

PHELAN GARDENS ZONE MAP AMENDMENT

Planning Commission September 10, 2025

Staff Report by Case Planner: Allison Stocker



Quick Facts

Applicant

Kimley-Horn and Associates, Inc.

Property Owner

Phelan Corp & 4965 Austin Bluffs Parkway LLC

Address / Location

4955, 4965, 4985, 4995, and 5015
Austin Bluffs Parkway

TSNs

6323411042;
6323411044; 6323411045;
6323411046; 6323113001

Zoning and Overlays

Current: MX-N/cr/AP-O (Mixed-Use Neighborhood Scale with conditions of record and Airport Overlay) and RE/AP-O (Single-Family Estate with Airport Overlay)

Proposed: MX-M/AP-O (Mixed Use Medium Scale with Airport Overlay)

Site Area

4.09 acres

Proposed Land Use

Retail Garden Center, Private Parking Lot

Applicable Code

UDC

Council District

6

Project Summary

A Zone Map Amendment (Rezone) consisting of 4.09 acres located at 4955, 4965, 4985, 4995, and 5015 Austin Bluffs Parkway from MX-N/cr/AP-O (Mixed-Use Neighborhood Scale with conditions of record and Airport Overlay) and RE/AP-O (Single-Family Estate with Airport Overlay) to MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay). (Quasi-Judicial)

File Number

ZONE-25-0013

Application Type

Zone Change with Land Use Statement

Decision Type

Quasi-Judicial

Prior Land-Use History and Applicable Actions

Action	Name	Date
Annexation	Sloan Addition #1 (Ord. 78-72)	May 9, 1978
	Norman Addition (Ord. 82-14)	February 9, 1982
Subdivision	Phelan Subdivision	September 18, 1979
	Old Farm Business Park Subdivision	October 11, 1983
Master Plan	N/A	N/A
Prior Enforcement Action	N/A	N/A

Site History

The Phelan Gardens (“Garden”) is a long-standing local business in the Colorado Springs community. The garden center was constructed in 1980 after the property was annexed into the City in 1978. At the time, the property was zoned Residential (R) and the site required conditional use approval in order to allow for a garden center (approved via CPC CU 88-267). Since the initial approval, there have been three amendments made to the Conditional Use and associated Development Plan with the latest being as recent as 2012 (refer to Attachment 1 - CPC CU 02-00184-A2MN12). This parcel remains zoned RE/AP-O (Single-Family - Estate with Airport Overlay) but used for commercial purposes.

In June 2024, the Garden owners purchased four small parcels, currently zoned MX-N/cr, that are immediately north and adjacent to the Garden property. This purchase was made in the interest of providing additional space to the Garden and improving the overall site for both the employee and customer experiences. In addition to the Garden’s extensive entitlement history, the four parcels have seen several attempts at development. Due to the constrained lot sizes, extent of site improvements required for development, and the site’s conditions of record, the site has remained vacant. The present conditions of record (refer to Attachment 2- Ordinance 82-15) consists of the following conditions:

Per Ordinance 82-15:

1. *“That the neighborhood (Mr. Miller and Mr. Richev) be given the development plan for their review and input prior to Planning Department review.*
2. *Maximum height restriction of 35 feet.*
3. *Buffering along residential boundaries”.*

To consolidate the zoning for all properties held by Phelan Corp. and bring the zoning into alignment with the existing land use, the owners have taken steps to rezone all five (5) of the parcels to a single district. The rezoning request is to unify all five parcels under the MX-M (Mixed-Use Medium Scale) district, and to remove the constraining conditions of record and the need for the conditional use process for Garden improvements.

In addition to altering the overall zoning for the properties held by the Gardens, the zone change will simplify the Gardens’ intention to expand their customer parking lot onto the vacant parcels as stated further in the applicant’s land use statement (Attachment 3 – Land Use Statement). The switch to MX-M would provide the Gardens the opportunity to develop a “private parking lot” on the separate parcels as a use by right, which is a prohibited use in the MX-N zone. Although there is presently no intention to make improvements or changes to the Phelan Gardens parcel, if the owners

later decide to make any changes to the property they will no longer need to go through a separate Conditional Use approval process, but will still be required to go through an administrative Development Plan review process.

Applicable Code

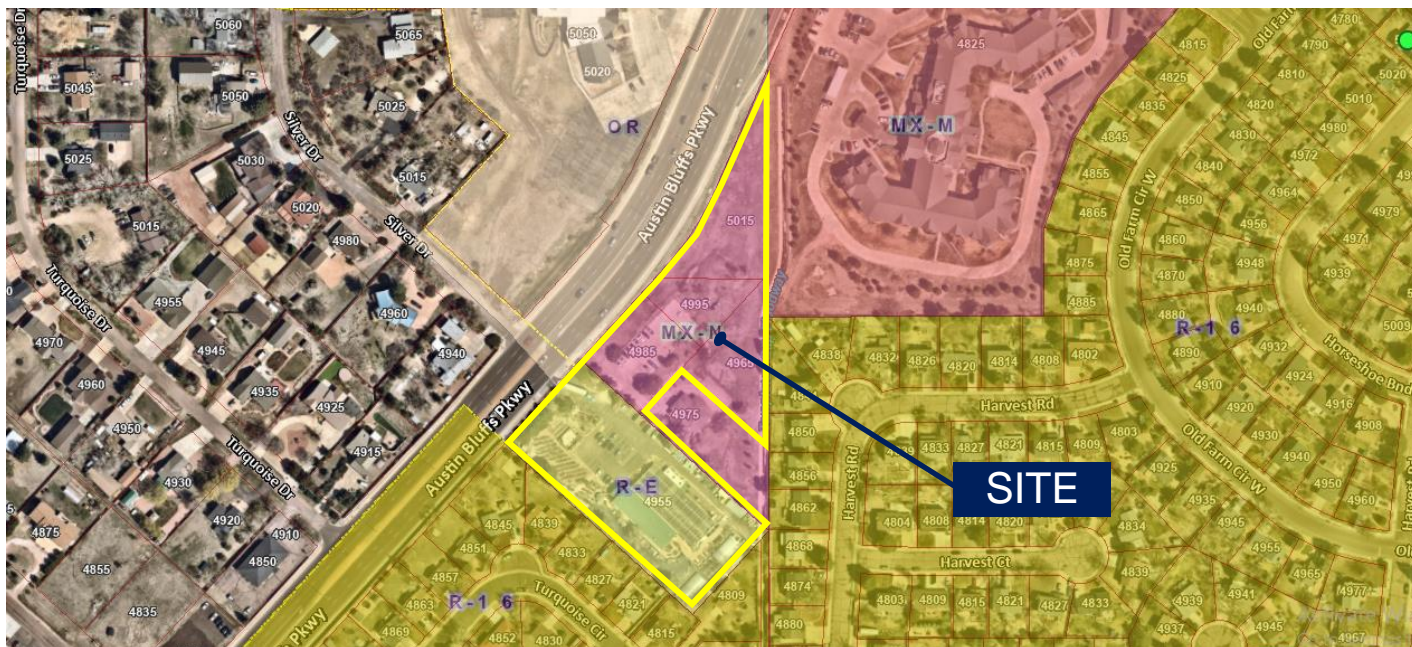
The subject application was submitted after the implementation date (06/05/2023) of the ReTool project. All subsequent references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	MX-M/AP-O (Mixed Use-Medium Scale with Airport Overlay)	Misc. Commercial	N/A
West	OR/AP-O (Office Residential with Airport Overlay)	Religious Institution	N/A
South	R1-6/AP-O (Single-family -Medium with Airport Overlay)	Single-Family Detached	N/A
East	R1-6/AP-O & MX-M/AP-O (Single Family – Medium with Airport Overlay and Mixed-Use Medium Scale with Airport Overlay)	Single-Family Detached and Long-term Care Facility	N/A

Zoning Map



Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	Initial submittal / Prior to City Planning Commission
Postcard Mailing Radius	1,000 feet
Number of Postcards Mailed	300 Postcards
Number of Comments Received	0 Comments

Public Engagement

Staff received several calls and emails inquiring about the project but there were no concerns with the request after the scope of work was explained.

Timeline of Review

Initial Submittal Date	May 20, 2025
Number of Review Cycles	3 Cycles
Item(s) Ready for Agenda	August 18, 2025

Agency Review

Traffic Engineering

City Traffic Engineering reviewed this application and had no comments.

Stormwater Enterprise (SWENT)

SWENT reviewed this application and had no comments.

Colorado Springs Utilities (CSU)

Colorado Springs Utilities reviewed this application and had no comments.

Colorado Springs Airport

The Airport reviewed this application, and their comments were limited to a request for information.

City Engineering

City Engineering reviewed this application and had no comments.

Colorado Springs Fire Department

Colorado Springs Fire Department reviewed this application and had no comments.

Colorado Springs Police Department

Colorado Springs Police Department reviewed this application and had no comments.

Summary of Application

The applicant chose to submit the Zone Map Amendment application with land use statement (refer to Attachment 3 – Land Use Statement), which is permitted through UDC Section 7.5.601.B.3: *“If no Development Plan is submitted with the Conditional Use request, the applicant shall submit a Land Use Statement. This statement shall indicate the following: a. Proposed land uses, housing densities (as applicable), and development intensity; b. Compatibility with adjacent development patterns; and c. Impact to adjacent developments including but not limited to light, noise, and traffic.”* The applicant intends to submit a subsequent modification application to show the proposed private parking lot on the vacant portion of the property after a decision is made on the Zone Map Amendment.

The proposed Zone Map Amendment requests the conversion to the MX-M (Mixed-Use Medium) zone for approximately 4.09 acres across five (5) platted parcels. The applicant is pursuing the zone district that would allow for the Gardens to continue as a use by right. The motivation to amend the zoning is to allow for the Gardens to more easily navigate and complete future improvements to the site, such as the contemplated parking lot expansion. By consolidating the five (5) parcels under one zone district, it will enable a greater degree of flexibility for future improvements and changes while also bringing the site's zoning in alignment with the historic uses. Further discussion on how the applicant believes the Gardens' requested Zone Map Amendment meets the review criteria can be reviewed in the project statement (refer to Attachment 4 – Project Statement).

Application Review Criteria

This application complies with Section 7.4.704 as described below.

1. *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).*

See below PlanCOS section for further discussion on the project's compliance with the City's Comprehensive Plan.

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

There is no anticipated negative impact to the general welfare of the area through the proposed Zone Map Amendment. The public is accustomed to this site's use as a garden center and the impacts that come with it as a neighbor. The Gardens can only be accessed by Austin Bluffs Parkway so any future physical changes will not result in an increase in traffic for the adjacent neighborhoods, and the future proposed reconfiguration of the parking and access lanes should improve overall safety both onsite and at points of ingress and egress. Overall, the long-term impacts of the project are anticipated to be positive to the site and to the general area.

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

The location of the Gardens is ideally situated for a Zone Map Amendment to MX-M (Mixed-Use Medium Scale) and have the expanded opportunity for land uses of moderate commercial intensity. The Garden is located on Austin Bluffs Parkway, a major arterial, and is located between two commercial nodes located generally at the intersection of North Academy Boulevard and Austin Bluffs Parkway and a smaller collection of commercial near Old Farm Drive and Austin Bluffs Parkway. A large quantity of properties in the area that immediately front Austin Bluffs Parkway are used for commercial purposes as the major arterial affords easy access for vehicles to access these goods and services. The MX-M is a logical continuation of other commercial areas to the north and south that area also within the MX-M, and the intent of the zone map amendment is not anticipated to lead to any additional commercial uses on site at this time.

The property's historical use as a garden center goes back to shortly after the property's annexation. This use of the property and other commercial uses in the area have informed years of land use and traffic-oriented decisions for the area, which is clear through the areas' intermixing of commercial uses throughout the corridor. The logical move to rezone the five (5) parcels to be consistent with their historic uses will simplify future land use decisions for both the City and applicant.

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

The proposed zone change to MX-M (Mixed-Use Medium Scale) is anticipated to have a limited impact on the overall intensity of the area since the applicant's only proposed physical change is an expanded parking lot. As detailed in the above discussion pertaining to Criteria 3, the site's location on a major arterial and being adjacent to other MX-M zoned properties mean that the proposed zone is appropriate in this location.

In addition to the site's zone change being anticipated to have minimal impact on the immediate area, staff has reviewed the existing conditions of record that are proposed to be removed for the four (4) northernmost properties. These conditions were initially applied to the properties in 1982 and were intended to prevent incompatible development. Staff is satisfied that the removal of the existing conditions of record will not have a negative impact on the immediate area and the impact has been mitigated by changes made to the Code between now and when the conditions of record were first applied through Ordinance 82-15. The mitigating factors are shown below in bold text.

Per Ordinance 82-15:

1. *"That the neighborhood (Mr. Miller and Mr. Richev) be given the development plan for their review and input prior to Planning Department review. **Public notice is issued on all new development plans and major modifications per Section 7.5.201 Table 7.5. 1-A.***
 2. *Maximum height restriction of 35 feet. **The MX-M zone district allows a maximum of fifty (50) feet in building height. No new buildings are anticipated per the applicant's land use statement. If any buildings are proposed in the future, those structures will follow the standard development plan review and public notice requirements to allow the City and neighbors a chance to review for potential conflicts.***
 3. *Buffering along residential boundaries". **Landscape buffers are required to be fifteen (15) feet between commercial and residential land uses. Additionally, landscape buffers are to be provided along Austin Bluffs Parkway with the future development plan and shall be twenty-five (25) feet deep.***
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.*

The proposed rezone will not result in any changes in land use as the only existing use, Gardens, will continue to be in operation. There are no anticipated negative impacts with the rezoning to MX-M (Mixed-Use Medium Scale) district, and the review agencies who contributed to this application's administrative review had no further comments. Any physical changes proposed by the applicant will be fully reviewed at time of the 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 was submitted in lieu of a Land Use Plan.

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.*

The properties are not part of a previously approved concept plan.

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 proposal does not include the creation of 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.*

The proposal does not include the creation of a PDZ district

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)).*

The site is able to meet the district area minimum size (2.5 acres). There are no other relevant standards that would require compliance concurrent with the zone map amendment.

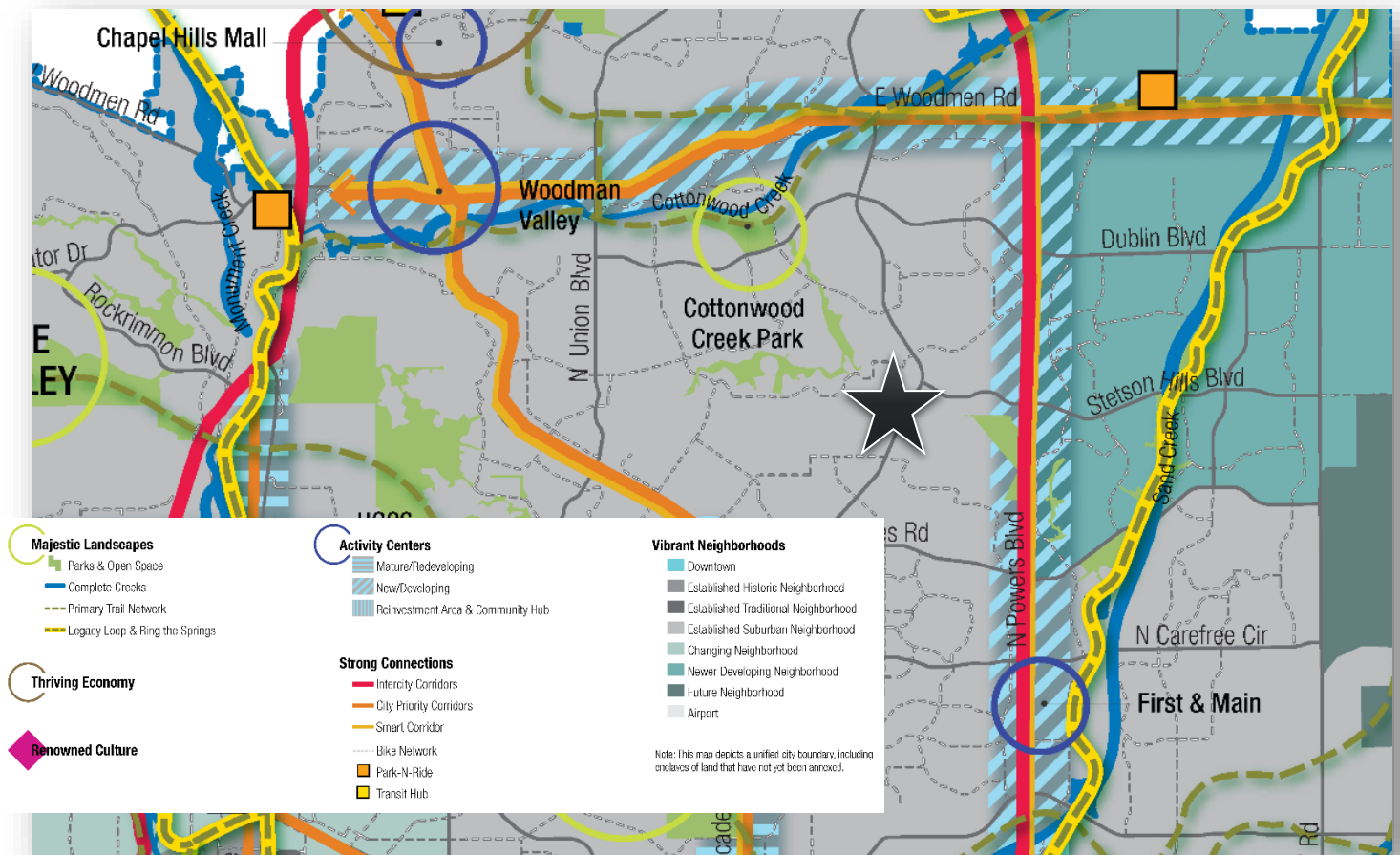
After evaluation of the Phelan Gardens Zone Map Amendment, the application meets the review criteria.

Compliance with Relevant Guiding Plans and Overlays

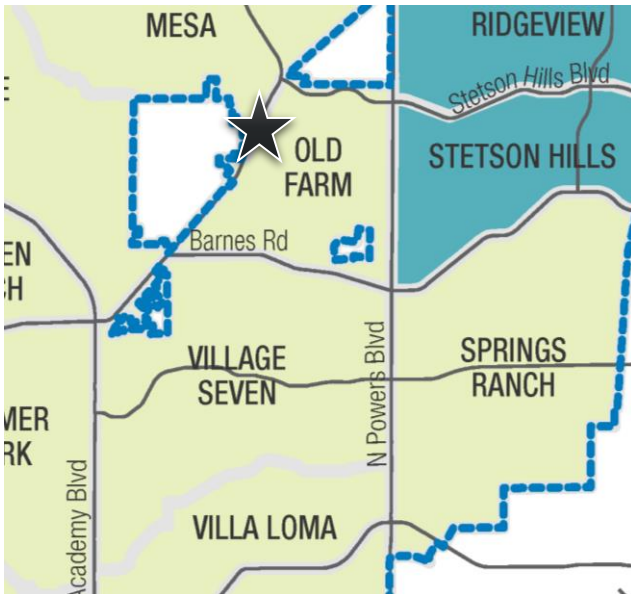
This site is not within a Master Planned area or subject to any other guiding plans. The Airport did not have any requirements of the property besides providing an aviation easement.

Compliance with PlanCOS

PlanCOS Vision Map



The subject site is located within PlanCOS Visions Map's typology of "Established Suburban Neighborhood". This typology is used to describe areas where thoughtful redevelopment and infill is encouraged when that redevelopment contributes positively to the existing residential land use patterns. The proposed zone map amendment supports PlanCOS through the following policy alignment:



Predominant Typology

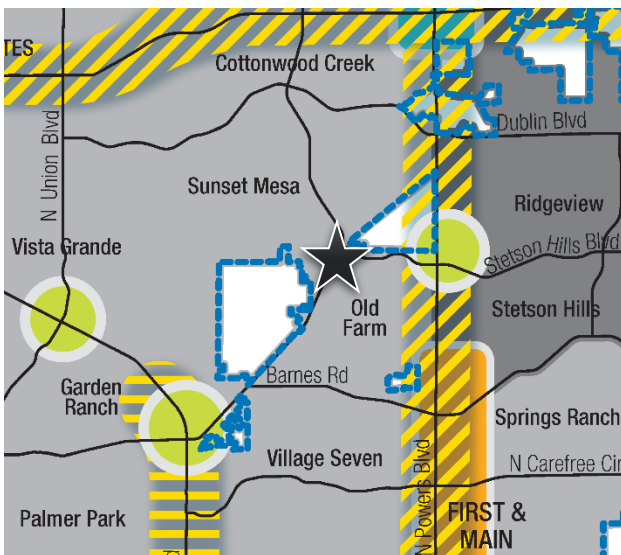


Vibrant Neighborhoods

The Phelan Gardens zone map amendment supports the policies and strategies outlined in the Vibrant Neighborhoods chapter by promoting integration of commercial uses within the “Established Suburban Neighborhood” typology.

Policy VN-3.B: Support unique and innovative community design elements and features such as urban farms and gardens, co-op housing, live/workspaces, or neighborhood places.

Strategy VN-3.B-3: Encourage walkable civic, retail, and community gathering places as design elements within neighborhood centers



Predominant Typology



Unique Places

Phelan Gardens falls within the “Neighborhood Center” typology and promotes the following Unique Places policies and strategies:

Policy UP-2.A: Support infill and land use investment throughout the mature and developed areas of the City.

Strategy UP-2.A-1: Encourage the development or redevelopment of vacant properties in the core area of the City by using a combination of incentives, rezoning, and creative design solutions.

Policy UP-4.A: Actively plan and encourage a development pattern consisting of unique centers located along new and redeveloped corridors and at other designated areas throughout the City.

Statement of Compliance

ZONE-25-0013

After evaluation of the Phelan Gardens Zone Map Amendment, the application meets the review criteria.