



## DPR 25-18: Walmart Market Avon Avenue

Planning & Building Department Staff Report

For Hearing on February 23, 2026

Plan Commission, Public Hearing

Paul J. Lambie, Senior Planner

<b>A. PETITION NUMBER</b>	DPR 25-18: Walmart Market Avon Avenue
<b>B. APPLICANT</b>	Walmart Real Estate Business Trust, c/o Michael Rabinowitch
<b>C. LOCATION</b>	1439 South Avon Avenue, Avon IN 46123  Lot 2 in Governors Row Road Extension at Turner Trace
<b>D. PARCEL SIZE</b>	9.73 acres
<b>E. LAND USE &amp; ZONING</b>	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.
<b>F. ACTION REQUESTED</b>	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.
<b>G. HISTORY</b>	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> <p>On January 23, 2026, the petitioner indicated that they would request a continuance at the January 26, 2026 meeting. However, because the January 26, 2026 Plan Commission meeting was canceled due to a travel advisory warning, this petition was automatically moved to the February 23, 2026 meeting.</p>
<p><b>H. ADDITIONAL COMMENTS FOR FEBRUARY 23, 2026</b></p>	<p><b>(These comments are in response to additional information submitted by the petitioner after publication of the staff report for the January Plan Commission meeting that was canceled. Please see original staff comments under Section “1” of this report.)</b></p> <p>Revised site and landscape plans were submitted February 12, 2026 (see Exhibits B2 &amp; C3) that address the issues raised by staff regarding bicycle racks, foundation plantings, interior parking lot landscaping, and the required site amenities. Additionally, more information was provided with the architectural plans to verify compliance with the glazing and roof requirements.</p> <p>The revised site plan indicates a triangular median at the proposed Avon Avenue access point, which would be intended to prevent left turns to/from the site. A revised version of the petitioner’s Traffic Impact Study (TIS) was submitted on February 9, 2026, which added a third scenario examining the proposed Avon Avenue access point as right-in, right-out only. Staff has consulted with the Department of Public Works and the Town’s consulting engineer for review of the revised study.</p> <p>A right-in, right-out access point would still require a waiver of design standards because it would be deficient of the requirement to provide a minimum 300-foot separation from</p>



each existing intersection. While the proposed access point would meet this separation requirement from the CR 150 S / Oriole Way intersection, it would still be too close to the Governors Row intersection. Staff continues to be concerned that an additional access point with deficient separation would present public safety concerns and contradict the intent of the standard. It is staff's opinion that the site conditions, which include full access to Avon Avenue via existing driveways to both Governors Row and CR 150 S / Oriole Way, do not necessitate an alternative to the design standard, which prohibits a direct access to Avon Avenue. For these reasons, **staff continues to recommend denial of Waiver A, as indicated in the January 26, 2026 staff comments.**

A revised lighting plan indicating an allowable average parking lot lighting level has not been submitted. Therefore, **staff's recommendations for Waivers B & C remain as indicated in the January 26, 2026 staff comments.**

Absent inclusion of the necessary street improvements, which have not been included on the revised plans, staff finds that the overall development plan is not consistent with the standards of the UDO. Therefore, **staff continues to recommend denial of petition DPR 25-18: Walmart Market Avon Avenue.**

**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:**

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:
  - 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



	<p>cross-section from Avon Avenue to the site's eastern Governors Row driveway access, including intersection improvements to accommodate truck turning radii,</p> <ul style="list-style-type: none"><li>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</li><li>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.</li></ul> <ul style="list-style-type: none"><li>2. Any revised plans must comply with all commitments and conditions noted as part of any approval granted.</li><li>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.</li><li>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.</li></ul> <p><b>If one or more of the requested waivers are not approved,</b> staff would recommend that additional conditions be requiring revised plans meeting the lighting standards and/or to remove the proposed driveway access onto Avon Avenue.</p>
<p><b>I. STAFF COMMENTS (JANUARY 26, 2026)</b></p>	<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</p>



would be located to the east (rear) of the building. (See Exhibit B.)

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.

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.

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**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 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 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.

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#### **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.

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 difference between the permitted maximum and the proposed maximum trespass is only 0.1 Fc, which is not detectable to the human eye."*

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

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



	<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><b>Staff recommends approval of this waiver request.</b></p>
<p><b>J. RECOMMENDATION</b></p>	<p>Staff finds that the overall development plan is inconsistent with the standards of the UDO. Therefore, <b>staff recommends denial of petition DPR 25-18: Walmart Market Avon Avenue.</b></p> <p>If the Plan Commission were to make a motion to approve DPR 25-18, staff recommends that any approval be <b>subject to the following conditions:</b></p> <ol style="list-style-type: none"><li>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"><li>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,</li><li>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,</li><li>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</li><li>d. construction of a dedicated right turn lane with</li></ol></li></ol>



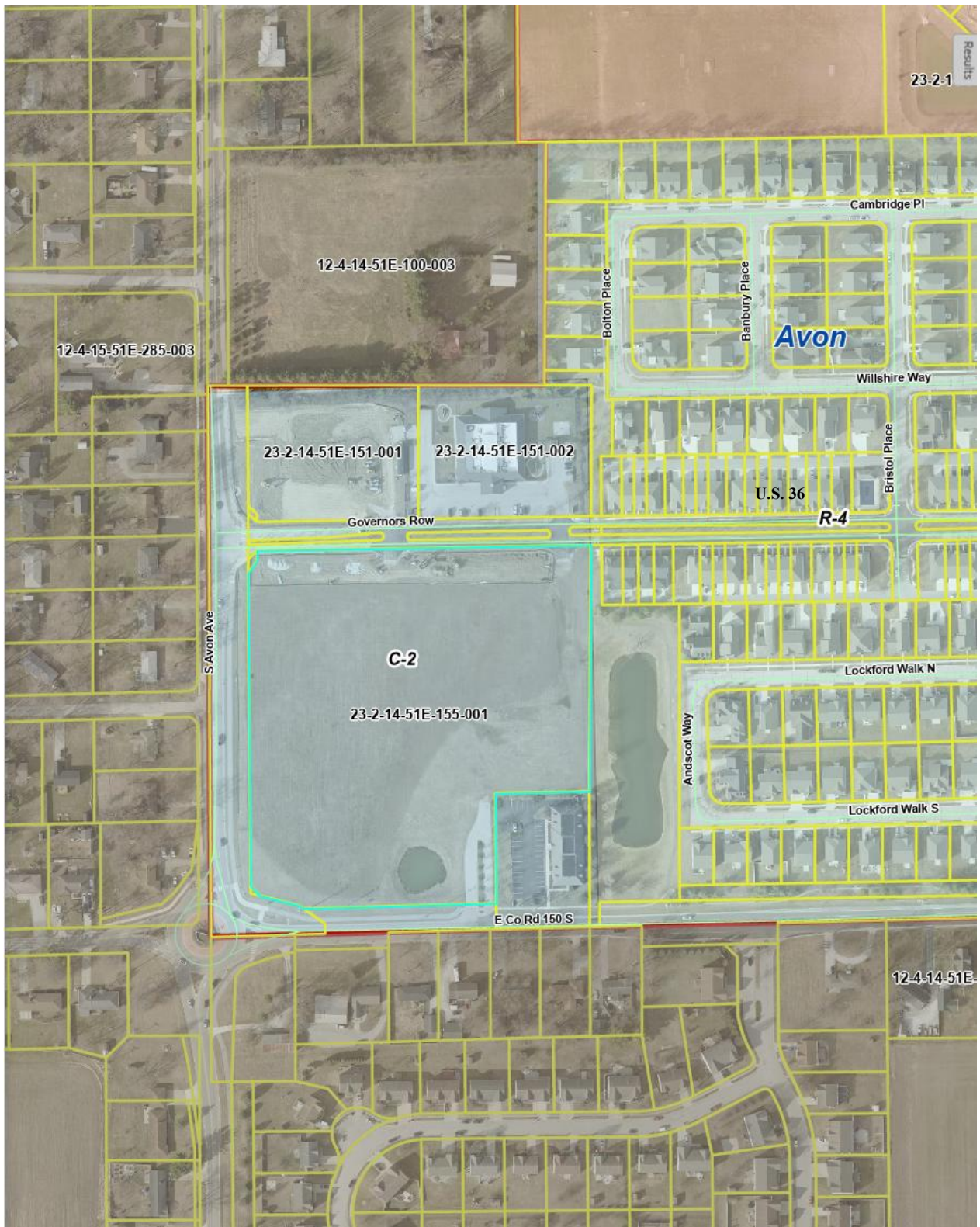
acceleration and deceleration lanes/tapers for from westbound County Road 150 South at the existing driveway access.

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.

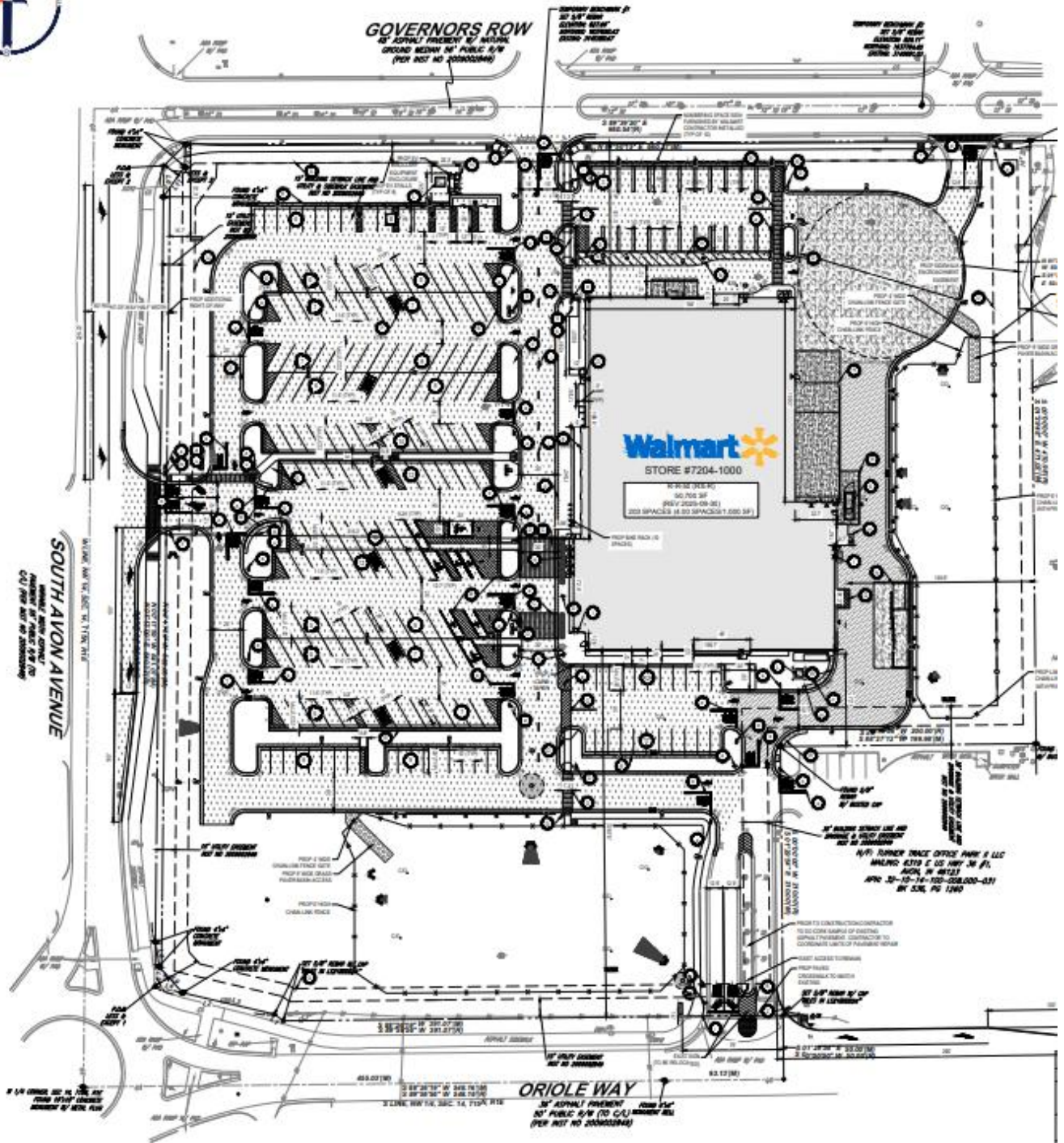


## Exhibit A – Location / Zoning Map





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

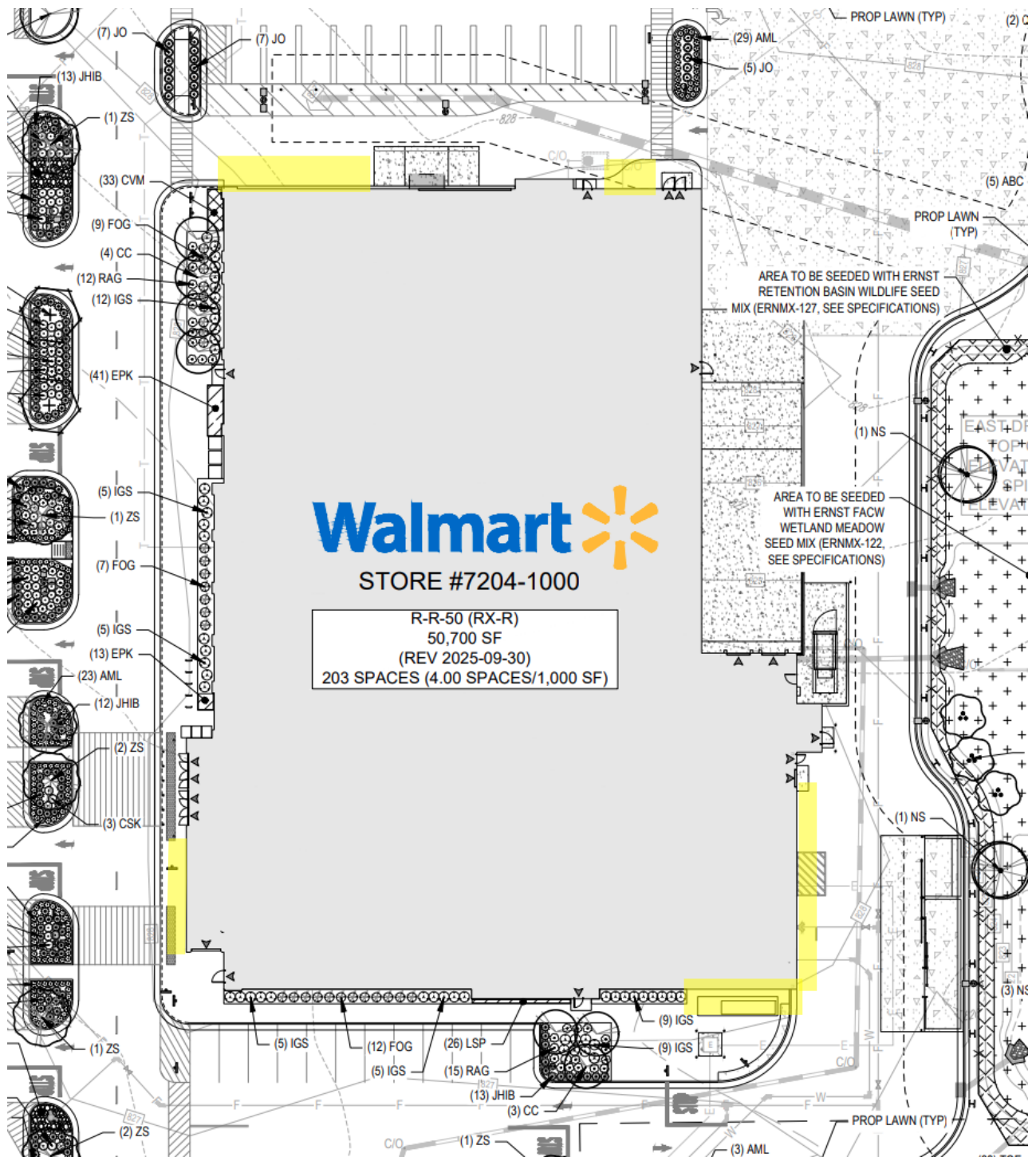








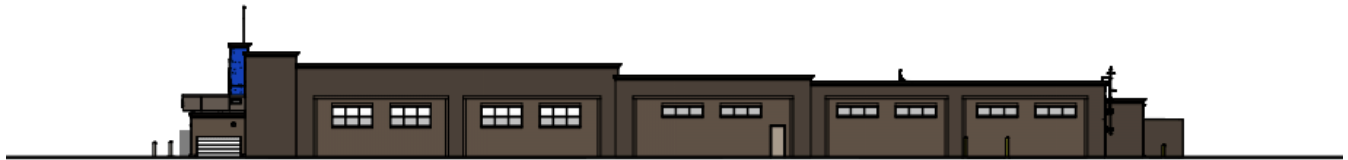
## Exhibit C2 – Areas Deficient of Foundation Planting Requirement







## Exhibit D – Proposed Building Elevations



12/22/2025



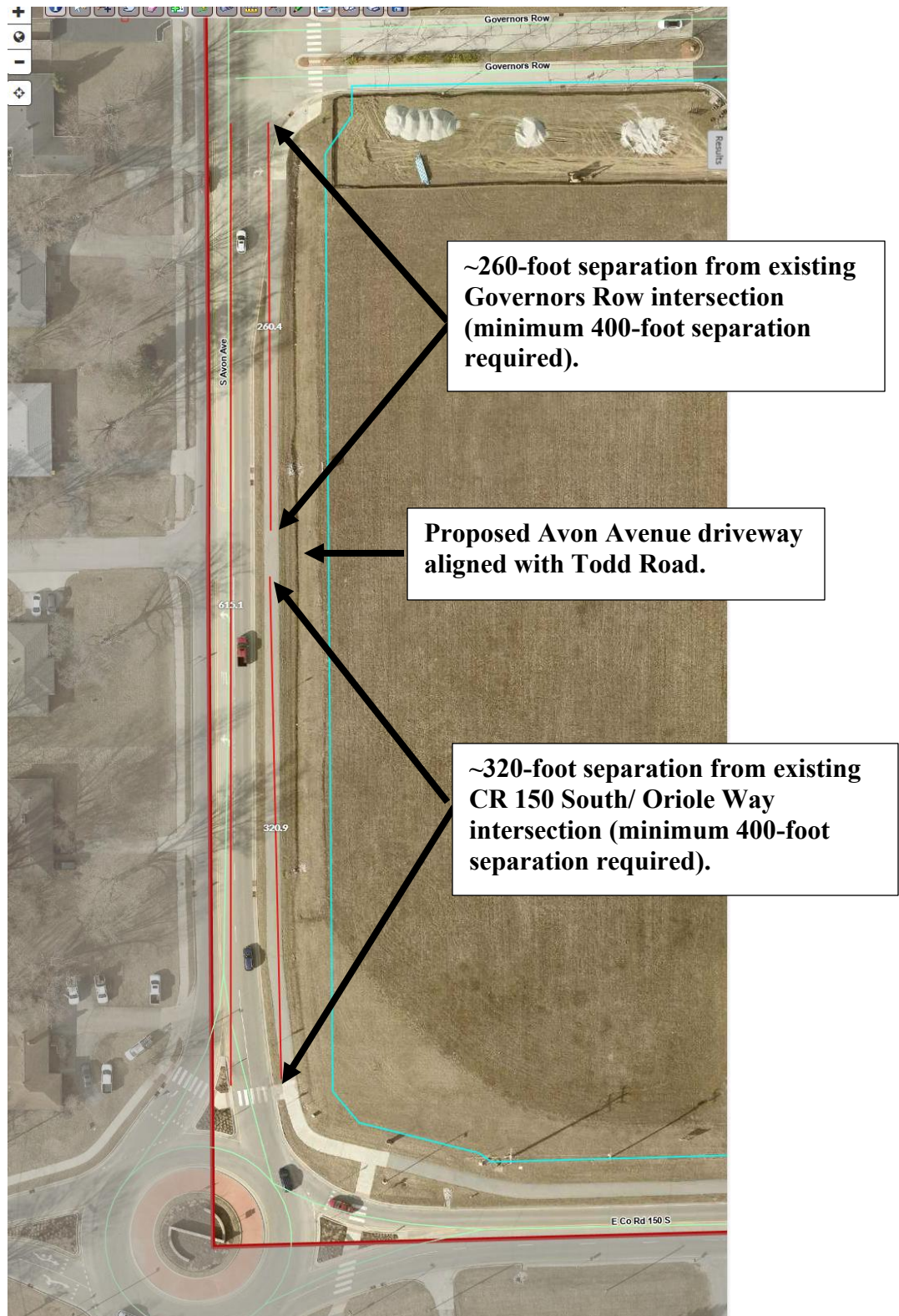
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Presentation Elevations

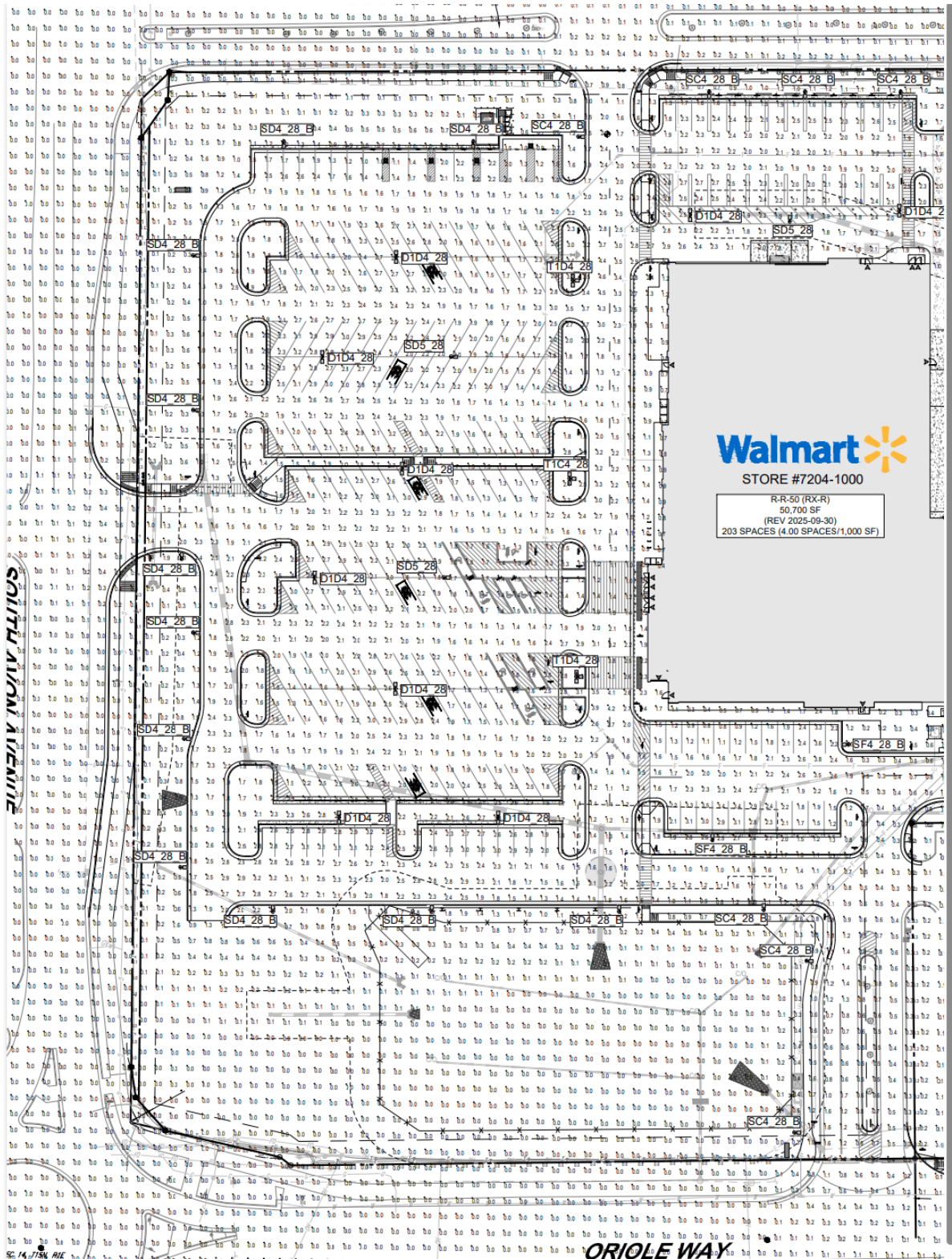


## Exhibit E – Aerial Photo w/ Measurements of Proposed Driveway Separation





# 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.**