



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

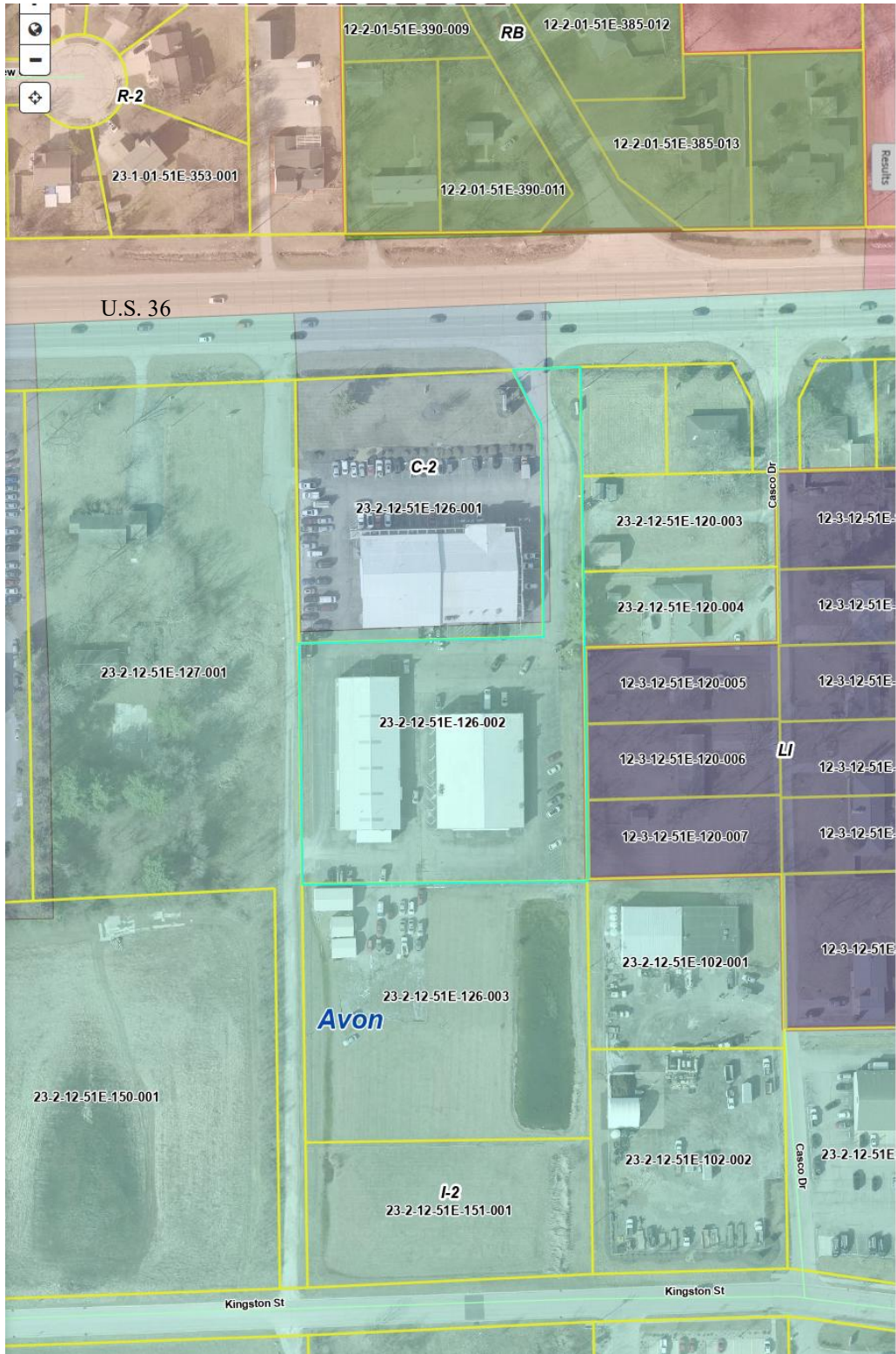




Exhibit B – Zoning Exhibit / Amended Development Plan

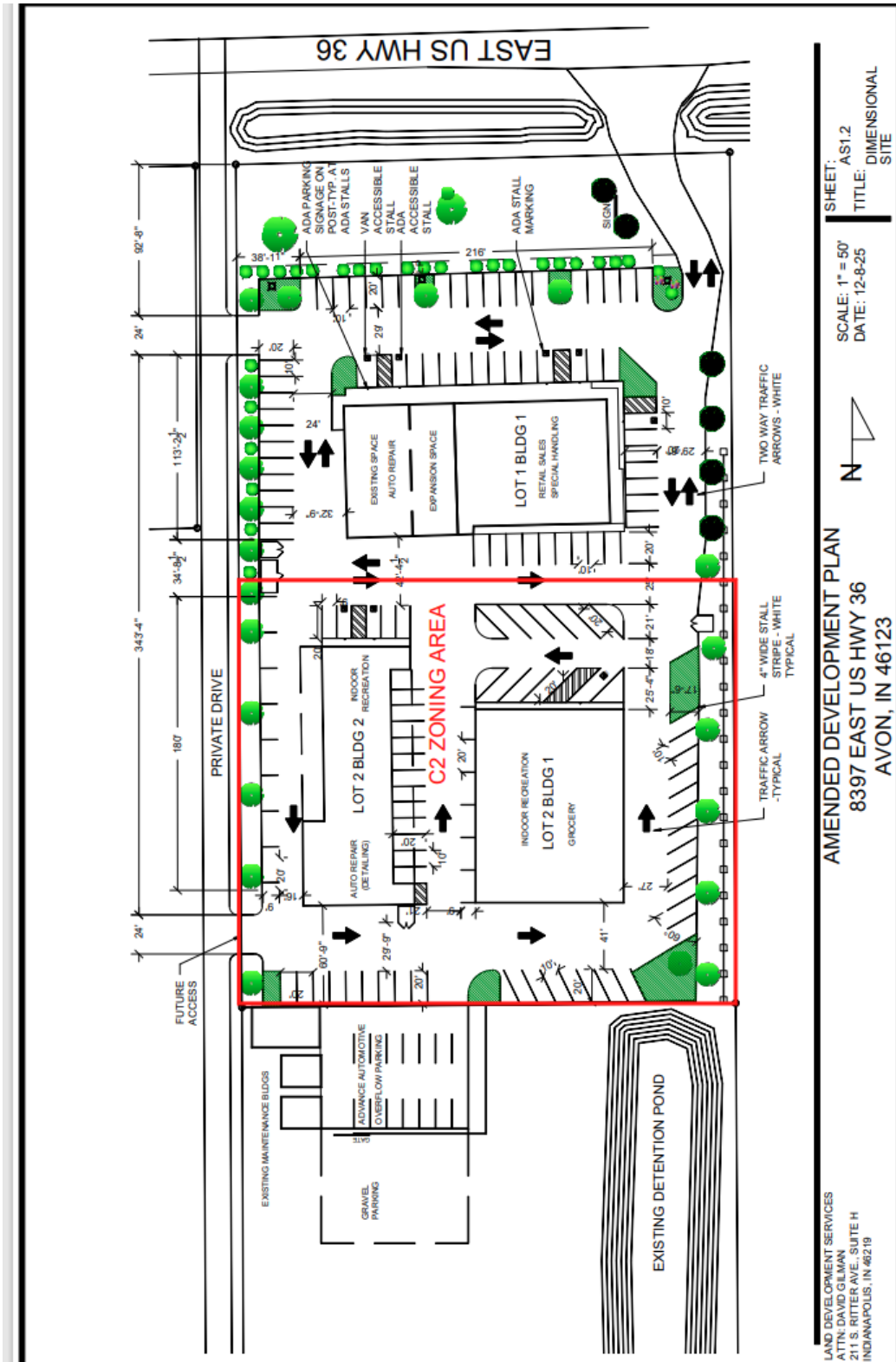




Exhibit C – Photographs



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.