

July 23, 2025

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RE: Phelan Gardens Rezone

PROJECT DESCRIPTION:

Overall: This submittal is for a Zone Change Application to rezone five (5) lots to MX-M Commercial. This will rezone a total of 4.0894 AC. The lots are located immediately north and west of the Turquoise residential subdivision, and south of the Summit Glen Gracious Retirement Living Facility. Austin Bluffs Pkwy bounds the property along the west edge of the property. The proposed rezoning will rezone parcel 6323411042 (2.02 Acres) from R-E CU AO to MX-M Commercial. This will allow the long-standing commercial / garden center operations to continue as a use by right. The remaining four parcels, known as Lots 1-4 of the Old Farm Business Park Subdivision (2.0694 Acres) are located immediately north and zoned MX-N/CR AO. Rezoning of these five parcels (4.0894 total Acres) to MX-M will support on-going commercial operations and provide needed customer parking for the garden center. A small 27,314 Sq. Ft. parcel, positioned in the NEC of the garden center (parcel 6323411043) will remain MX-N. This parcel is under a separate ownership and is not interested in being included with the rezone at this time. MX-N zoning of this parcel will maintain the existing office uses and transition the future MX-M zoning along Austin Bluffs to the adjacent R-1 6 residential zoning and use. Access to this site is provided by a 30 foot recorded access easement.

The associated parcel numbers:

6323411042, 6323411045, 6323411044, 6323411046, 6323113001

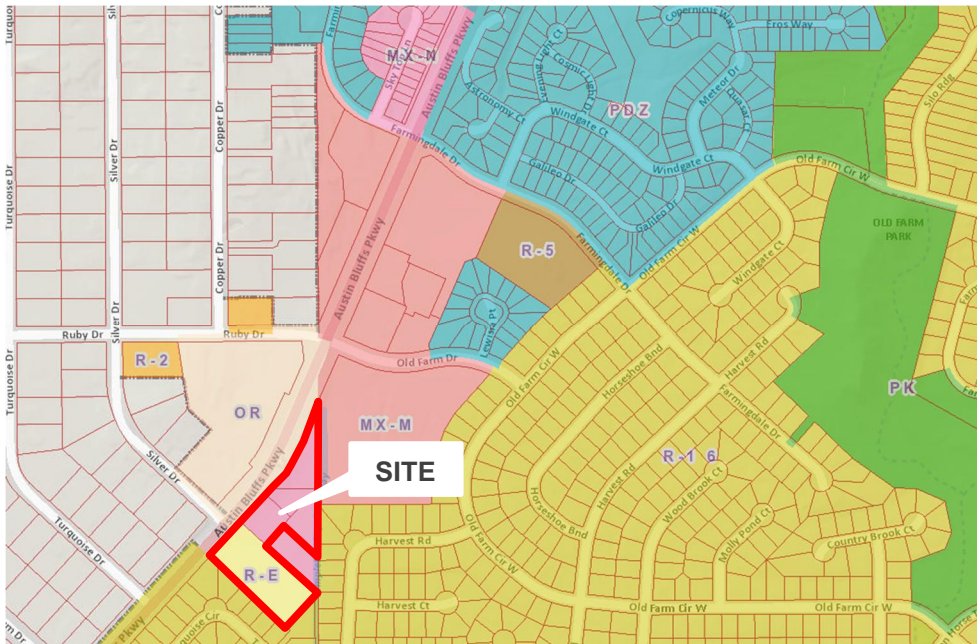


The proposed zone change of parcel 6323411042 from R-E CU AO to MX-M Commercial will eliminate the need for a conditional use and will allow the long-standing commercial uses of the Phelan Garden Center to operate as a use by right in the MX-M zone. The conditional use (CPC CU 02-00184) was approved in 2002 and allowed for the expansion of a commercial greenhouse in R-Estate (Single Family Residential). The MX-M zone will eliminate the need for this because there is no maximum lot coverage in the MX-M and there are no proposed building or greenhouse improvements on the future development plan. All building setbacks of the MX-M zone are met with the existing site and will be met with the future parking lot.

The adjacent vacant parcels (2.0694 Acres) were annexed and zoned as Office Commercial ("OC") in 1982 by Ordinance 82-15. This ordinance restricted the building height limit to 35' and required buffering along the residential boundaries. Although there are no proposed building improvements at this time, should the property redevelop in the future, all buildings will be restricted to a 50' building height under the MX-M zone. Under the UDC and Landscape Design Manual, a type 2 (15') landscape buffer is required between the greenhouse / parking lot uses and adjacent residential.

The remaining four adjacent parcels are zoned MX-N/CR AO. Rezoning these parcels to MX-M will allow the four parcels to be developed as additional customer parking and a shipping truck turnaround for the Phelan Garden facility. Layout of the proposed parking lot and site improvements will be shown on a future development plan. There are no expansions to the existing building or garden center sales floor associated with this rezoning. No additional traffic is anticipated to be generated with this rezone application. All proposed parking is intended to serve existing customer demands. Landscape improvements for the proposed parking lot will be shown on a future development plan.

Land uses surrounding the site include a mix of Detached Single Family Residential, Church and Retirement Home. Immediately west of the project site is a County enclave, zoned RR-0.5, developed as detached single family residential and part of the Park Vista Estates Subdivision. North of the site is zoned OR, Office Residential, and developed as the New Life Evangelical Church. Northeast of the property is zoned MX-M and developed as the Summit Glen Gracious Retirement Living Facility. East and South of the site is zoned R-1 6 and developed as detached single family residential as part of the Old Farm Subdivision and Turquoise Subdivision. MX-M zoning for the 5 outlined parcels at this location will allow for greenhouse commercial uses to continue as a use by right and support the medium scale commercial land uses along Austin Bluffs Pkwy north of the site.

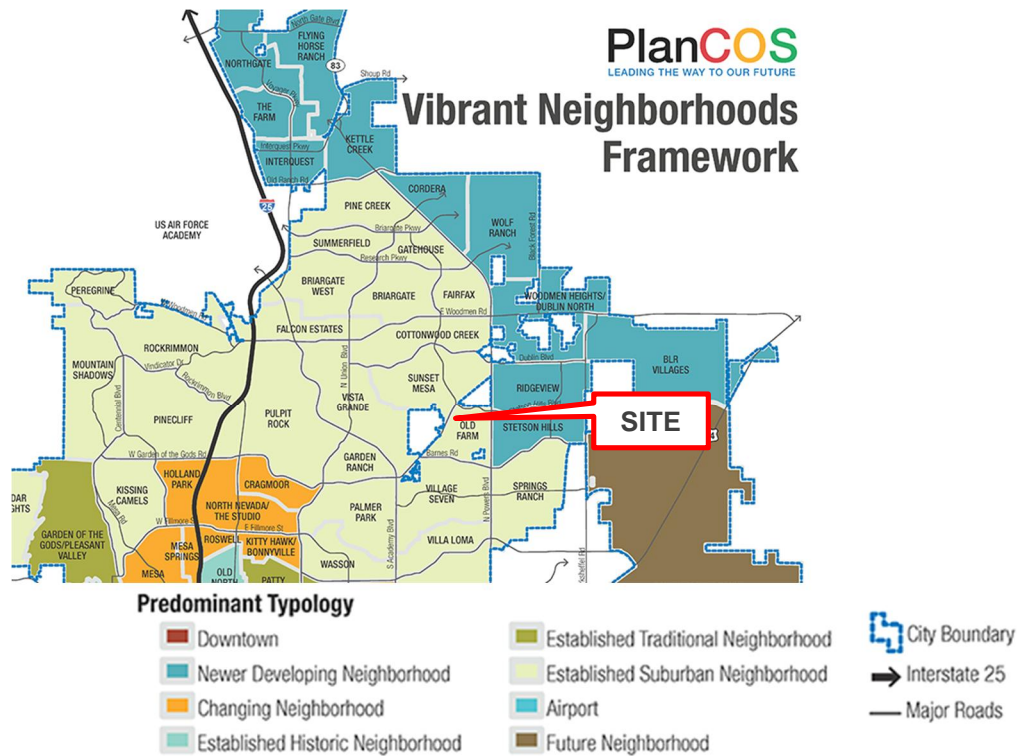


Access to the site is provided by an existing $\frac{3}{4}$ movement intersection along Austin Bluffs Pkwy. An existing 40 foot driveway is provided along Austin Bluffs Pkwy and serves as access in and out of the site. As part of a future development plan, the proposed parking lot will connect to the site from the interior existing Phelan Gardens parking lot.

A separate recorded access easement for a 30 foot drive on parcel 6323411045 provides access to an existing office on parcel 6323411043. This access is located approximately 30 feet from the existing Phelan Garden access. Utilization of the recorded separate access as a secondary access point for traffic will be evaluated with the development plan.

ZONE MAP AMENDMENT – UDC 7.5.705. D

- The proposed rezoning is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zone district(s).**
MX-M zoning for the proposed five (5) parcels will support the PlanCOS Vibrant Neighborhoods framework. The project site is within the Established Neighborhood typology. Recommendations for these areas include redeveloping Commercial Areas and accomodating a variety of lot configurations and building orientations.



The zone changes are consistent with the following PlanCOS Vibrant Neighborhoods: Goals and Policies:

- Policy VN-3.B: Support unique and innovative community design elements and features such as urban farms and gardens, co-op housing, live/work spaces, or neighborhood places.**
 - Strategy VN-3.B-3: **Encourage walkable civic, retail, and community gathering places as design elements within neighborhood centers**
- Policy VN-3.C: Promote neighborhood-level shopping and service options to include a variety of healthy food markets, coffee houses, restaurants, and other supportive businesses that increase local access and walkability.**
 - Strategy VN-3.C-1: Assign land use designations and **implement zoning to support and facilitate neighborhood activity centers** within walking or biking distance of residential areas.
- Policy VN-3.E: Encourage and support the integration of mixed-use development in neighborhoods**
 - Strategy VN-3.E-3: Though a combination of Zoning Code changes and development review decisions, **encourage and support flexible site and**

building designs and residential densities that are adaptable to the specific site.

2. The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.

The zone changes as requested will support the long-standing commercial uses of Phelan Gardens to continue as a use by right. Phelan Gardens has operated on this site for over 30 years. A conditional use was approved in 1988 to allow for this use. A second conditional use was approved in 2002 to allow for the expansion of commercial greenhouses in the R-E zone. In support of on-going commercial/retail uses, this application proposes to rezone five parcels as MX-M. This will allow for future additional customer parking and a shipping truck turnaround supportive of on-going operations.

The existing Phelan gardens parking lot currently provides a small parking lot at the front of the store along Austin Bluffs Pkwy. Customers access the site from Austin Bluffs Parkway, and if they are unable to find immediate parking, are then forced to merge back onto Austin Bluffs Pkwy. The intent of MX-M zoning for the adjacent four lots is to construct additional adjacent parking that will mitigate the need for customers to merge back onto Austin Bluffs Pkwy and look for parking. No additional traffic is anticipated with the rezoning or future parking lot expansion. Based on discussions with the City, no traffic study is required with this application.

Existing conditions of the site currently do not provide adequate space for shipping trucks to turn around on site. Subsequently, shipping trucks have been using Austin Bluffs Pkwy, a 6-lane Principal Arterial, as a turnaround. MX-M zoning for a parking lot on the adjacent northern parcels will allow for the construction of a parking lot that will provide space for shipping trucks to turn around onsite.

The proposed MX-M zoning for all five parcels is supportive of the long-standing Garden Center operations and will further support existing uses of Phelan Gardens and mixed commercial uses along Austin Bluffs Pkwy.

3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).

MX-M zoning at this location will allow the existing uses to continue to provide garden center commercial services for the adjacent neighborhood. Rezoning of the adjacent four parcels to the north for a parking lot will support on going Phelan Garden operations and mixed use commercial development along Austin Bluffs Pkwy.

4. If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.

No additional traffic is anticipated to be generated with this rezone. Based on discussions with the City, no traffic memo or study is required for this minor change of use. Access to Phelan Gardens is provided by a 40 foot access drive along Austin Bluffs Pkwy. Access to the four lots to the north will be provided by an interior access from the Phelan Gardens parking lot. No new structures or increases in density are proposed with this rezone.

With this application, a small 27,314 Sq. Ft. parcel, positioned in the NEC of the garden center (parcel 6323411043) will remain MX-N. Access to this site is provided by a 30 foot recorded access easement (Rec. No. 97143058). This access will be evaluated as a secondary access point for the parking lot as part of the Development Plan. Existing sidewalk along Austin Bluffs provides pedestrian access into the site. A city bike route along Old Farm Dr. provides bicycle access.

Site layout and access analysis of the proposed parking lot from the Phelan Gardens development will be shown as part of a future development plan.

- 5. If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.**

Phelan Gardens has been developed and operated since 1988. There are no proposed building expansion or expansions of sales floor areas associated with this rezoning. No additional traffic is anticipated to be generated with this rezone. The purpose of the rezone is to allow retail/commercial Garden Center uses to continue as a use by right in the MX-M zone. Continued commercial use in this area supports the Vibrant Neighborhoods typology by providing neighborhood level shopping and mixed use within an established neighborhood. The adjacent 4 parcels are zoned MX-N and are vacant commercial lots. The purpose of rezoning these parcels to MX-M is to create a parking lot that will provide additional parking supportive of Phelan Gardens on-going commercial uses. With this application, a small 27,314 Sq. Ft. parcel, positioned in the NEC of the garden center (parcel 6323411043) will remain MX-N. Access to this site is provided by a 30 foot recorded access easement (Rec. No. 97143058). This access will be evaluated as a secondary access point for the parking lot as part of a future Development Plan. All building and landscape setbacks are met with this rezone. Landscape buffers will be shown as part of a future development plan.

Site layout and access analysis of the proposed parking lot from the Phelan Gardens development will be shown as part of a future development plan.

- 6. If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in Subsection 7.5.514C.3 (Land Use Plan Criteria).**

A Land Use Statement has been submitted with this application.

- 7. The application is consistent with any approved Concept Plans in the area for which the map is being amended or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map.**

No Concept Plan(s) or Land Use Plans have been approved for this area. The proposed application is consistent with the City Council Approved Conditional uses on the Phelan Gardens parcel (6323411042). The MX-M zone will eliminate the need for this because there is no maximum lot coverage in the MX-M and there are no proposed building or greenhouse improvements on the future development plan. All building setbacks of the MX-M zone are met with the existing site and will be met with the future parking lot.

A Development Plan and Final Plat was submitted in 2020 on the adjacent 4 parcels and withdrawn by the applicant in 2021. Since that time the development has not moved forward and the parcels have remained as vacant commercial. Rezoning of these parcels from MX-N to MX-M will allow for the creation of a parking lot that will support Phelan Gardens long standing presence in the area.

- 8. If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS-O district in Section 7.2.607D.47.5.702 (Decision) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.**

The applicant is not requesting to be within an ADS-O district.

- 9. If rezoning to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City or governmental regulations.**

PDZ zoning is not requested on this property.

- 10. Complies with the additional standards of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)). (Ord. 23-03)**

Greenhouse, Parking and Medium-scale Retail Sales are a permitted use within the MX-M zone district. All five parcels are within the airport overlay. No future development is proposed that would impact the passage of aircraft. Any future building permits will be referred to the Airport Advisory Commission for review.

LAND USE PLAN STATEMENT – UDC 7.5.514.A3

Based on conversations with the City of Colorado Springs, the Land Use Plan has been waived for this application because:


1. The land area under review is less than ten (10) acres and is planned to be developed in the single phase.
2. The land will be included in a future Development Plan application.
3. The land area is part of an established surrounding development pattern.
4. The proposed zoning pattern for the land aligns adjacent existing zoning or development.
5. Major infrastructure or urban services for the land including but not limited to access points and roadway systems have already been established and are not proposed to be changed.

A Land Use Statement demonstrating proposed land uses, compatibility with adjacent development patterns and impact to adjacent developments has been included.

Please contact Kimley-Horn and Associates if you have any questions or need additional information in regard to this application.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.


Jim Houk, PLA