 12/2026
Bill Reed	Town Council	1/2026 - 12/2026
Greg Zusan	Town Council	1/2023 - 12/2026
Paul Guckenberger	Council President	1/2024 - 12/2027
Kathryn Ransburg	Council President	1/2024 - 12/2027



DPR 25-12: Park Place Crossing – 56-108 Park Place Boulevard (approx. address)

Planning & Building Department Staff Report

For Hearing on January 26, 2026

Plan Commission, Public Hearing

Paul J. Lambie, Senior Planner

A. PETITION NUMBER	DPR 25-12: 267 Park Place Crossing
B. APPLICANT	Tranquility, LLC, by Kruse Consulting, Inc.
C. LOCATION	56, 82, & 108 Park Place Boulevard (approximate addresses), Avon IN 46123 Lots 5, 6, & 7 in Avon Park Place
D. PARCEL SIZE	1.68 acres
E. LAND USE & ZONING	The site is undeveloped, is zoned C-2: General Commercial District, and located within Tiers 1 & 2 of the U.S. Highway 36 Zoning Overlay.
F. ACTION REQUESTED	Request for approval of a Development Plan Review to allow for construction of a one-story, multi-tenant commercial building with surface parking and related improvements.
G. HISTORY	The site was platted and recorded in 1988 under the jurisdiction of Hendricks County.
H. ADDITIONAL STAFF COMMENTS FOR JANUARY 26, 2026	This petition was continued from the December 22, 2025 hearing. While some revised plans, responses, and waiver requests were submitted by the petitioner, not all required plans and responses were received by the January 2, 2026 deadline to provide adequate review for this hearing. It is anticipated that all required documentation will be submitted in advance of the January 30, 2026 deadline to proceed at the February Plan Commission meeting. Therefore, this petition should be continued from the January 26, 2026 hearing, to the February 23, 2026 hearing, with mailed notice to be



	provided by the petitioner, and revised notice by publication by staff, with notice including all waiver requests.
I. ADDITIONAL COMMENTS FOR DECEMBER 22, 2025	<p>This petition was continued from the October 27, 2025 hearing, to the December 22, 2025 hearing, to allow the petitioner time to revise plans and/or request waivers. There has been some written correspondence between the petitioner and staff about different options the petitioner might pursue, however, no revised plans and/or formal responses to the TAC meeting comments have been submitted. The petitioner has indicated that they will submit revisions and waiver requests by the January 2nd submittal deadline for the January 26th Plan Commission hearing. Therefore, this petition should be continued from the December 22, 2025 hearing, to the January 26, 2026 hearing.</p>
J. STAFF COMMENTS (OCTOBER 27, 2025)	<p>This petition was discussed at the September 18, 2025 Technical Advisory Committee (TAC) meeting, and there are several outstanding issues with the proposed development plan that require either revisions and/or waiver requests (see Exhibit C). Staff met with the petitioner on October 10, 2025 to discuss the matter. To allow adequate time for submission and review of revised plans and/or waiver requests, this petition should be continued to the December 22, 2025 Plan Commission hearing, with mailed notice to be provided by the petitioner.</p>



Exhibit A –Location / Zoning Map

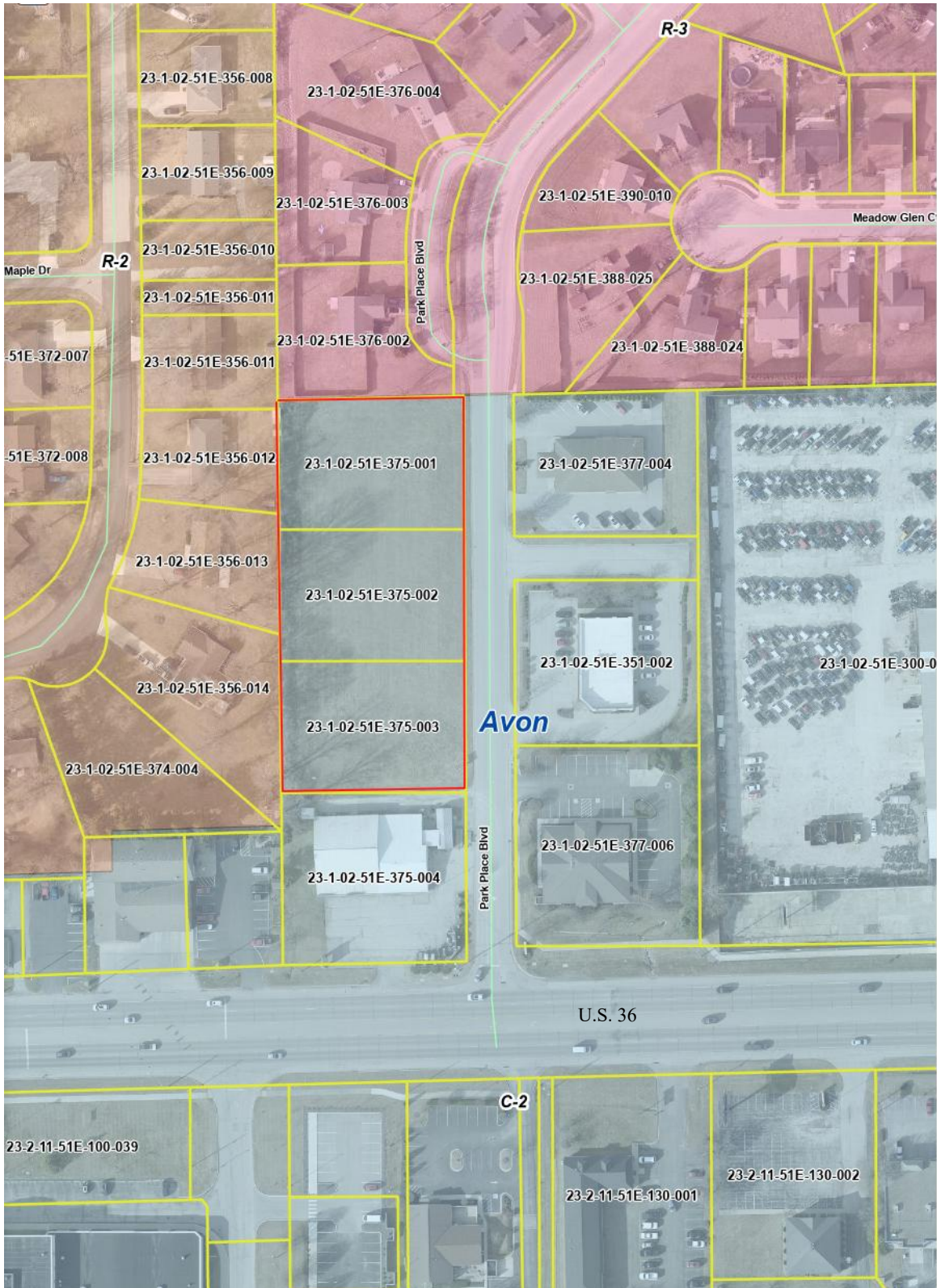
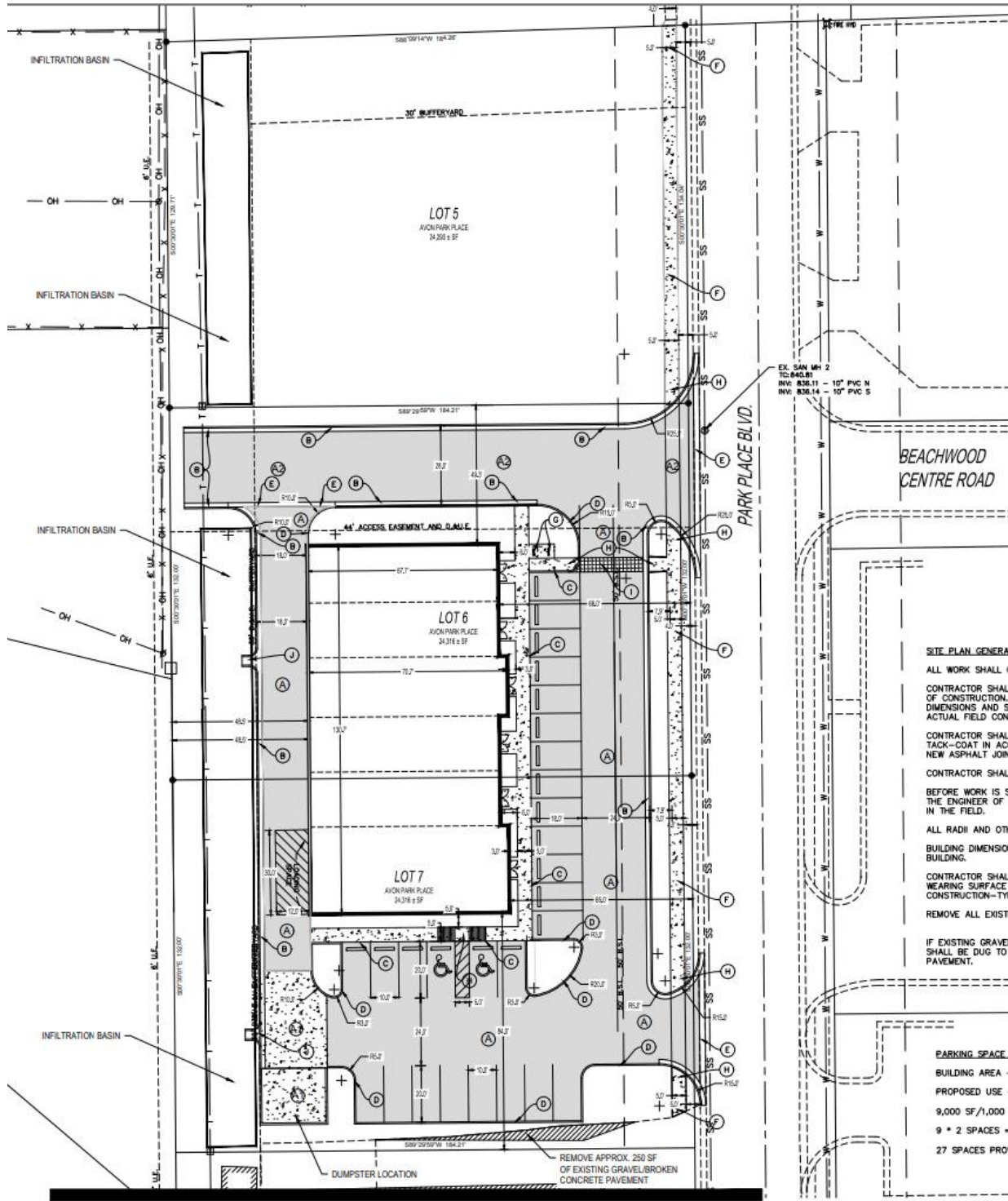




Exhibit B2 – Revised Proposed Site Plan (Received 2-Jan-2026)



SITE PLAN GENERAL

- ALL WORK SHALL BE AS SHOWN ON THIS PLAN.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SPACING OF CONSTRUCTION, DIMENSIONS AND SPACING SHALL BE AS SHOWN ON THIS PLAN.
- CONTRACTOR SHALL TACK-AND-PAINT IN ACCORDANCE WITH INDIANAS 46 IAC 1-2-1-1.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SPACING OF CONSTRUCTION, DIMENSIONS AND SPACING SHALL BE AS SHOWN ON THIS PLAN.
- BEFORE WORK IS STARTED, THE ENGINEER OF RECORD SHALL BE IN THE FIELD.
- ALL RADI AND OTHER DIMENSIONS SHALL BE AS SHOWN ON THIS PLAN.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SPACING OF CONSTRUCTION, DIMENSIONS AND SPACING SHALL BE AS SHOWN ON THIS PLAN.
- REMOVE ALL EXISTING GRAVEL/BROKEN CONCRETE PAVEMENT.
- IF EXISTING GRAVEL/BROKEN CONCRETE PAVEMENT SHALL BE DUG TO REVEAL UNDERLYING SOIL.

PARKING SPACE

- BUILDING AREA - 73,916 SF
- PROPOSED USE - 9,000 SF/1,000
- 9 * 2 SPACES - 18 SPACES
- 27 SPACES PROVIDED

DATE	ISSUE/REVISION	BY	NO.	DATE	ISSUE/REVISION	BY

KRUSE CONSULTING
 Civil Engineers & Land Surveyors
 7384 Business Center Drive
 Avon, Indiana 46123-6531
 (317) 272-6608 • Fax: (317) 272-2410



Exhibit C – Planning TAC Letter (Page 1 of 4)

MEMORANDUM

To: Dale Kruse, Kruse Consulting, Inc.

From: Paul J. Lambie, Senior Planner

Date: September 17, 2025

Re: DPR 25-12: Park Place Crossing – 102 Park Place Boulevard (approx. address)

After reviewing the submittal for the above-mentioned project, the Planning staff has the following comments

1. The site is zoned C-2 and is located partly within Tier 1 of the U.S. Highway 36 Overlay, and partly within Tier 2 of the U.S. Highway 36 Overlay. It appears that all proposed improvements, with the exception of the detention pond, would be located within Tier 2.
2. Per comments from the Department of Public Works and UDO 2.10(L), an extension of the business collector street (Beechwood Centre Road) identified in the Town of Avon Thoroughfare Plan must be constructed with development of this site. The site plan will need to be revised to relocate the proposed improvements to accommodate said street extension.
3. Per UDO 2.10(O)(2)(a), buildings in Tier 2 must have at least 80% masonry, excluding windows and doors, on the side facing U.S. 36. EIFS does not meet the definition of masonry. Staff's rough calculation indicates ~ seventy-six percent (76%) of the south façade, exclusive of windows and doors, would be masonry. Please provide calculations on the elevations sheet indicating the square footage of each material and the percentage of masonry to show compliance.
4. There appear to be discrepancies between the submitted site plan and building elevations in that the submitted building elevations appear to show six entrances on the east facade, but the site plan shows only four. Please make sure these plans match.
5. Per UDO 2.10(O)(3)(a), building elevations in Tier 1 and 2 greater than 60 feet in length must incorporate wall plane projections or recesses every 40 feet, having a depth of at least 3 feet and a width of at least 20 feet. The east façade provides projections, but the other three facades do not meet this requirement.
6. Per UDO 2.10(O)(3)(b), buildings up to 25,000 square feet must have a minimum of two of the architectural features listed therein. Please demonstrate compliance with this standard on the building elevations.



Exhibit C – Planning TAC Letter (Page 2 of 4)

7. Per UDO 2.10(M)(1), a minimum 20' deep front yard landscape buffer is required. The submitted plans are deficient. Please revise plans accordingly or request a variance or waiver (if eligible).
8. Per UDO 6.6(C), one parkway tree is required to be planted in the right-of-way per 50 lineal feet of frontage. No parkway trees are indicated on the submitted landscape plan. Please revise the landscape plan accordingly.
9. Per UDO 2.10(M)(4) & UDO 6.7(C), two (2) shade trees per seventy feet of lineal feet of parking lot perimeter are required. This appears to require four trees along the east perimeter and six along the west perimeter, where only three and four respectively are shown on the landscape plan. Please revise the landscape plan accordingly.
10. Per UDO 6.7(C)(2)(b), a continuous dense hedge running the length of the parking lot is required abutting the west and north perimeters of the lot, and covering 75% of the east and south perimeters of the lot. Please revise the landscape plan accordingly.
11. Per UDO 6.8(D), a solid, year-round screen at least 8 feet high is required within the north and west buffer yards. A 6-foot high shadow box fence is proposed on the landscape plan. Please revise plans to indicate compliance with one or more of the options listed in UDO 6.8(D).
12. Per UDO Table 6.1, 90-degree angle parking requires 20-foot deep spaces, however, 18-foot deep spaces are shown in one of the rows. A variance or waiver can be requested, or the plans will need to be revised accordingly.
13. The application indicates that the building would be used for "office flex space". The closest match to this for purpose of parking requirements in UDO Table 6.3 would be "Office, All Others", which requires 2 spaces per 1,000 square feet of gross floor area, which would require 49 parking spaces for the proposed 24,293 square-foot building. Only 33 spaces are shown on the proposed plan. A variance or waiver can be requested or the plans will need to be revised accordingly, unless the proposed use of the building is revised.
14. Per UDO Table 6.5, one loading space would be required, which would need to be a minimum dimension of 12 feet by 30 feet, unless tractor-trailers would be servicing the site, and would need to meet the standards in UDO 6.13(C). Please revise plans accordingly.
15. Per UDO Table 6.4, a development providing parking spaces within a range of 26 to 50 must provide a minimum of two (2) accessible parking spaces meeting the standards of UDO 6.12(E). No such spaces appear to be indicated on the plans. Please revise the plans accordingly.



Exhibit C – Planning TAC Letter (Page 3 of 4)

16. Per UDO 6.11(F), wheel stops are required adjacent to pedestrian walkways. Please revise plans accordingly.
17. Per UDO 6.11(G), all rows of parking must have terminal islands with a minimum width of eight (8) feet and a minimum area of 130 square feet. The terminal island at the north end of the parking in front of the building appears to measure ~ five (5) feet wide and ~ ninety square feet. Please revise plans accordingly.
18. Per UDO 6.11(D)(3), the first twenty (20) feet of a drive must be kept free from parking maneuvers. The parking space at the southeast corner of the site would violate this requirement. Please revise plans accordingly.
19. Per UDO 6.5(A), a minimum five (5)-foot wide landscaped strip is required around the perimeter of all principal buildings exclusive of doorways and loading areas. The west façade and portions of the east façade do not appear to meet this requirement. Please revise plans accordingly.
20. Per UDO 6.12, a minimum of two bicycle racks meeting the standards listed therein must be provided. Please revise plans accordingly.
21. Per UDO 7.19 and UDO 2.10(J), the development must integrate the interior and exterior pedestrian network through means of a safe dedicated pedestrian connection between the public sidewalk and the building, and where said connection crosses driving surfaces it must be distinguished therefrom through means of low maintenance materials such as pavers, bricks, or scored/stamped concrete or asphalt. Please revise plans accordingly.
22. Per UDO 5.11(H), landscaping is required around the trash enclosure. Please revise the landscaping plan accordingly.
23. Per UDO 6.10(A), light trespass onto adjoining public right-of-way must not exceed 0.3 footcandles. The submitted plan indicates light trespass up to 1.5 footcandles. Please revise the lighting plan accordingly.
24. Per 7.10(D)(9), retail buildings must provide glazing on a minimum of 35% of the ground floor front façade, with a minimum 10% glazing required on side façades. The UDO counts a maximum story height of 14 feet. Since the building is one-story, but taller than 14 feet, we will only calculate the ground floor façade as being 14 feet tall. Staff's rough calculation indicates ~forty percent (40% glazing on the front façade, which appears to be compliant, but only ~ seven percent (7% glazing on the side (north and south) façades. Please submit revised elevations indicating compliance with this requirement with calculations of glazing area vs ground floor façade area.



25. Per UDO 7.10(E), roofs must include at least two of the listed features. Please revise architectural plans accordingly to meet/demonstrate compliance with this standard.
26. Other than the aforementioned items, staff's initial review finds that this request appears to be consistent with the requirements of the Unified Development Ordinance. This review does not preclude the need to meet all applicable standards of the UDO, even if not included in this review letter.
27. A variance or waiver, depending on the item and extent of deviation from the applicable UDO standard, may be requested. Waivers may be included with this DPR request. Variances must be requested from the Board of Zoning Appeals. Please let us know at your earliest opportunity if you plan to request waivers and/or variances for any items.

Responses to these comments and any additional information for the submittal are due back on or before **October 2, 2025**. This petition is scheduled for a hearing at the Plan Commission on **October 27, 2025**. The Plan Commission requires the presentation at the meeting to be digital. Information that is not submitted on time may result in the continuance of this project to the subsequent Plan Commission meeting. Town Staff reserves the right to highlight additional issues as they may develop.

The following items should be submitted:

1. The written response to comments – For those comments with which you agree, the plans must be revised. For those comments with which you disagree, a written explanation must be provided and a written waiver (or variance) requested, when necessary.
2. Eight (8) copies of all required exhibits for review by the full Plan Commission no larger than 11x17 paper, unless specifically exempted by staff in writing;
3. Two hard copies and two flash drives with PDF versions of the final revised plans.
4. **PUBLIC NOTICE:**
 - i) Public notice letters must be mailed to adjoining property owners on or before **October 17, 2025**. Please provide the notice letter for this hearing date even if a continuance is likely.
 - ii) One sign per public road frontage must be posted on the property by the same date. Staff will place this sign.
 - iii) Affidavits attesting to the mailings must be received by the Planning and Building Department prior to the public hearing.
5. **For the Public Hearing:** The Plan Commission requires that presentations before them be PowerPoint or another digital format in lieu of presentation boards. All presentations must be submitted to Town Staff at least 24 hours prior to the public hearing.



Exhibit E – Site Photos



1) View of site facing west across Park Place Boulevard from Beechwood Centre Road.



2) Facing south along Park Place Boulevard from front of site.



Exhibit E – Site Photos



3) Facing north along Park Place Boulevard from front of site.



4) Facing east across Park Place Boulevard from front of site.



DPR 25-18: Walmart Market Avon Avenue

Planning & Building Department Staff Report

For Hearing on January 26, 2026

Plan Commission, Public Hearing

Paul J. Lambie, Senior Planner

A. PETITION NUMBER	DPR 25-18: Walmart Market Avon Avenue
B. APPLICANT	Walmart Real Estate Business Trust, c/o Michael Rabinowitch
C. LOCATION	1439 South Avon Avenue, Avon IN 46123 Lot 2 in Governors Row Road Extension at Turner Trace
D. PARCEL SIZE	9.73 acres
E. LAND USE & ZONING	The site is zoned C-2 and is unimproved, except for an existing shared access drive from Oriole Way (CR 150 South) and two existing access cuts from Governors Row.
F. ACTION REQUESTED	Request for approval of a Development Plan Review to allow for construction of a 50,074-square foot retail building, with a drive-through pharmacy, surface parking, and related improvements, with a Waiver of Design Standards of UDO 7.21(E)(1) to allow for a new full-access commercial driveway on Avon Avenue, being ~260 and ~320 feet from existing street intersections (minimum 400-foot separation required), and Waivers of Development Standards of 6.10(C) to allow for excessive average parking lot lighting and excessive light spillage across property lines.
G. HISTORY	The subject property is part of the Governors Row Road Extension at Turner Trace subdivision, which was platted and recorded in 2009. Petition ZA 97-03 rezoned 17.36 acres (including the subject site) from R-2 to C-2, as well as rezoning 49.49 acres (Village of Turner Trace to the east) from R-2 to R-4. Petition ZA 22-05 modified commitments from petition



	<p>ZA 97-03.</p> <p>This petition was discussed at the November 13, 2025 Technical Advisory Committee (TAC) meeting. This petition was continued from the December 22, 2025 hearing, to the January 26, 2026 hearing, in order for the petitioner to gather additional traffic counts to update their Traffic Impact Study (TIS).</p>
H. STAFF COMMENTS	<p>This request would allow for construction of a ~50,000-square foot retail building oriented to Avon Avenue to be occupied by a grocery store, with a drive-through pharmacy on the north (side) façade. A 225-space parking lot would be mostly to the west (front) of the building, with approximately two dozen of those spaces located on each side (north and south) of the building. The spaces on the north side of the building, adjacent to Governors Row, are indicated for online order pickup. Loading, trash enclosures, and a stormwater retention pond would be located to the east (rear) of the building. (See Exhibit B.)</p> <p>The site is currently served by two driveway stubs along the north side of the property accessing Governors Row, and one existing driveway on the south side accessing County Road 150 South/ Oriole Way, which would be shared with the existing adjacent office building. A Waiver of Design Standards has been requested to allow for an additional driveway providing direct access onto Avon Avenue.</p> <p>Waivers of Development Standards have been requested to allow for an excessive average parking lot lighting level and for excessive light spillage into the abutting rights-of-way.</p> <p>-----</p> <p>UDO 8-10(A) Development Plan Purpose:</p> <p>Per UDO 8.10(A), the development plan review process is designed to: promote the safe and efficient use of land, protect property values, and ensure for an orderly and harmonious development pattern according to the Comprehensive Plan.</p> <p>Development Standards: Development Plans are required to meet the applicable development and design standards set forth in the Unified Development Ordinance (UDO). The Technical Advisory Committee (TAC) reviewed this proposal for compliance with those standards, as well as those of the</p>



Storm Water Management Ordinance. The development plan was found to meet the standards of the UDO, except as described below, which might necessitate conditions requiring submission of revised plans, and as described in the requested waivers of design and development standards.

1) Miscellaneous Applicable Development Standards:

This request appears consistent with the basic development standards for the C-2 District, such as setbacks and building height and bulk.

2) Applicable Overlay District Standards:

The property is not located within a zoning overlay district.

3) Lighting, Chapter 6:

Two waivers of development standards have been requested to allow for excessive parking lot lighting and excessive light spillage into rights-of-way (see Exhibit F), which is discussed later in this report.

4) Off-Street Parking and Loading, Chapter 6:

a) **Parking:** The site plan indicates the provision of 225 off-street vehicle parking spaces, with eight (8) of those being reserved accessible spaces. UDO Table 6.3 specifies that a minimum of 2.5 spaces per 1,000 square feet of gross floor area for a grocery store or other retail use, thus, a minimum of 127 spaces would be required for the proposed 50,700-square foot store. Based on the overall number of spaces provided, a minimum of seven (7) reserved accessible spaces would be required.

b) **Loading:** Retail buildings between 7,500 and 75,000 square feet are required to provide a minimum of one (1) dedicated loading space. The site plan indicates two (2) dedicated loading spaces meeting the spatial requirements for tractor-trailer deliveries.

c) **Bicycle Parking:** The UDO requires one bicycle rack per every twenty (20) required vehicle parking spaces, thus, six (6) bicycle racks would be required. While the



revised site plan shows bicycle racks in a compliant location, the plan only indicates five racks. At least one additional rack would be required.

5) Landscaping and Screening, Chapter 6:

Per UDO 6.5 (A), a minimum five-foot planting area must be provided around the perimeter of the building, excluding access to the buildings, such as loading areas and doorways. The landscape plan submitted subsequent to TAC review has increased the proposed foundation planting areas, but is still deficient along several portions of the building (see Exhibits C1 & C2).

Per UDO 6.7(B)(4), each parking lot landscape island must have a minimum of one tree. The revised landscape plan is still deficient of this standard.

A further revised landscape plan should be submitted to demonstrate compliance with the foundation planting and interior parking lot landscaping requirements.

6) Floodplain Regulations:

This property is not located within a regulatory floodplain.

7) Signs, Chapter 6:

Signs were not reviewed as part of this development plan. Signs are typically reviewed for compliance during the sign permit review process.

8) Engineering / Stormwater Management:

The revised drainage plans submitted following TAC review are under review by our consulting engineer.

9) Subdivision Control Regulations:

Aside from the request for a waiver to allow for an access point along Avon Avenue, the plans appear to be consistent with the applicable subdivision regulations.

10) Architectural Standards



The revised building elevations, submitted subsequent to TAC review, appear to be deficient of several of the architectural standards (see Exhibit D).

UDO 7.10(D)(9) requires that the front of the building provide glazing on a minimum of 35% of the ground floor front façade. The elevations submitted do not provide dimensions and do not provide a calculation of the glazing provided. Staff's evaluation of the front façade has determined that 30% glazing would be provided. The petitioner would either need to provide revised plans or request a waiver.

UDO 7.10(E) requires that two of the five listed roof features be included. The revised plans indicate compliance with only one of these features.

The plans do not indicate compliance with UDO 7.10(H) which requires provision of two of the listed amenity options in order to contribute to the establishment and enhancement of community and public spaces. Plans should be revised accordingly.

11) Comprehensive Plan

This petition was filed prior to adoption of the 2025 Comprehensive Plan. The 2017 Plan in effect at that time recommended Neighborhood Retail, which is intended for "smaller, neighborhood scale retail uses..." which includes "... small-scale grocers." The 2025 Plan now in effect recommends Mixed Use development for this site. Mixed Use is described in the Plan as "intended to support vibrant districts with a combination of complementary residential, commercial, and institutional uses. These uses may be adjacent to one another, or within a single development." While it is arguable whether a ~50,000-square foot grocery store fits the Plan recommendations, the UDO does not specify compliance with the Comprehensive Plan as a requirement for approval of a Development Plan Review.

12) Additional Development Plan Review Criteria

UDO 8.10(F)(4) requires that development plans provide traffic circulation that creates conditions favorable to the health,



safety, and harmonious development including street and highway access points that minimize safety hazards and congestion by their design and location, and that capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic generated by the proposed development.

After evaluating the proposed development plan, the petitioner's TIS, and comments from the Town's consulting traffic engineer and Public Works Director, the Town opposes the requested waiver for direct access to Avon Avenue (see Exhibits E & G), and the Town has determined that the property owner should construct the following necessary improvements concurrently with development of the site.

- a) The intersection of Avon Avenue and Governors Row should be converted to a roundabout.
- b) Governors Row should be widened to a four-lane cross-section from Avon Avenue to the eastern Governors Row driveway to the property.
- c) Speed humps should be installed on Governors Row between the site's eastern Governors Row driveway and Turner Trace Place, and on Turner Trace Place South, just south of Lockford Walk North.
- d) A right turn lane should be constructed to the Town's standards on westbound County Road 150 South/ Oriole Way to the existing driveway.

WAIVER "A"

Waiver of Design Standards of UDO 7.21(E)(1), to allow for a new full-access commercial driveway onto Avon Avenue being ~260 feet from Governors Row and ~320 feet from County road 150 South/ Oriole Way (minimum 400-foot separation from each existing intersection required).

Applicant must demonstrate compliance with the following:



1. The proposal will not be detrimental to the public health, safety, or general welfare, or be injurious to adjacent or nearby property because:

Petitioner's response: "as indicated in the Traffic Impact Study, the driveway functions as designed and there is sufficient queuing for westbound left turn movements, with an estimated 2-3 vehicles during peak hour, all of which is entirely contained on site."

It is the opinion of the Town's Public Works Director and consulting traffic engineer that inadequate spacing of intersections along an arterial street with a 45 MPH speed limit would increase the risk of collisions and injuries. Staff believes this finding would not be met.

2. The proposed alternative will not contradict the intent of the design standards or the purpose of the Subdivision Regulations because:

Petitioner's response: "the ordinance requires 400 feet of separation, however a 35% reduction of the 400 feet, to 260 feet, is permitted via a waiver. The proposed plan provides a separation distance between intersections over 260 feet."

The Town's consulting traffic engineer indicates that, in addition to not meeting the Town's minimum standard, the proposed alternative would also be deficient of the 360-foot separation standard for a 45 MPH roadway that is indicated in INDOT's Driveway Permit Manual. Staff believes this proposal does contradict the intent of the Town's public street and access design standards.

3. The proposed alternative is due to conditions specific to the property and the proposed development and not applicable generally to other properties because:

Petitioner's response: "the subject property's size and shape limit the ability to achieve the 400-foot separation without creating significant design challenges such as encroaching into the adjacent roundabout intersection."

While the property's frontage is not lengthy enough to meet the separation standards for a new direct access point to Avon Avenue, the site is already served by driveways onto County Road 150 South/ Oriole Way and onto Governors Row, both of which provide full access to/from Avon Avenue.



4. The proposed alternative enhances the proposed development and the surrounding area because:

Petitioner's response: "the positioning of this access aligns with the existing Todd Road intersection on South Avon Avenue. Aligning intersections is typically desired and is generally accepted engineering practice."

The existing Todd Road intersection was constructed several decades ago prior to incorporation of the Town of Avon. Adding a tenfold increase in traffic turning onto Avon Avenue at the peak hour, as the petitioner's Traffic Impact Study indicates, would decrease traffic safety and flow. Thus, the proposed waiver would not enhance the surrounding area.

Staff recommends denial of this waiver request.

WAIVER "B"

Waiver of Development Standards of UDO 6.10(C), to allow an average parking lot lighting level of 2.16 foot-candles (Fc), which exceeds the 1.6 Fc maximum average allowed.

Applicant must demonstrate compliance with the following:

1. The proposal does not create conditions detrimental to the public health, safety, and welfare because:

Petitioner's response: "safe light levels are necessary for a parking facility of this size. Light levels meet applicable recommended guidelines published by the Illuminating Engineers Society (IES)."

The Town's lighting standards allow for a range of lighting levels, and the 1.6 Fc maximum average is in line with the recommendation of the IES, which recommends an average lighting level of 1.0 Fc for parking lots in suburban settings. Excessive lighting adds to light pollution, which can have negative impacts upon the public such as diminishing the quality of night sky views.

2. The proposal is harmonious with the purpose and intent of the zoning district in which the project is located because:

Petitioner's response: "the average light level is only 35% in excess of the permitted amount. This is not a difference that is expected to create a negative impact or a nuisance to users or



neighbors of the site, but provides appropriate light levels for safe vehicular movements through a space frequented by pedestrians.”

Because most developments comply with the standard, it is staff’s opinion that an average lighting level 35% higher than the maximum allowable level would not be harmonious with the purpose and intent of the zoning district.

3. The proposal enhances the overall Development Plan, the abutting streetscapes and neighborhoods, and surrounding area because:

Petitioner’s response: “it provides safe and adequate lighting for the parking facility.”

Staff does not believe that a parking lot brighter than the allowable level would enhance the surrounding area, which predominantly consists of single-family dwellings.

4. The proposal does not produce a site design that is impractical or detracts from the appearance of the proposed development and the surrounding area:

Petitioner’s response: “the average light level is only 35% in excess of the permitted amount. This is not a difference that is expected to create a negative impact or a nuisance to users or neighbors of the site, but provides appropriate light levels for safe vehicular movements through a space frequented by pedestrians.”

For the reason stated above in Finding #3, staff disagrees with the petitioner’s assertion that this finding would be met. While all surrounding properties would be impacted by the excessive lighting level, the impact upon the low-density single-family dwelling properties across Avon Avenue to the west and across County Road 150/ Oriole Way to the south would likely be the most pronounced.

5. The proposal provides improved site design characteristics such as increased pedestrian connections, enhanced landscaping, tree preservation, or public art.

Petitioner’s response: “the provided lighting provides safe light levels for the property.”

It does not appear that the excessive lighting level requested is specifically related to pedestrian connections, enhanced landscaping, tree preservation or public art. The site plan does



include pedestrian walkways connecting to each abutting street as is required by UDO 7.19. It could be argued that this finding would be met.

Staff recommends denial of this waiver request.

WAIVER “C”

Waiver of Development Standards of UDO 6.10(A), to allow light spillage of 0.4 foot-candles (Fc) into the abutting rights-of-way, which exceeds the 0.3 Fc maximum allowed.

Applicant must demonstrate compliance with the following:

1. The proposal does not create conditions detrimental to the public health, safety, and welfare because:

Petitioner’s response: “the light levels exceed only in a small area along parking close to the right-of-way line, but falls off before the edge or cartway.”

Staff concurs with the petitioner’s assertion that this is a minor deviation, and the Town is generally not opposed to slightly higher light spillage at an intersection (see Exhibit F).

2. The proposal is harmonious with the purpose and intent of the zoning district in which the project is located because:

Petitioner’s response: “trespass complies on adjacent residential and commercial properties. The only trespass is along a right-of-way, is only 0.1 Fc higher than max permitted, and falls off to compliant levels before the cartway of Governors Row.”

Staff concurs with the petitioner’s assertion that this finding would be met.

3. The proposal enhances the overall Development Plan, the abutting streetscapes and neighborhoods, and surrounding area because:

Petitioner’s response: “it provides safe and adequate lighting for the driveway, which allows for safe transition of vehicles both into and out of the street right-of-way.”

Staff concurs with the petitioner’s assertion that this finding would be met.



	<p>4. The proposal does not produce a site design that is impractical or detracts from the appearance of the proposed development and the surrounding area:</p> <p><i>Petitioner’s response: “the difference between the permitted maximum and the proposed maximum trespass is only 0.1 Fc, which is not detectable to the human eye.”</i></p> <p>Staff concurs with the petitioner’s assertion that this finding would be met.</p> <p>5. The proposal provides improved site design characteristics such as increased pedestrian connections, enhanced landscaping, tree preservation, or public art.</p> <p><i>Petitioner’s response: “the proposed lighting provides safe lighting levels for the property.”</i></p> <p>Staff is not opposed to slightly higher light spillages specifically at the area of intersections, and thus, staff believes this finding would be met.</p> <p>Staff recommends approval of this waiver request.</p>
<p>I. RECOMMENDATION</p>	<p>Staff finds that the overall development plan is inconsistent with the standards of the UDO. Therefore, staff recommends denial of petition DPR 25-18: Walmart Market Avon Avenue.</p> <p>If the Plan Commission were to make a motion to approve DPR 25-18, staff recommends that any approval be subject to the following conditions:</p> <ol style="list-style-type: none">1. Prior to issuance of a building permit, revised plans shall be submitted, requiring approval of the Administrator and the Public Works Director, which provide for the following public street improvements, all of which to be designed and constructed to the Town’s standards, with all improvements completed by the property owner prior to issuance of a Certificate of Occupancy:<ol style="list-style-type: none">a. construction of a roundabout at the intersection of Avon Avenue and Governors Row, including two northbound approach lanes, one of which would be dedicated to right turns,b. widening of Governors Row to a four-lane cross-section from Avon Avenue to the site’s



- eastern Governors Row driveway access, including intersection improvements to accommodate truck turning radii,
- c. installation of four speed humps on Governors Row (two eastbound and two westbound, between the site's eastern Governors Row driveway access and Turner Trace Place, and one speed hump on Turner Trace Place South, south of Lockford Walk North, with exact locations to be determined by the Department of Public Works, and
 - d. construction of a dedicated right turn lane with acceleration and deceleration lanes/tapers for from westbound County Road 150 South at the existing driveway access.
2. Prior to issuance of a building permit, a revised landscape plan shall be submitted, requiring approval by the Administrator, indicating compliance with all landscaping standards of the UDO.
 3. Prior to issuance of a building permit, a revised set of plans shall be submitted, requiring approval by the Administrator, indicating compliance with all architectural requirements of UDO 7.10.
 4. Any revised plans must comply with all commitments and conditions noted as part of any approval granted.
 5. A landscape bond is required per Section 6.1(D)(3) of the Unified Development Ordinance. This bond must be provided to the Town of Avon prior to the issuance of a full Certificate of Occupancy for the subject site.
 6. The development shall comply with all relevant portions of Town Code, the necessary approval by Crossroad Engineers on behalf of the Town, and comments by Public Works, the Fire Department, and Crossroad Engineers at the preconstruction meeting.

If the requested waivers are not approved, staff recommends that additional conditions would be needed requiring revised plans meeting the lighting standards and to remove the proposed driveway access onto Avon Avenue.



Exhibit A – Location / Zoning Map

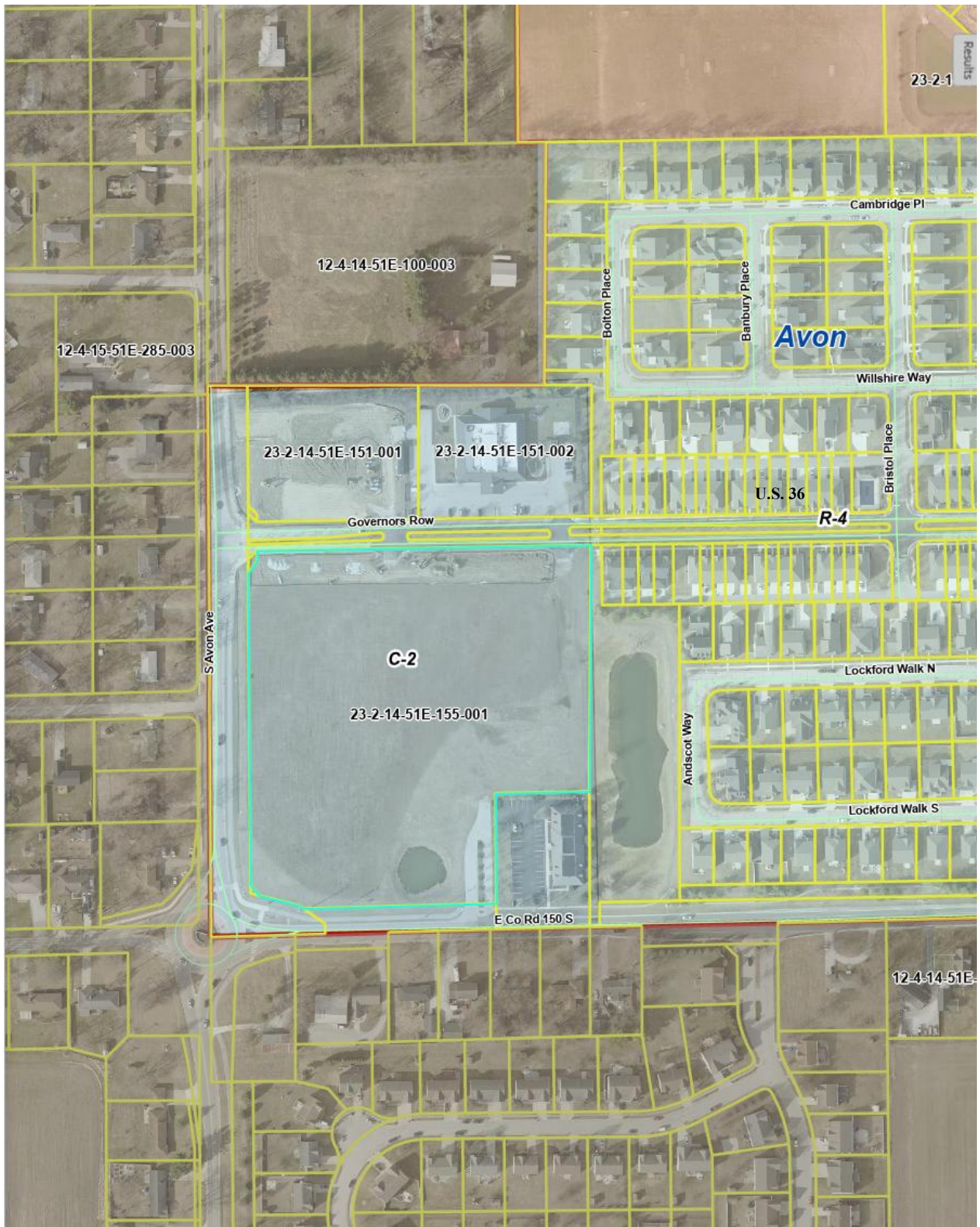




Exhibit B – Revised Site Plan (5-January-2026)

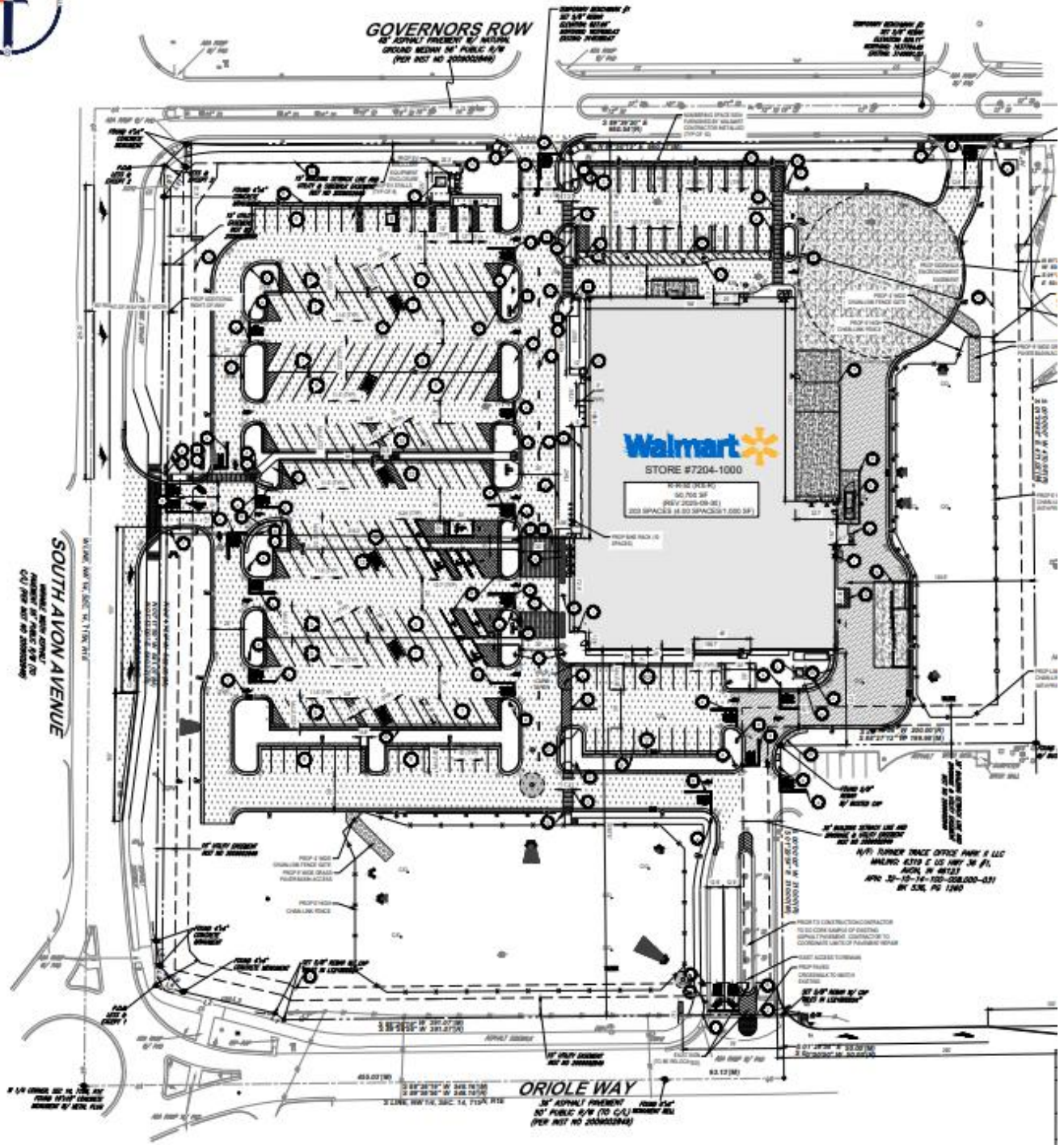
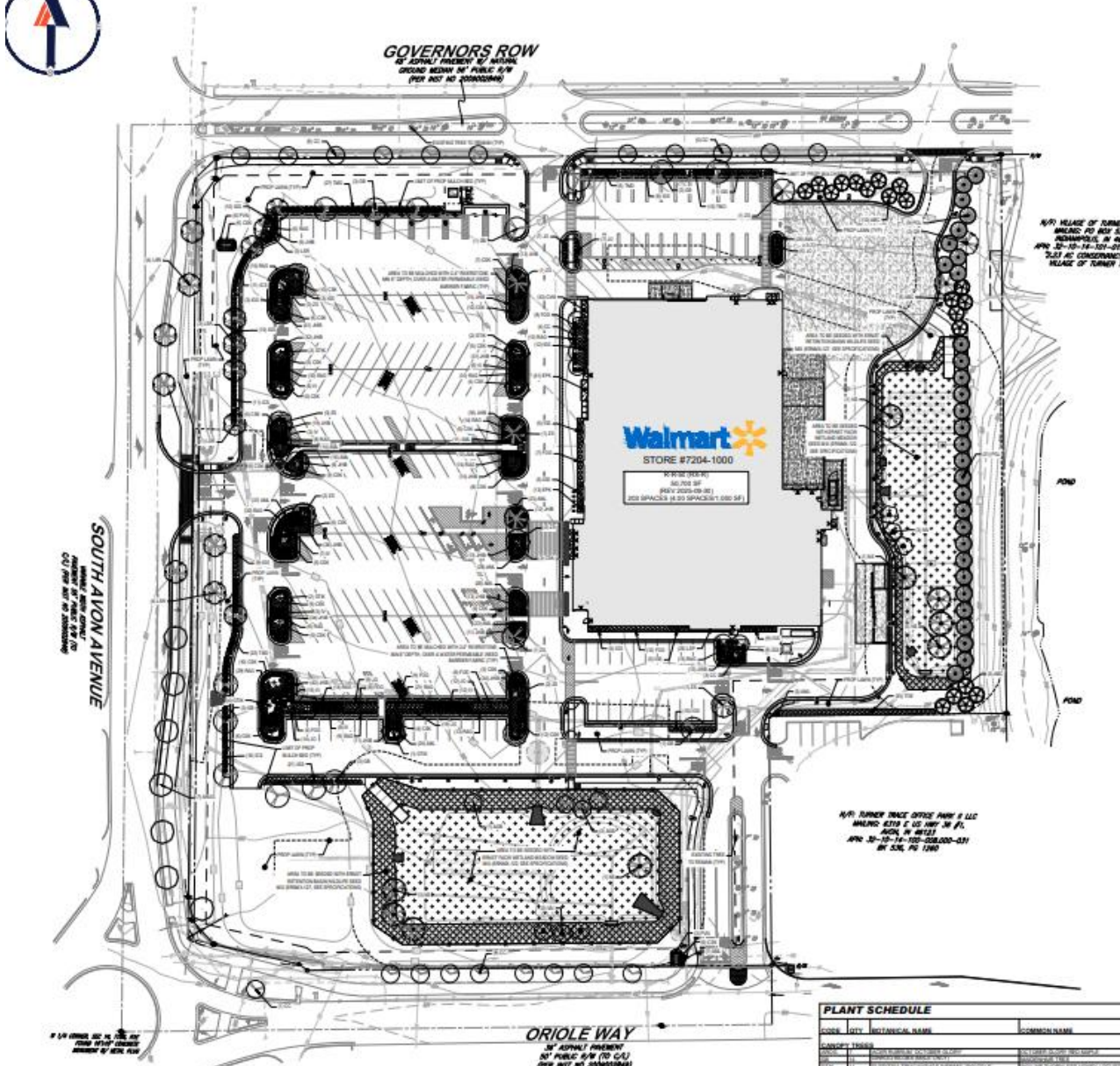




Exhibit C1 – Revised Landscape Plan (2-January-2026)



TO CONTRACTOR:
 1. SEE MICH 312P IS REQUIRED
 2. DO ALL CONCER TO CURBS/STEPS
 3. NO CURB GRASS WILL BE
 4. BUSHES ADJACENT TO CURBS
 5. SURFACING BETWEEN A 1/2" OR 3/4"
 6. INCIDENT ON AVAILABILITY WHEN SO2
 7. IS REQUIRED.

FACTORY IS CUT OVER THAT
 8. FACTOR CONVEYANCES AND PERS
 9. AND BOTTOM CAN BE DAMAGED IF
 10. THE BENCHER UNDER THESE SOILS
 11. ANY AESTHETIC DAMAGES ARE THE
 12. LIABILITY OF THE CONTRACTOR TO
 13. R. AT NO EXPENSE TO OWNER.

RT TO CONTRACTOR:
 GENERAL CONTRACTOR SHALL BE COMPLETED (EARTHWORK, FINAL
 1. AND FINAL GRADING) BY THE MILESTONE DATE IN PROJECT DOCUMENTS.
 2. AND TO BE KEPT FREE OF JOB TRAILERS AND STORAGE AFTER THE
 3. CITY MILESTONE DATE FOR THE OUTLET. THE GENERAL CONTRACTOR TO
 4. CLEAR ACCESS FOR OUTLET CONTRACTOR TO THE SPECIFIC PARCELS. AT
 5. IS AFTER MILESTONE DATE. # PROHIBITOR OF OUTLET TO PROVIDE PERMIT
 6. WTS AND SWPPP REQUIRED BY STATUTORY REQUIREMENTS FOR SPECIFIC

GENERAL LANDSCAPE NOTES:

1. THESE LANDSCAPE PLANS ARE TO BE READ IN CONJUNCTION WITH THE LANDSCAPE SPECIFICATIONS AND RECORDED DETAILS FOUND ON THE LANDSCAPE DETAILS SHEET. THE GENERAL NOTES FOUND ON THE NOTES PAGE OF THIS PLAN SET ARE CONSIDERED PART OF LANDSCAPE PLANS. THE CONTRACTOR MUST REFER TO THE PLAN SET WITH ALL NOTES, SPECIFICATIONS AND DETAILS FOR CONSTRUCTION. ON THE LANDSCAPE PLANS AND IN THE LANDSCAPE DETAILS SHEET.
2. ALL LANDSCAPE PLANTS AND MATERIALS SHALL BE INSTALLED AS SHOWN IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS. UNLESS OTHERWISE SPECIFICALLY STATED ON THIS PLAN.
3. MATERIALS AND SPECIFICATIONS FOR PLANTS SHALL BE INSTALLED TO AVOID A CONFLICT OF THE FACE OF CURB OR CONCRETION FINISHES. IT SHALL BE INSTALLED TO AVOID A CONFLICT OF THE FACE OF CURB OR CONCRETION FINISHES.
4. PLANT MATERIAL SUBJECT TO TONS MUST BE FORMALLY SUBMITTED TO THE MUNICIPALITY'S ENGINEERING AND LANDSCAPE CONSULTANTS FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.
5. WITHOUT EXCEPTION, BARRIERS/FENCING SHALL NOT BE INSTALLED WITHIN ANY STOREFRONT FACILITY, INCLUDING WALKWAYS, WALKWAYS, TRENCHES, VERTICALLY CURVED AND OTHER FEATURES.
6. IF PROTECTION IS REQUIRED BY THE OWNER OR APPROVED MUNICIPALITY, THE CONTRACTOR SHALL PROVIDE ADEQUATE PROTECTION FOR THE SPECIFICATIONS OF THE OWNER PROJECT MANUFACTURER. THE APPROVED SHALL ACCORDANCE TO ALL AND BE KEPT FREE OF JOB TRAILERS AND STORAGE AFTER THE MILESTONE DATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING ANY TRAILERS/STORAGE FOR THE INSTALLATION OF AN APPROVED SYSTEM.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE MATERIALS THROUGHOUT THE CONSTRUCTION PERIOD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE MATERIALS THROUGHOUT THE CONSTRUCTION PERIOD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE MATERIALS THROUGHOUT THE CONSTRUCTION PERIOD.

AUTOMATIC IRRIGATION IS NOT REQUIRED ON THIS PROJECT DUE TO ENVIRONMENTAL CONCERNS THAT DO NOT WARRANT THE INSTALLATION OF A WATERING SYSTEM FOR PLANT ESTABLISHMENT AND SURVIVAL.

CODE	CITY	BOTANICAL NAME	COMMON NAME
LANDSCAPE TREES			
LANDSCAPE SHRUBS			
LANDSCAPE PERENNIALS			
LANDSCAPE GRASSES			
LANDSCAPE MULCH			
LANDSCAPE STONE			
LANDSCAPE LIGHTING			
LANDSCAPE FURNITURE			
LANDSCAPE SIGNAGE			
LANDSCAPE PAINTS			
LANDSCAPE MATERIALS			
LANDSCAPE FINISHES			
LANDSCAPE ACCESSORIES			
LANDSCAPE UTILITIES			
LANDSCAPE STRUCTURES			
LANDSCAPE EQUIPMENT			
LANDSCAPE TOOLS			
LANDSCAPE SUPPLIES			
LANDSCAPE SERVICES			
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Exhibit C2 – Areas Deficient of Foundation Planting Requirement

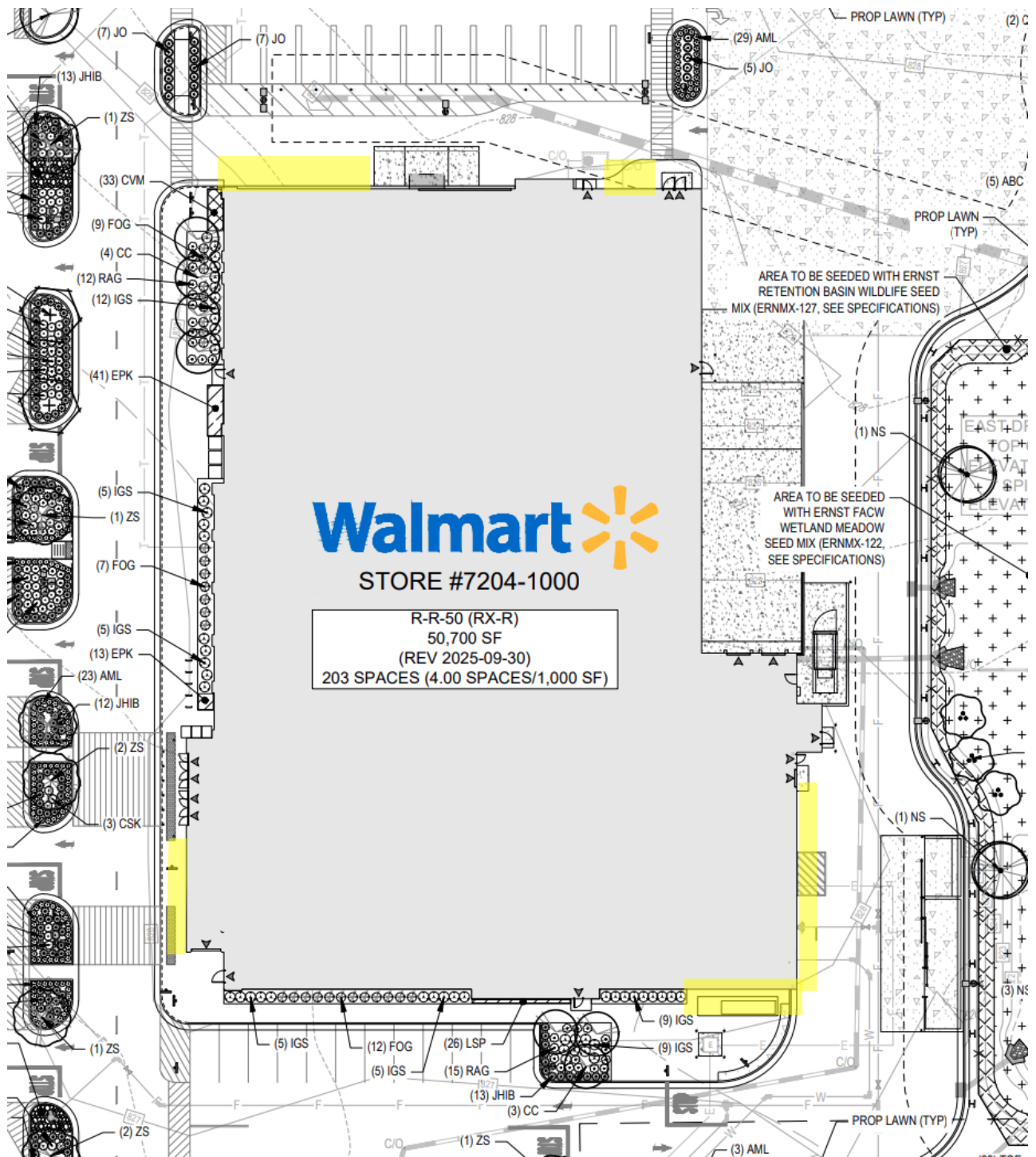
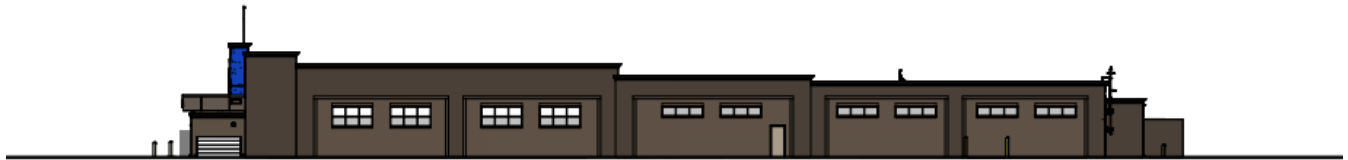




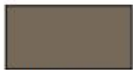
Exhibit D – Proposed Building Elevations



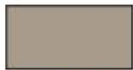
ACME Brick
Swiss Country



ACME Brick
Bayou City



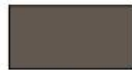
Paint P216
Dark Brown



Paint P214
Medium Brown



Paint P218
True Blue



PF21
Pre-Finished
Metal Bronze



PF15
Pre-Finished
Metal True Blue

12/22/2025



7204

Avon, IN

Presentation Elevations



Exhibit E – Aerial Photo w/ Measurements of Proposed Driveway Separation

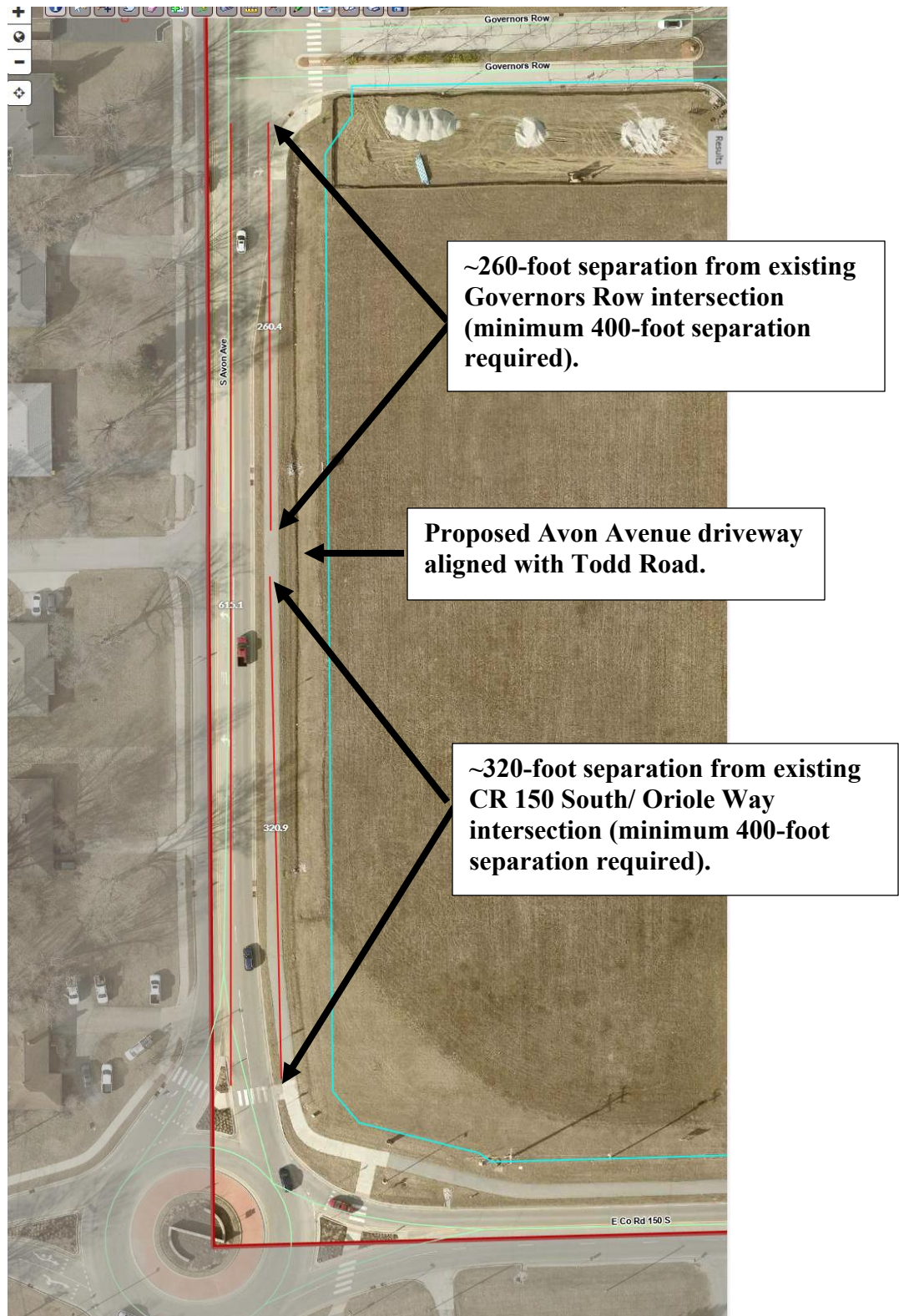




Exhibit F – Lighting Plan

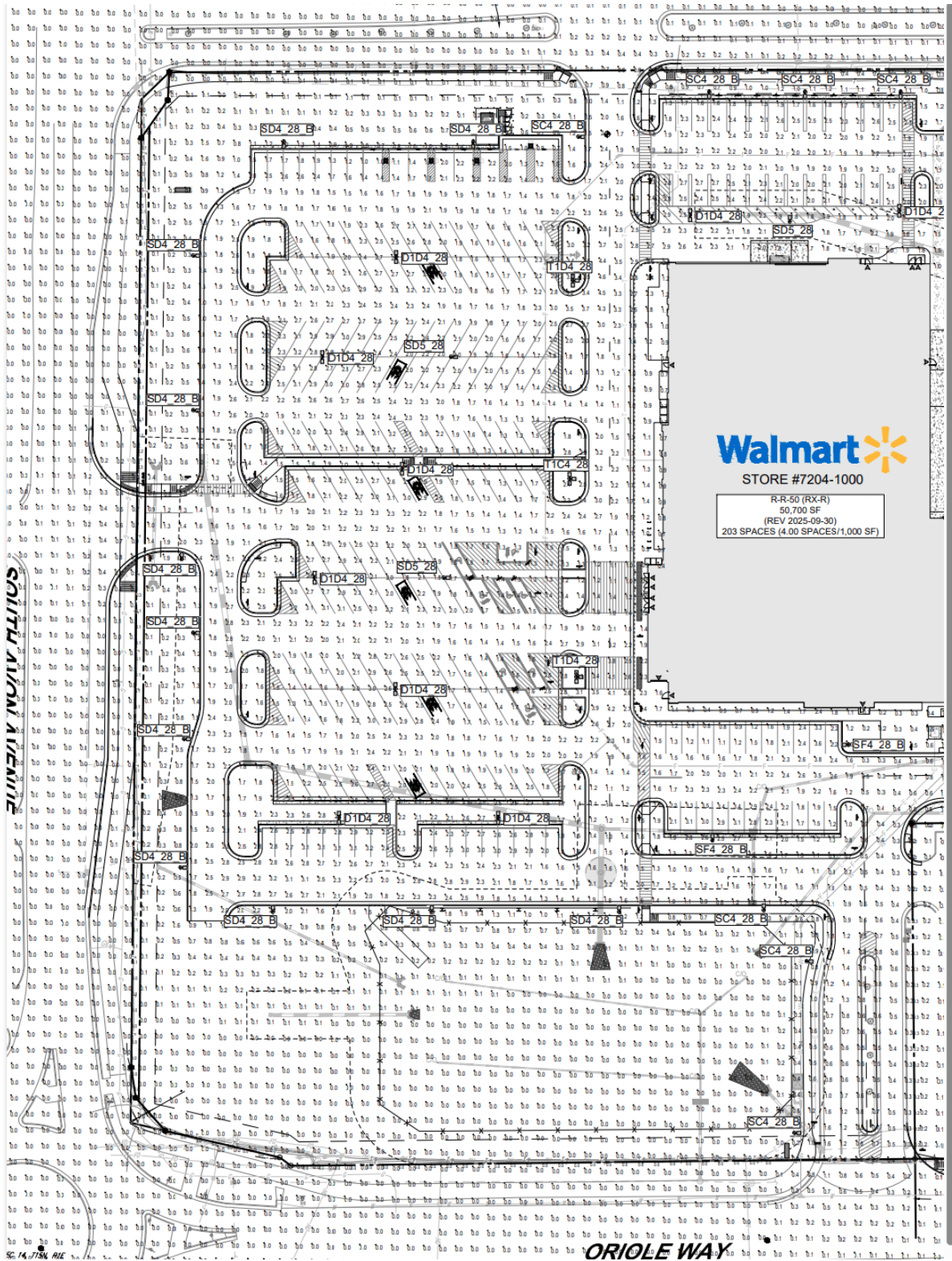




Exhibit G – Site Photos



1) View of site facing north from existing access to CR 150 S / Oriole Way.



2) Existing access to CR 150 S / Oriole Way, facing east.



Exhibit E – Site Photos



3) View of site, facing south at existing western access to Governors Row.



4) Site and adjacent dwellings to east, facing southwest from Governors Row.



Exhibit E – Site Photos



5) Facing west from site toward proposed access point onto Avon Avenue.



6) Facing east from Todd Road to site and proposed Avon Ave access point.



Exhibit E – Site Photos



7) Facing south from intersection of Avon Ave & Todd Rd toward CR 150 S.



8) Facing north from intersection of Avon & Todd toward Governors Row.



DPR 25-20: Avon Retail Shops

Planning & Building Department Staff Report

For Hearing on January 26, 2026

Plan Commission, Public Hearing

Linda Ahlbrand, Planning Director

A. PETITION NUMBER	DPR 25-20: Avon Retail Shops
B. APPLICANT	Evergreen Commons, LLC, by Brian Cross, Civil Site Group, Inc.
C. LOCATION	10654, 10688, and 10690 East U.S. Highway 36
D. PARCEL SIZE	Four acres
E. LAND USE & ZONING	The site is zoned C-2 and was improved with various vacant buildings, which have recently been demolished. It is located within the US 36 Overlay District and the Ronald Reagan Parkway Overlay District.
F. ACTION REQUESTED	Request for approval of a Development Plan Review to provide for construction of two retail buildings totaling ~29,400 square feet, with a Waiver of Design Standards of UDO 2.10(L) to allow for two driveway access points with drive separations of approximately 50 feet, 150 feet and 280 feet, (minimum 600-foot separation between access driveways required) and a Waiver of Design Standards of UDO 2.10(O)(2)(a) to provide for reduced masonry (80% masonry required).
G. HISTORY	The subject property has never been platted. The site contained various vacant commercial buildings that were recently demolished. The buildings were most recently used for a construction/development business and an automobile repair business.
H. STAFF COMMENTS	This petition was continued from December 22, 2025 to January 26, 2026 to allow time for the petitioner to revise plans and submit waiver requests.



This request would allow for construction of two retail buildings totaling ~29,400 square feet with 157 parking spaces.

The development plans show two rows of parking in front of the multi-tenant buildings and several rows behind the buildings. Stormwater detention would be provided underground. The required buffer yards have been shown adjacent to the residential properties to the north and northwest.

UDO 8-10(A) Development Plan Purpose:

Per UDO 8.10(A), the development plan review process is designed to: promote the safe and efficient use of land, protect property values, and ensure for an orderly and harmonious development pattern according to the Comprehensive Plan.

Development Standards: Development Plans are required to meet the applicable development standards set forth in the Unified Development Ordinance (UDO). The Technical Advisory Committee (TAC) reviewed this proposal for compliance with those standards, as well as those of the Storm Water Management Ordinance. The development plan was found to meet the development standards of the UDO, except as described below, which might necessitate conditions requiring submission of revised plans, and as described in the requested waivers of design standards.

1) Miscellaneous Applicable Development Standards:

This request appears consistent with the development standards for the C-2 District, such as setbacks and building height and bulk.

2) Applicable Overlay District Standards:

The property is located within Tiers 1 & 2 of the U.S. Highway 36 Zoning Overlay and appears consistent with the applicable overlay standards, except as noted in the waiver requests below. The site is also located within the Ronald Reagan Overlay District and appears consistent with those applicable overlay standards.



3) Lighting, Chapter 6:

The lighting plan appears to meet all standards of the lighting requirements in the UDO for maximum spillage at the property line and maximum average parking lot limits.

4) Off-Street Parking and Loading, Chapter 6:

- a) **Parking:** The site plan proposes 157 parking spaces. While the future tenants of the commercial space are not known at this time, the number of parking spaces proposed would be sufficient for general retail users or restaurant users.
- b) **Loading:** Adequate temporary loading areas would be available on the sides of the proposed buildings. No loading space is required for retail uses under 7,500 square feet. The sizes of the future tenant spaces will likely be under 7,500 square feet.
- c) **Bicycle Parking:** The UDO requires eight bicycle racks for a development of this size. Eight racks have been shown.

5) Landscaping and Screening, Chapter 6:

The revised landscape plan appears to comply with the landscape requirements of the UDO including the buffer yard landscaping standards.

6) Floodplain Regulations:

This property is not located within a regulatory floodplain.

7) Signs, Chapter 6:

Signs were not proposed or reviewed as part of this development plan. Signs are typically reviewed for compliance during the sign permit review process.

8) Engineering / Stormwater Management:

The revised submissions from the petitioner following TAC review are under review by our consulting engineer.

9) Subdivision Control Regulations:



The revised site plan indicates compliance with UDO 7.19, by providing perimeter sidewalks in or adjacent to the abutting public rights-of-way with internal pedestrian walkways connecting to the proposed building from the abutting street.

A subdivision plat will be required to combine the parcels into one lot prior to development of the site.

10) Architectural Standards

The building elevations appear to meet both the general architectural standards of UDO 7.10 as well as the additional U.S. Highway 36 overlay requirements found in UDO 2.10(O), with the exception of the 80% brick requirement. A waiver of this requirement is discussed below.

11) Comprehensive Plan

The Comprehensive Plan Future Land Use Map recommends Commercial/Office uses for this site. Therefore, the proposed development would be consistent with the Comprehensive Plan.

WAIVER "A"

Waiver of Design Standards of UDO 2.10(L) to allow for two driveway access points with drive separations of approximately 50 feet, 150 feet and 280 feet, which exceed the minimum 600-foot separation between access driveways required.

Applicant must demonstrate compliance with the following:

1. The proposed alternative will not be detrimental to the public health, safety, or general welfare, or be injurious to adjacent nearby property because:

Petitioner's response: "The total property frontage along US 36 is 500 feet. The proposed project combines five (5) parcels into a cohesive commercial development and reduces the number of existing driveway access points from four (4) to two (2); keeping safe vehicular access along the commercial corridor. An engineering traffic analysis supports the number of access drives/locations and also benefits emergency services to the site."



Staff concurs with the petitioner's response.

2. The proposed alternative will not contradict the intent of design standards or the purpose of the Subdivision Regulations because:

Petitioner's response: "The property is zoned C-2/US 36 Overlay. The proposed project incorporates permitted commercial land uses and development standards (including architectural character, landscape buffer yards, and landscaping along the street frontage) that enhance the surrounding area consistent with the intent of the zoning district and the existing adjacent commercial properties along US 36. The project reduces the number of existing driveway access points from four (4) to two (2) allowing for more streetscape landscaping and safe vehicular access along the commercial corridor."

Staff concurs with the petitioner's response.

3. The proposed alternative is due to conditions specific to the property and the proposed development and not applicable generally to other properties because:

Petitioner's response: "The project reduces the number of existing driveway access points from four (4) to two (2) allowing for more streetscape landscaping and safe vehicular access along this commercial corridor."

Because the subject site has four legally established access points, the reduction of the overall number would not generally apply to other surrounding properties.

4. The proposed alternative enhances the proposed development and the surrounding area because:

Petitioner's response: "The project incorporates the UDO and Overlay Districts high-quality design intent for architecture and landscaping as a cohesive development while integrating safe vehicular access to and from the surrounding area and the existing adjacent commercial properties along US 36.."

Staff concurs with the petitioner's response.

Staff reviewed the waiver request in the context of the existing curb cuts that serviced the previous development. There are four existing curb cuts that access the overall site. These cuts are legally established and could remain. The



proposed development would reduce the total number of curb cuts to two. The easternmost entrance would be maintained, three would be removed, and a new curb cut would be located at the middle of the US 36 frontage. The new entrance would line up with the drive between the buildings.

The resulting separation of those two curb cuts would not meet the required minimum separation distance of 600 feet. However, the overall number of access points that could create a conflict is greatly reduced. Additionally, because this stretch of US 36 has a raised median preventing any left turns in or out of the site, safety concerns are significantly reduced.

INDOT has reviewed the proposed locations of the drives for the development and does not have concerns with two access points. Additionally, the Fire Department would prefer to have two access points for better maneuverability into the site and around the buildings.

Staff recommends approval of this waiver request.

WAIVER “B”

Waiver of Design Standards of UDO 2.10(O)(2)(a) to provide for reduced masonry (80% masonry required)

Applicant must demonstrate compliance with the following:

1. The proposed alternative will not be detrimental to the public health, safety, or general welfare, or be injurious to adjacent nearby property because:

Petitioner’s response: “The design of this façade will not lower or damage the property value of this site or other adjacent sites’ property values.”

This portion of US 36 has a diverse mix of building materials and façade types. The proposed buildings offer a high-end design that fits well with both the brick and non-brick structures along the corridor.

2. The proposed alternative will not contradict the intent of design standards or the purpose of the Subdivision Regulations because:



Petitioner's response: "this design improves upon the aesthetics of the surrounding area and uses high quality finishes, including: brick, cast stone, Nichiha panels and EIFS accents."

This finding applies to the brick requirement because architecture requirements are contained within the subdivision regulations. Additionally, the purpose statement of the U. S. Highway 36 Overlay District states that its intent is to establish high standards for development of properties and establish standards that will promote quality development. In staff's opinion the proposed materials are generally considered high-quality, durable products.

3. The proposed alternative is due to conditions specific to the property and the proposed development and not applicable generally to other properties because:

Petitioner's response: "it is keeping/improving upon the character of the area, and abides by the UDO's design quality intent, while also providing signage area above each tenant to allow ease of modification and maintenance through material selection, creating a better-looking façade over time."

Staff concurs with the petitioner's response.

4. The proposed alternative enhances the proposed development and the surrounding area because:

Petitioner's response: "it consists of high-quality finishes and offers a new and unique design to the area."

Staff concurs with the petitioner's response.

The proposed percentage of brick ranges from 36% on the front façade to 97% on the rear façade. Therefore, the overall appearance of the buildings will meet the intent of the UDO for having high-quality materials. While the front façade does not meet the 80% requirement, the change of materials offers a superior visual interest to warrant a deviation from the brick standard.

Staff recommends approval of this waiver request.



• **RECOMMENDATION**

Staff finds that the overall development plan would be consistent with the standards of the UDO. Therefore, if the requested waivers are approved, **staff recommends approval of petition DPR 25-20: Avon Retail Shops, subject to the following conditions:**

1. Prior to issuance of a building permit, a subdivision plat must be filed and approved to combine the properties into one lot.
2. Any revised plans must comply with all commitments and conditions noted as part of any approval granted.
3. A landscape bond is required per Section 6.1(D)(3) of the Unified Development Ordinance. This bond must be provided to the Town of Avon prior to the issuance of a full Certificate of Occupancy for the subject site.
4. The development shall comply with all relevant portions of Town Code, the necessary approval by Crossroad Engineers on behalf of the Town, and comments by Public Works, the Fire Department, and Crossroad Engineers at the preconstruction meeting.

Exhibit A – Location / Zoning Map

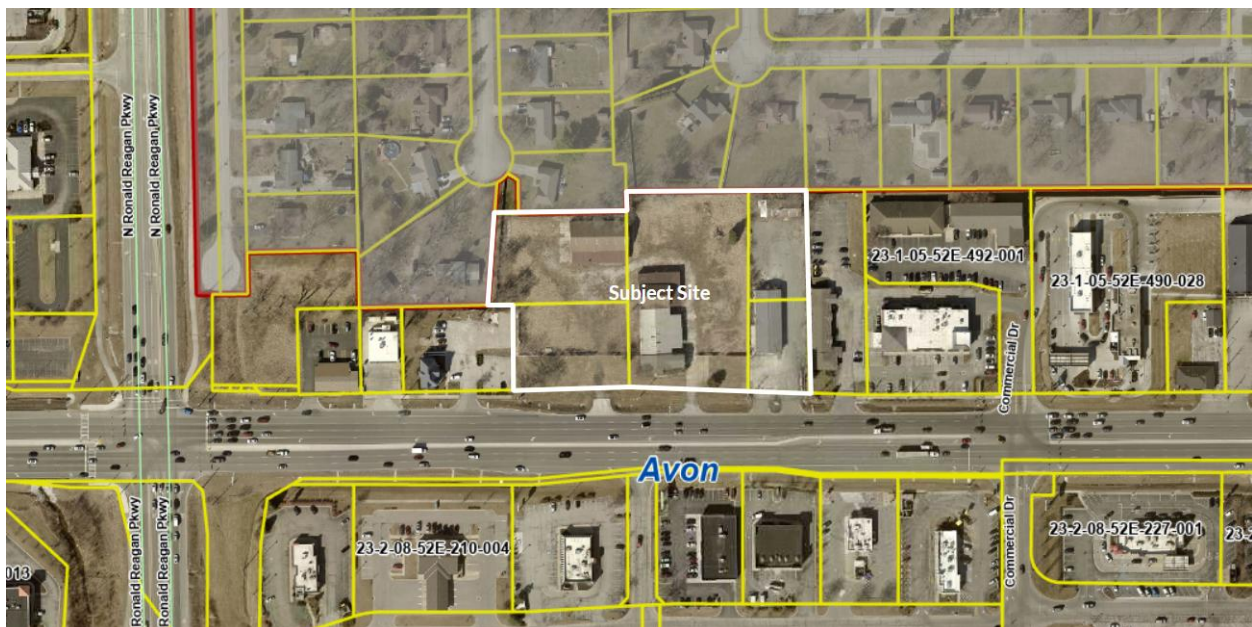




Exhibit B – Proposed Site Plan

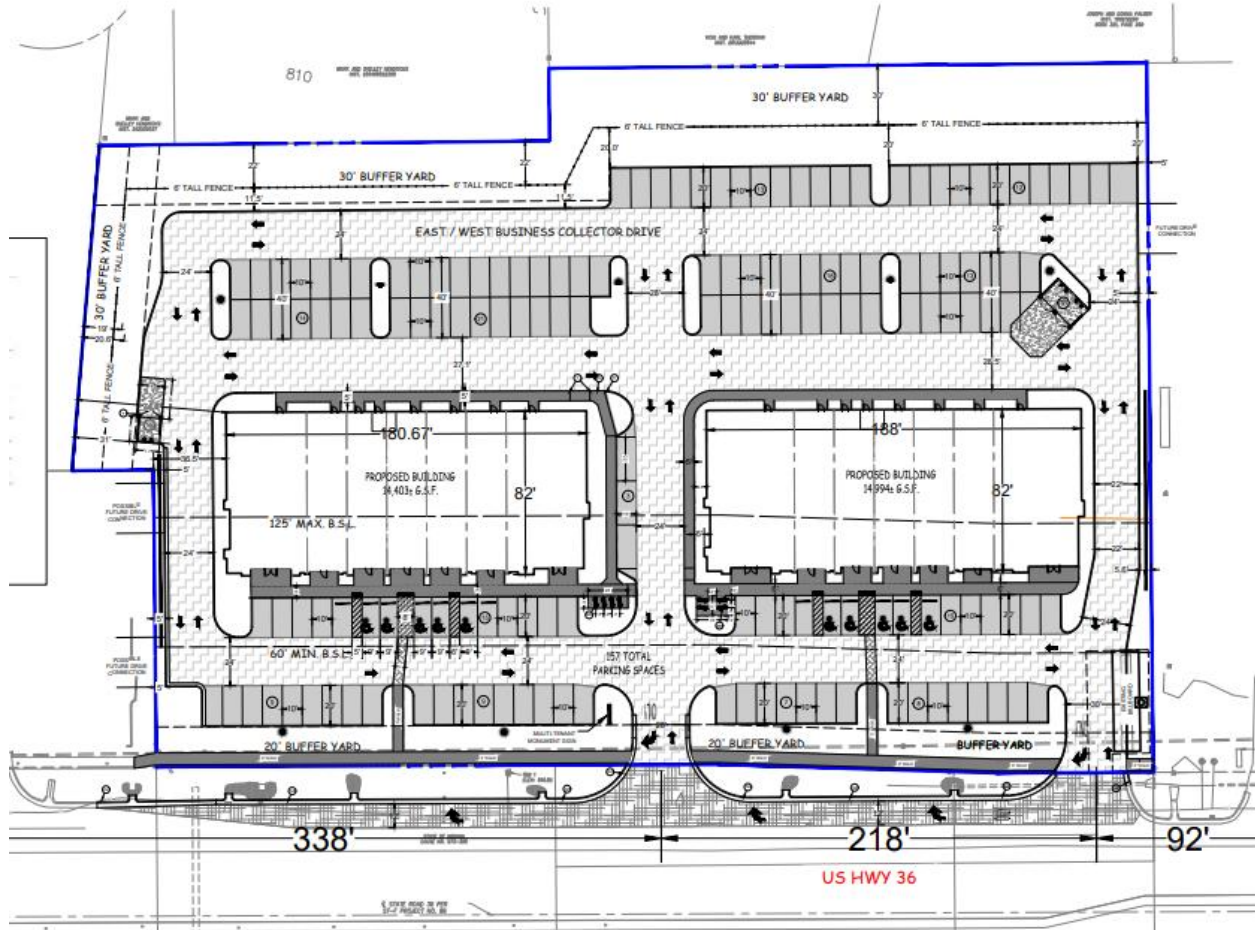
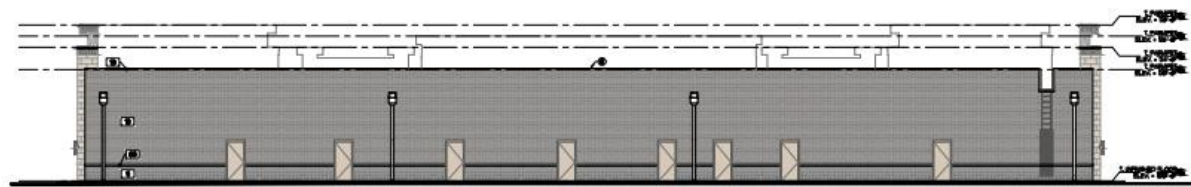




Exhibit D – Building Elevations Building A



① **SOUTH ELEVATION** TOTAL HEIGHT OF - 14'6" 1/2
TOTAL WIDTH OF - 126' 0"



② **NORTH ELEVATION** TOTAL HEIGHT OF - 10'0" 0"
TOTAL WIDTH OF - 126' 0"



③ **EAST ELEVATION** TOTAL HEIGHT OF - 12'0" 0"
TOTAL WIDTH OF - 106' 0"



④ **WEST ELEVATION** TOTAL HEIGHT OF - 14'0" 0"
TOTAL WIDTH OF - 126' 0"

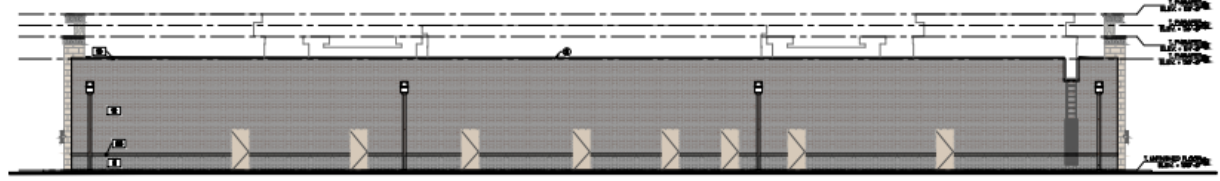
PLAN NOTES		
①	3-Dimensional Curves	
②	Energy Efficient Glass Created with 100% Recycled Glass Polyethylene	
MATERIAL SCHEDULE		
SYMBOL	DESCRIPTION	MATERIAL SUPPLIER
(A)	BRICK - BELDEN - DORRIS BLACK HEAVY ORIGNAL	
(B)	BRICK - BELDEN - POLY-LAD BLIND GRADE OR ORIGINAL	
(C)	BRICK - BELDEN - POLY-LAD BLIND GRADE OR ORIGINAL	
(D)	STONE - PENNSYLVANIA BRICK MANUFACTURING CO. BRICK OR ORIGINAL	
(E)	CAST STONE FILL - COLOR MATCHING	
(F)	ARCHITECTURAL PANEL - BROWN - VENEERED COLOR	
(G)	SPRINT - 1/4" LACEROL GRANOSPHERE PINE	
(H)	SPRINT - 3/8" GLEN BAYE GRANOSPHERE PINE	
(I)	SPRINT - 3/8" GLEN BAYE GRANOSPHERE PINE	
(J)	SPRINT - 3/8" GLEN BAYE GRANOSPHERE PINE	
(K)	PEEL OFFING - BELDEN - FINE - FINE BLACK OR ORIGINAL	
(L)	CHROME - BRONZE - BRONZE BRICK OR ORIGINAL - MATCH TO ORIGINAL	
(M)	CHROME - BRONZE - BRONZE BRICK OR ORIGINAL - MATCH TO ORIGINAL	



Exhibit D – Building Elevations Building B



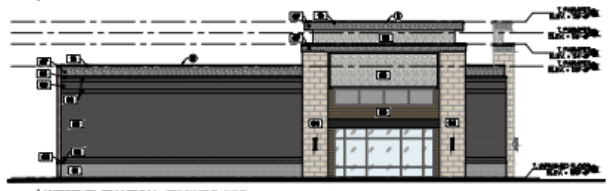
① **SOUTH ELEVATION** WALL THICKNESS - 12" OF
SCALE 1/4" = 1'-0"



② **NORTH ELEVATION** WALL THICKNESS - 12" OF
SCALE 1/4" = 1'-0"



③ **EAST ELEVATION** WALL THICKNESS - 12" OF
SCALE 1/4" = 1'-0"



④ **WEST ELEVATION** WALL THICKNESS - 12" OF
SCALE 1/4" = 1'-0"

PLAN NOTES			
①	DIFFERENTIAL CORNER		
②	DIFFERENTIAL CORNER CREATED WITH WHITE THERMOPLASTIC POLYURETHANE		
MATERIAL SCHEDULE			
MARK	DESCRIPTION	MANUFACTURER/COLOR	MATERIAL SAMPLE
(A)	BRICK	BEIGES - DORSETT BLAZE TRADITIONAL	
(B)	BRICK	BEIGES - HOLLAND BLIND CORNER OR BRICK	
(C)	BRICK ALL OVER CORNER	BEIGES - HOLLAND BLIND CORNER OR BRICK	
(D)	STONE	BEIGES - TRAVERTINE SAND TONING SAND CREAM OR BEIGE	
(E)	CHIP BRICK WALL	COLOR NATURAL	
(F)	ARCHITECTURAL CORNER	BEIGES - UNFINISHED CORNER	
(G)	EPS	EXTRUDED - 1/2" THICKNESS UNINSULATED FIBER	
(H)	EPS	EXTRUDED - 2" THICKNESS INSULATED FIBER	
(I)	EPS	EXTRUDED - 4" THICKNESS INSULATED FIBER	
(J)	PEEL OFFING	BEIGES - TRAVERTINE SAND TONING SAND CREAM OR BEIGE	
(K)	CONCRETE	BEIGES - SPECIAL EXTRUDED FIBER INSULATED	
(L)	CONCRETE	BEIGES - SPECIAL EXTRUDED FIBER INSULATED	



DPR 25-21: Mo' Bettahs

Planning & Building Department Staff Report

For Hearing on January 26, 2026

Plan Commission, Public Hearing

Paul J. Lambie, Senior Planner

A. PETITION NUMBER	DPR 25-21: Mo' Bettahs
B. APPLICANT	Savory MB Stores LLC, c/o Will Scott, PGAL
C. LOCATION	8894 East U.S. Highway 36, Avon IN 46123 Lot 5 in Harvest Landing
D. PARCEL SIZE	1.32 acres
E. LAND USE & ZONING	The site is zoned C-2, located within Tier 1 of the U.S. Highway 36 Overlay, and improved with a vacant drive-up restaurant, surface parking and related improvements.
F. ACTION REQUESTED	Requesting approval of a Development Plan Review to allow for renovation of an existing 1,580-square foot restaurant building, including a 760-square foot building addition, with a drive-through pickup window and miscellaneous changes to parking, and landscaping, with a Waiver of Design Standards of UDO 7.10(l)(1) to allow for the use of "thin brick" siding (brick less than four inches thick not permitted).
G. HISTORY	ZA 20-02 rezoned 41.68 acres (including the subject site) from R-1 to C-2. This property was platted as part of the Harvest Landing subdivision via petitions MAP(P) 20-15 & MAP(F) 20-17. SE 22-01 granted Special Exception approval for a restaurant with drive-up service. DPR 22-04 granted Development Plan Review approval for a drive-up restaurant, with a Waiver of Design Standards to allow for reduced building articulation, and with a Waiver of



	<p>Development Standards to provide for deficient foundation planting area.</p> <p>SE 25-04: pending request for approval of Special Exception for a drive-through pickup window.</p>
H. STAFF COMMENTS	<p>This petition would allow for re-use of the existing restaurant building that was previously occupied as Swenson’s Drive-In. The proposal includes an addition to the west side of the building that would increase the interior floor area by approximately 48 percent, which would also include a new drive-through lane and pickup window. The proposed addition would eliminate a row of surface parking, however, the site would still be compliant with off-street parking requirements. Minor changes to the site’s landscaping include the planting of parkway trees adjacent to the site’s U.S. 36 frontage and additional terminal islands in the parking lot, which will bring the site more into compliance with the applicable requirements of the Unified Development Ordinance.</p> <hr/> <p>UDO 8-10(A) Development Plan Purpose:</p> <p>Per UDO 8.10(A), the development plan review process is designed to: promote the safe and efficient use of land, protect property values, and ensure for an orderly and harmonious development pattern according to the Comprehensive Plan.</p> <p>Development Standards: Development Plans are required to meet the applicable development standards set forth in the Unified Development Ordinance (UDO). The Technical Advisory Committee (TAC) reviewed this proposal for compliance with those standards, as well as those of the Storm Water Management Ordinance. The development plan was found to meet the development standards of the UDO, except as described below, which might necessitate conditions requiring submission of revised plans, and as described in the requested waiver of development standards.</p> <p>1) Miscellaneous Applicable Development Standards:</p>



This request appears consistent with the development standards for the C-2 District, such as setbacks, building height and bulk.

2) Applicable Overlay District Standards:

The property is located within Tiers 1 of the U.S. Highway 36 Zoning Overlay and appears consistent with the applicable overlay standards.

3) Lighting, Chapter 6:

No change to the existing exterior lighting is proposed.

4) Off-Street Parking and Loading, Chapter 6:

a) **Parking:** The revised plans indicate forty (40) parking spaces (two ADA spaces). The UDO requires a minimum of five (5) spaces 1,000 square feet for restaurants, which would require a minimum of twelve (12) spaces. The UDO requires a minimum of two accessible (ADA) spaces when between 26 and 50 total spaces are provided.

b) **Loading:** No dedicated loading space is required for retail buildings having less than 7,500 square feet.

c) **Bicycle Parking:** The UDO requires one bicycle rack per every twenty (20) required vehicle parking spaces. While a bicycle rack exists on site, a compliant rack nearer to the public entrance of the renovated building has been proposed.

5) Landscaping and Screening, Chapter 6:

The revised landscape plan, submitted subsequent to the Technical Advisory Committee (TAC) meeting, addresses staff comments requesting additional tree plantings along the site's U.S. Highway 36 frontage and the west perimeter of the parking lot, terminal islands on each end of the parking row adjacent to the south façade, and additional foundation planting areas. It appears that additional landscaping should be included north of the trash enclosure to screen it from Harvest Landing Drive as required by UDO 5.1(H)(1).



6) Floodplain Regulations:

This property is not located within a regulatory floodplain.

7) Signs, Chapter 6:

Signs were not proposed or reviewed as part of this development plan. Signs are typically reviewed for compliance during the sign permit review process. It is presumed that the UDO's sign regulations will provide for adequate building identification signage.

8) Engineering / Stormwater Management:

The revised submissions from the petitioner following TAC review are under review by our consulting engineer.

9) Subdivision Control Regulations:

No changes to the site's vehicular access are proposed. The site is connected via walkway to the public sidewalks along the two abutting streets, and the revised site plan will increase compliance with the UDO's pedestrian network standards by including an internal pedestrian crosswalk with a contrasting surface material connecting the building to the asphalt path adjacent to U.S. Highway 36.

10) Architectural Standards

The revised building elevations submitted subsequent to TAC review appear to meet both the general architectural standards of UDO 7.10 as well as the additional U.S. Highway 36 overlay requirements found in UDO 2.10(O), except for the waiver for use of "thin brick", which is addressed below.

11) Comprehensive Plan

The Future Land Use Map in the 2025 Comprehensive Plan recommends Commercial use for this site. Restaurants are a typical use anticipated in such areas.



WAIVER “A”

Waiver of Design Standards of UDO 7.10(l)(1), to allow for the use of “thin brick” siding (brick less than four inches thick not permitted).

Applicant must demonstrate compliance with the following:

1. The proposal does not create conditions detrimental to the public health, safety, or general welfare, or be injurious to adjacent or nearby property because:

Petitioner’s response: “the proposed thin brick will match the existing thin brick.”

“Thin brick” was not a prohibited material when the building was approved in 2022. Using additional thin brick to match the remainder of the existing building which is now legally nonconforming should not harm the public or adjacent properties.

2. The proposed alternative will not contradict the intent of the design standards or the purpose of the Subdivision Regulations because:

Petitioner’s response: “we are asking for this waiver so the addition with thin brick exterior will match existing building exterior, since it will be the most aesthetically pleasing to not have mismatched building exterior materials on the same building.”

Staff agrees that matching the existing exterior material is reasonable and preferable to using a permitted material that might not blend well aesthetically, and that it would be unreasonable to expect the petitioner to replace the existing siding material that is only a few years old.

3. The proposed alternative is due to conditions specific to the property and the proposed development and not applicable generally to other properties because:

Petitioner’s response: “the proposed waiver is unique to this building as this building is currently constructed using thin brick.”

Staff agrees that the legal nonconforming design of the existing building is a unique condition that is not generally applicable to other nearby properties.



	<p>4. The proposed alternative enhances the proposed development and the surrounding area because:</p> <p><i>Petitioner's response: "if thin brick is allowed to be used, the addition's exterior brick will better match the existing building's exterior brick. Doing this will help the building blend into the environment."</i></p> <p>Staff concurs that matching the existing siding material is preferable to adding another permitted siding material that might not blend well aesthetically.</p> <p>Staff recommends approval of this waiver request.</p>
<p>I. RECOMMENDATION</p>	<p>Staff finds that the overall development plan would be consistent with the standards of the UDO, except as requiring modification per requested Condition One, and except as described in the waiver request. Therefore, if the waiver request is approved, staff recommends approval of petition DPR 25-21: Mo' Bettahs, subject to the following conditions:</p> <ol style="list-style-type: none">1. Prior to issuance of a building permit, a revised landscape plan shall be submitted, requiring approval by the Administrator, indicating compliance with the Town's landscaping requirements, including UDO 5.1(H) regarding screening of trash enclosures.2. Any revised plans must comply with all commitments and conditions noted as part of any approval granted.3. A landscape bond is required per Section 6.1(D)(3) of the Unified Development Ordinance. This bond must be provided to the Town of Avon prior to the issuance of a full Certificate of Occupancy for the subject site.4. The development shall comply with all relevant portions of Town Code, the necessary approval by Crossroad Engineers on behalf of the Town, and comments by Public Works, the Fire Department, and Crossroad Engineers at the preconstruction meeting.



Exhibit A – Location / Zoning Map





Exhibit B – Existing Conditions

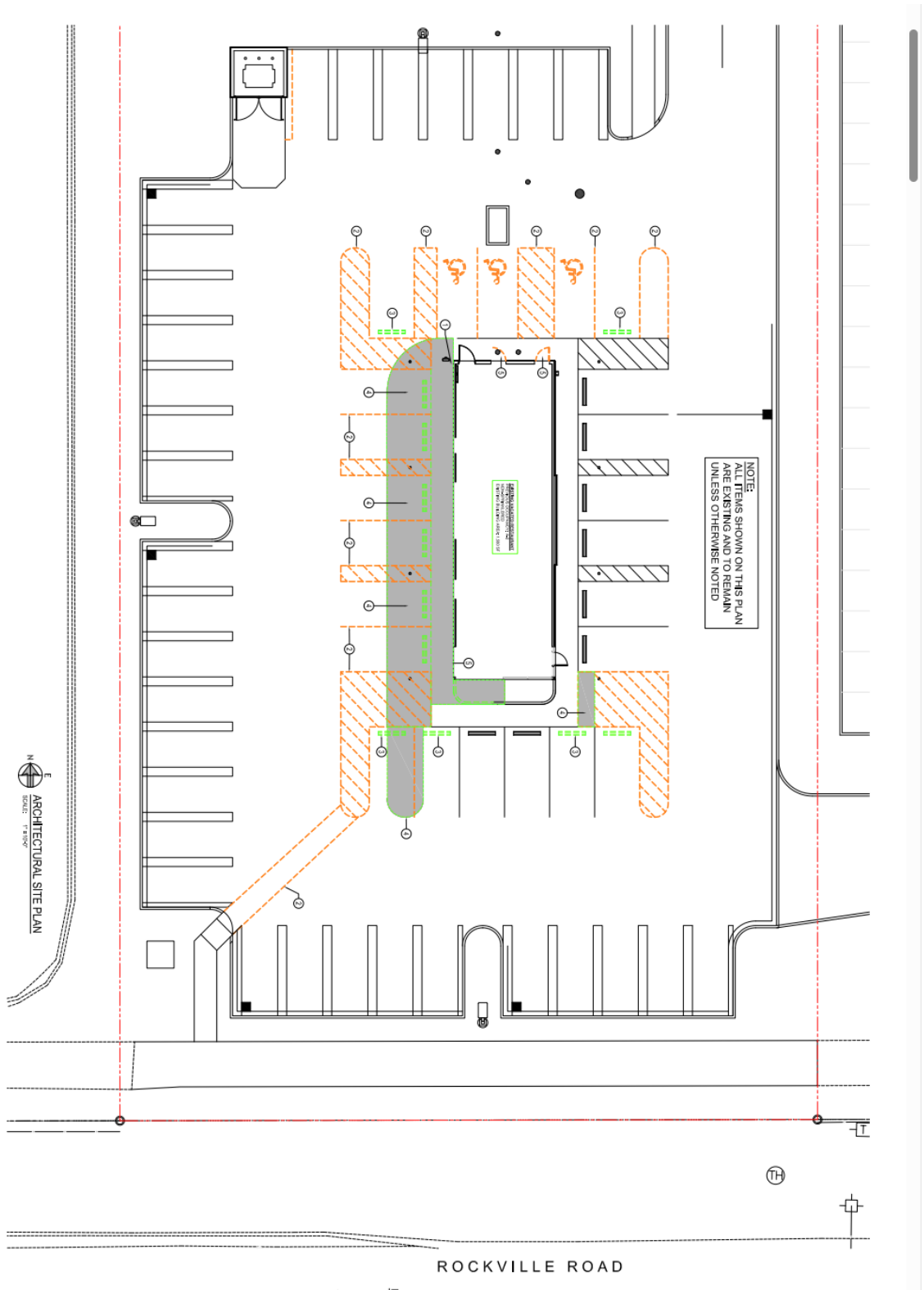




Exhibit D – Proposed Landscape Plan

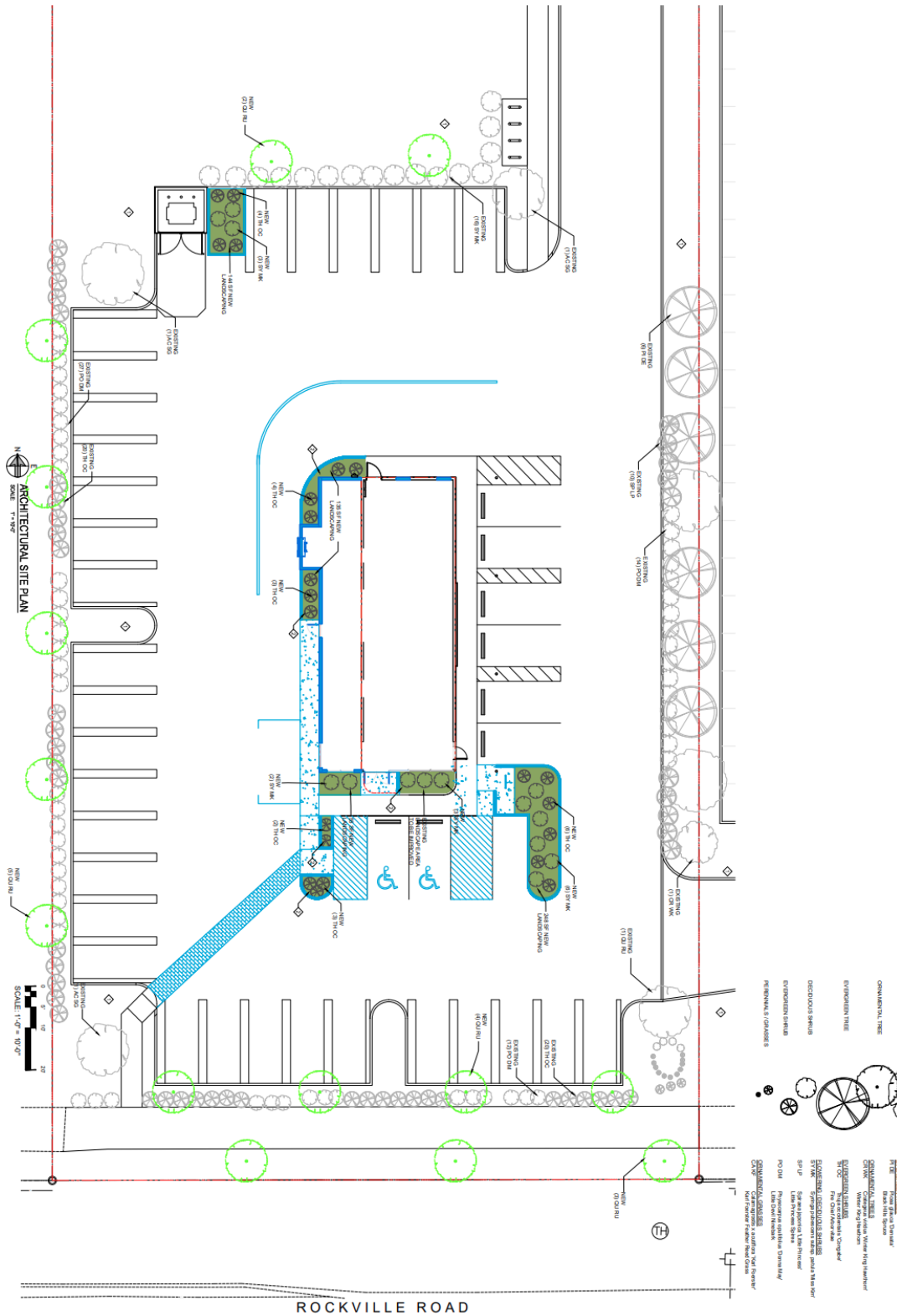




Exhibit E – Existing & Proposed Building Elevations (South & North)

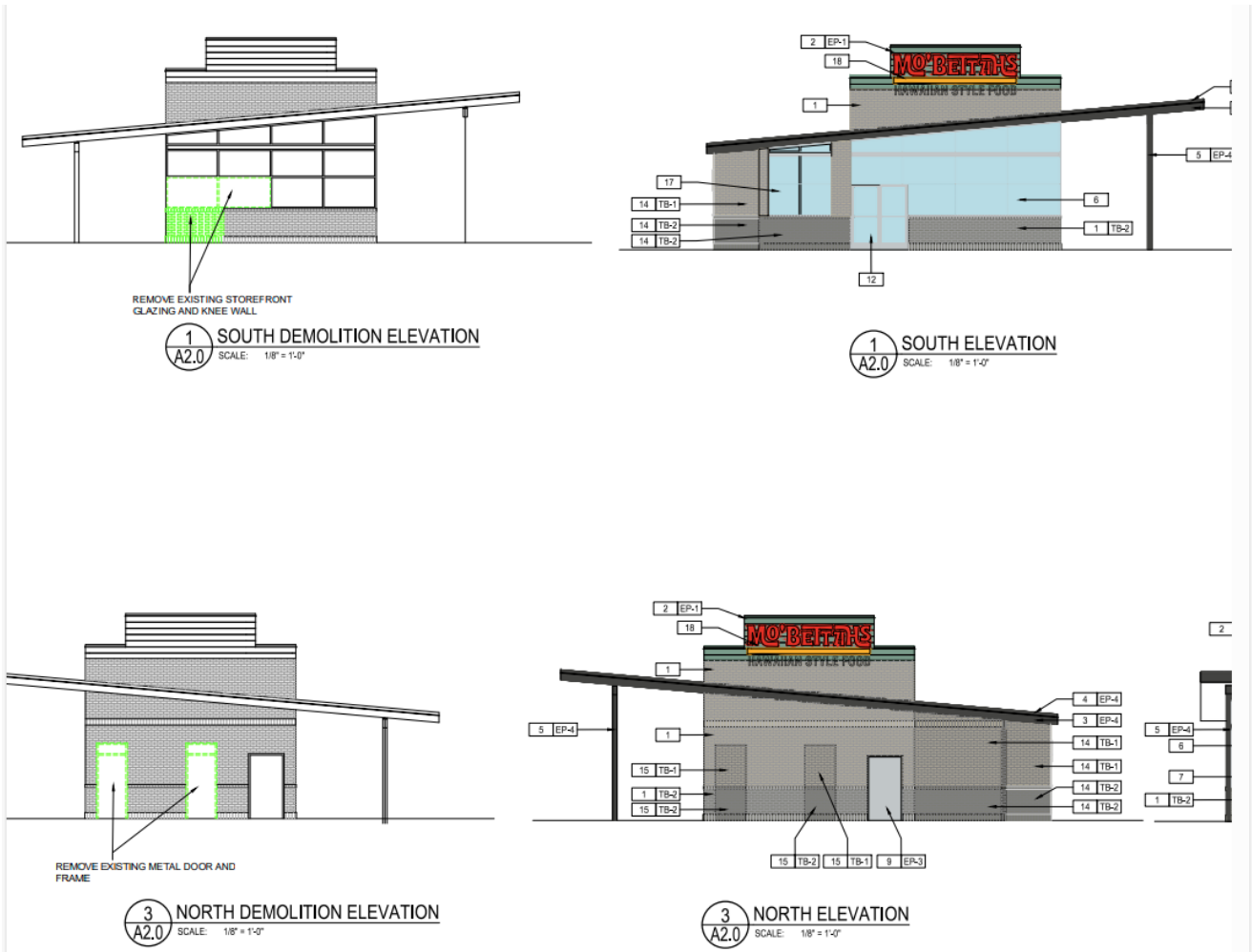




Exhibit E – Existing & Proposed Building Elevations (East & West)

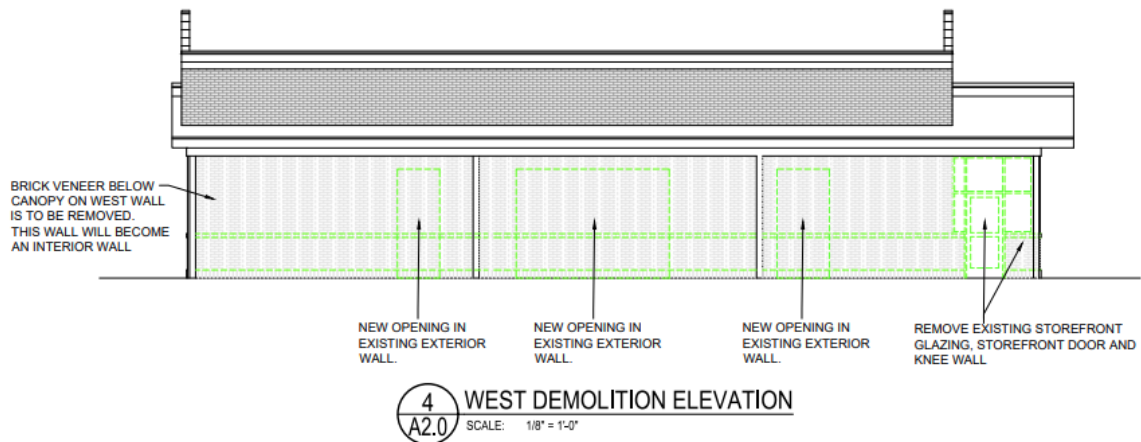
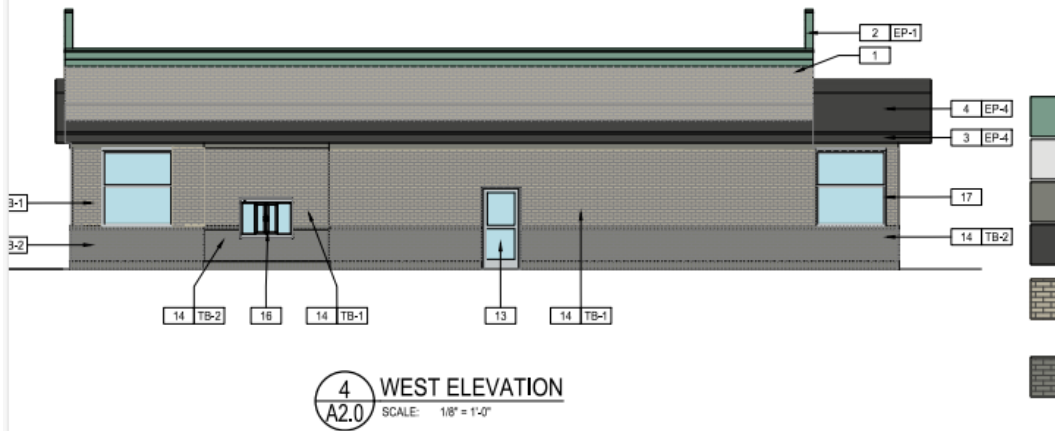
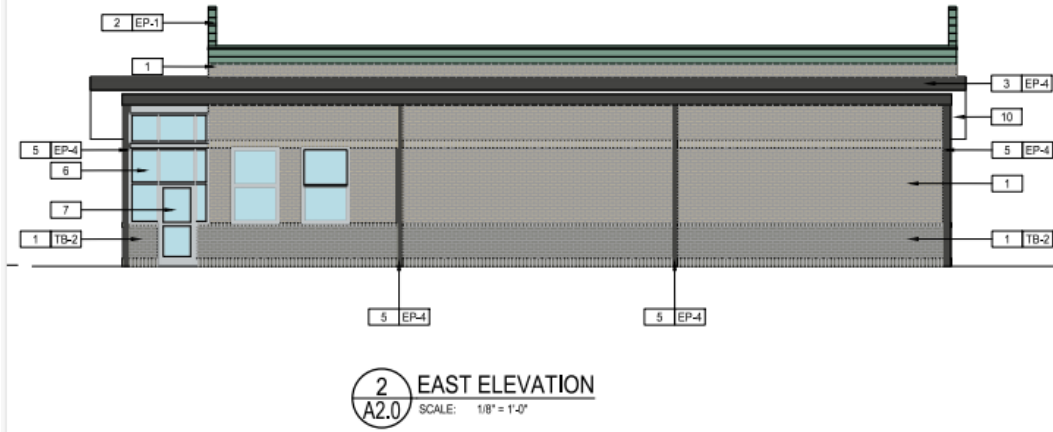




Exhibit F – Site Photos



1) View of site facing north from U.S. Highway 36.



2) Facing west from front of site toward pedestrian walkway from U.S. 36.



Exhibit F – Site Photos



3) South and east façades of building.



4) South and west façades of building.



ZA 25-03: The Gatherings, Lot 2

Planning & Building Department Staff Report

For Hearing on January 26, 2026

Plan Commission, Public Hearing

Paul J. Lambie, Senior Planner

A. PETITION NUMBER	ZA 25-03: The Gatherings, Lot Two
B. APPLICANT	Churchyard, LLC c/o David Gilman
C. LOCATION	8403 East U.S. Highway 36, Avon, Indiana 46123
D. PARCEL SIZE	2.08 acres
E. LAND USE & ZONING	The property is zoned I-2 and is improved with two one-story commercial buildings and surface parking.
F. ACTION REQUESTED	Petitioner requests a favorable recommendation of a Zoning Map Amendment that would rezone 2.08 acres from I-2 (General Industrial) to C-2 (General Commercial) to legally establish existing retail uses.
G. HISTORY	<p>ZA 06-03: Approval of a Zoning Map Amendment rezoning 1.52 acres (The Gatherings Lot 1) from I-2 to C-2 to allow redevelopment of a building for multi-tenant retail.</p> <p>MIP 06-02: Approval of a Minor Subdivision Plat named “The Gathering” dividing 5.46 acres into three lots.</p> <p>DPR 06-03: Approval of a Development Plan Review to allow for reuse/redevelopment of existing buildings (The Gatherings Lots 1 & 2).</p> <p>DPR(A) 07-05: Approval of a Development Plan Review Amendment to allow for the use of alternative building materials.</p> <p>VAR 06-07: Approval of Variances of Development Standards</p>



	<p>to allow for two primary uses on Lot 2 and to allow access to Lot 2 from the existing private access drive from U.S. 36.</p> <p>SE 07-03: Approval of a Special Exception to allow commercial indoor recreation in I-2 within the eastern building on Lot 2.</p> <p>VAR 07-18: Approval of a Variance of Development Standards to allow separate businesses in the same building in I-2 within the eastern building on Lot 2.</p> <p>DPR(A) 07-17: Approval of a Development Plan Review Amendment to provide additional parking, lighting, and landscaping, along with revised drainage plans.</p> <p>VAR(U) 25-05: Approval of a Variance of Use to allow for the expansion of an “Auto Services – Light” use (automobile repair) within Tier 1 of the U.S. Highway 36 Overlay District.</p> <p>DPR(A) 25-19: Approval of a Development Plan Review to allow for a revised parking and interior landscaping layout.</p>
H. STAFF COMMENTS	<p>This is a request to rezone 2.08 acres from I-2 to C-2 to legally establish commercial retail uses. The subject property is part of a former lumber yard, which was redeveloped for a combination of commercial and industrial uses approximately two decades ago. The portion of the former lumber yard fronting U.S. Highway 36 (The Gatherings Lot 1), immediately north of the subject property, was rezoned from I-2 to C-2 at that time. The subject property remained zoned I-2 and one of its two buildings long housed and electrical contractor, an industrial use, but an indoor commercial recreation use was also allowed by a special exception. Other commercial retail uses have operated at the site in the intervening years despite not being listed as permitted uses in the I-2 District. Currently, the subject property is occupied by a small grocery, a martial arts studio, a performing arts studio, and an auto detailing business, all of which are permitted uses in the C-2 District, but the auto detailing business is the only one of these that is permitted by right in the I-2 District.</p> <p>The Future Land Use Map in the 2025 Comprehensive Plan recommends Mixed Use development for this property, as</p>



	<p>well as the vacant site abutting to the west. The abutting property to the east is recommended for Commercial development. The Plan describes Mixed Use development as “intended to support vibrant districts with a combination of complementary residential, commercial, and institutional uses. These uses may be adjacent to one another, or within a single development...”</p> <p>The 2018 Thoroughfare Plan Update designates this portion of U.S. Highway 36 as a primary arterial, with such streets typically having a 120-foot right-of-way proposed. U.S. Highway 36, which is under the jurisdiction of INDOT, appears to have an existing right-of-way exceeding this width.</p> <p>Although single-family dwellings are the predominant development pattern on the adjacent properties to the east and west, those abutting properties are zoned industrially, either I-2 by the Town of Avon, or LI by Hendricks County. The abutting property to the south, which is mostly unimproved is also zoned I-2 within the Town.</p>
I. STATUTORY GUIDANCE	<p>State law (IC-36-7-4-603) establishes five criteria for any zoning change and requires Plan Commission and Town Council to pay reasonable regard to them:</p> <p>Criterion 1: The Comprehensive Plan, as adopted and amended from time to time</p> <p>The proposed C-2 zoning would legally establish existing uses and allow future uses that would be more consistent with the Comprehensive Plan’s recommendation for Mixed Use development than would the existing I-2 zoning. Staff finds that this proposal is consistent with the Plan.</p> <p>Criterion 2: Current conditions and the character of the current structures and uses in each district</p> <p>Although originally developed for an industrial use, the structures on the subject property have long been occupied by commercial uses that are permitted in the proposed C-2 District. The proposed rezoning would be consistent with the character of the uses in this district.</p> <p>Criterion 3: The most desirable use for which the land in each zoning district is adapted</p> <p>Given the renovation of this formal industrial property approximately two decades ago and the longstanding use of</p>



	<p>the buildings for commercial uses, the C-2 District would allow for the most desirable use of the land.</p> <p>Criterion 4: The conservation of property values throughout the jurisdiction</p> <p>There is no reason for staff to conclude that continued commercial use of this site would have a greater impact on the value of other properties than would the currently permitted industrial uses.</p> <p>Criterion 5: Responsible development and growth</p> <p>Staff believes that continued use of the site for commercial use would represent responsible development and growth.</p> <p>The Town Council, as with any Zoning Amendment, has the ultimate decision on this petition.</p> <p>COMMITMENTS</p> <p>Indiana Code 36-7-4-600 Series also allows communities to gain ‘commitments’ from developers through the rezone process. These commitments are voluntary on the part of the landowner and developer and must be recommended by the Advisory Plan Commission and approved by the Town Council.</p>
J. RECOMMENDATION	Staff recommends the forwarding of a favorable recommendation for ZA 25-03: The Gatherings, Lot 2 Zoning Map Amendment.



Exhibit A – Location / Zoning Map

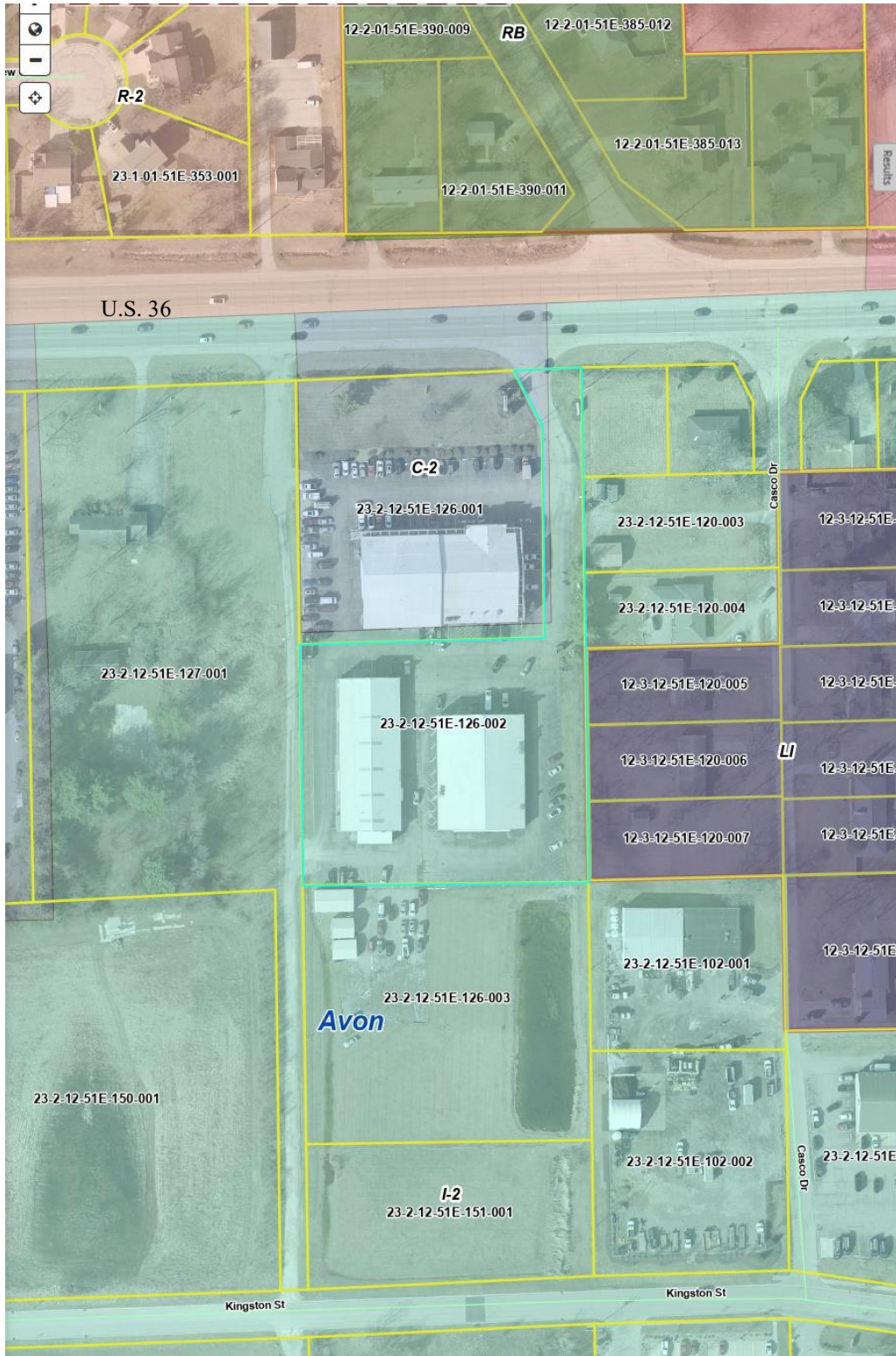




Exhibit B – Zoning Exhibit / Amended Development Plan

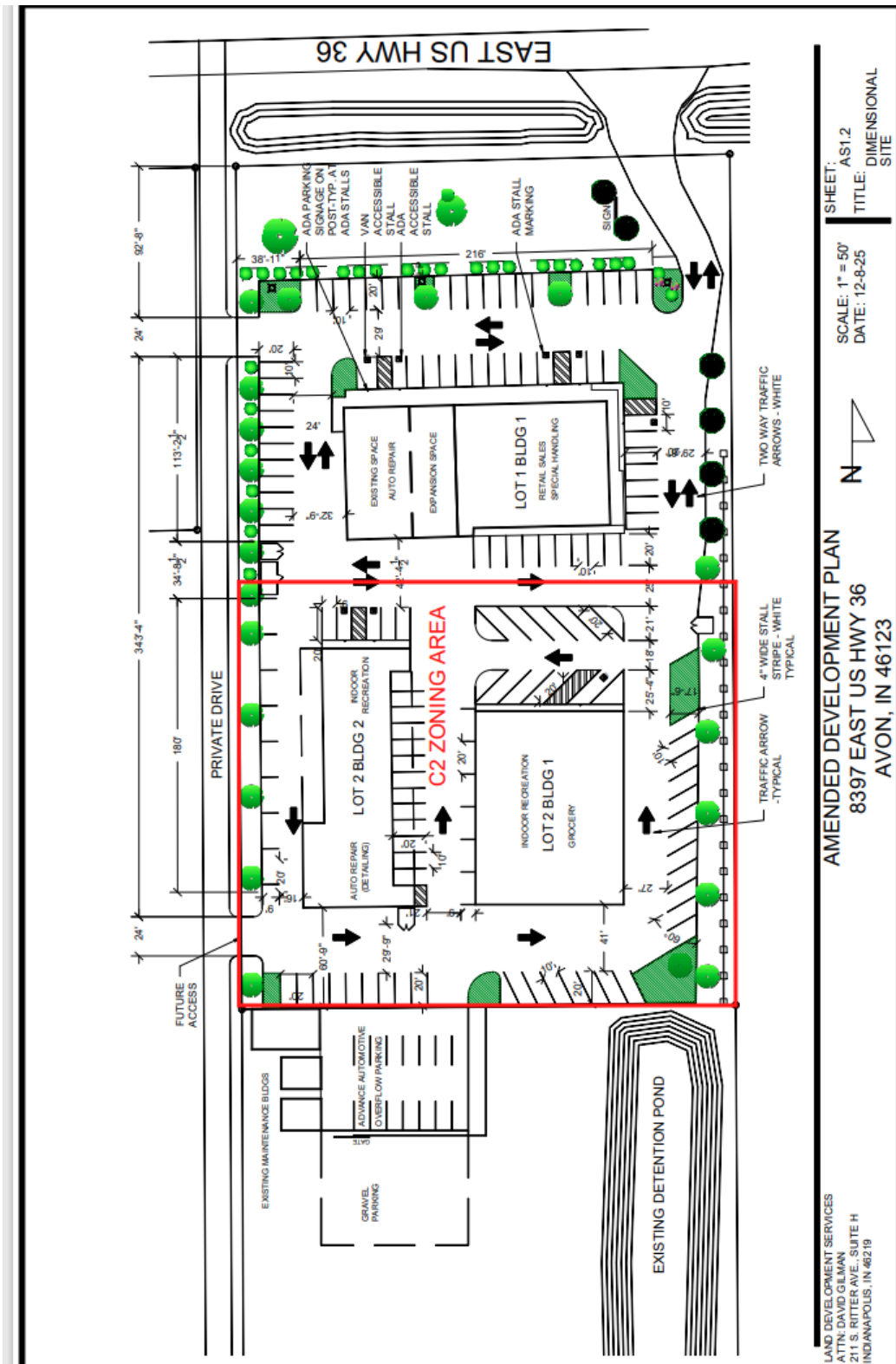




Exhibit C – Photographs



1) View of subject property, facing southwest from near northeast corner of lot.



2) View of abutting lot to north and subject property access, facing southeast from US 36.



Exhibit C – Photographs (cont.)



3) View of abutting lot to north, zoned C-2, facing southeast.



4) Abutting lot to southwest, zoned I-2, facing southeast from SE corner of subject property.



Exhibit C – Photographs (cont.)



5) View of abutting properties to east, facing east from subject property.



6) View of abutting properties to west, facing west from subject property.