City Planning Commission applies mixed-use commercial zoning in residential area | Bob Loevy

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{!--StartFragment--}{span data-olk-copy-source="MessageBody"}Located across from the northern boundary of Penrose Hospital, this house is situated in a block (and a neighborhood) that is all one-family and two-family housing. The city Planning Commission recommended a rezoning that would allow heavy commercial uses such as a bar, hotel, or used-car lot. The City Council will make the final decision.{/span}{!--EndFragment--}
Photo by Walt Loevy

By a vote of 8 to 1, the city Planning Commission recently approved MX-N (mixed-use commercial) zoning in a residential block of the Old North End neighborhood that currently contains only one-family and two-family housing.

As a conditional use, the mixed-use commercial zone allows a long list of non-residential uses, such as a bar serving alcoholic drinks, a bed-and-breakfast, a hotel, a boarding house, a used-car lot, retail sales, a tiny house development and an alcohol-abuse recovery center, etc.

None of these uses are appropriate in a residential neighborhood where families are trying to raise and educate children and older residents are looking forward to a quiet retirement.

The local volunteer homeowners' association, the Old North End Neighborhood, strongly opposed the mixed-use commercial zoning.

The zoning change was originally placed on the Planning Commission "consent agenda" and would have slipped through without being subject to a separate discussion or a separate vote.

Old North End representatives had to get the issue off the consent agenda for it to be discussed and voted on.

Neighborhood officials described the new zone as an "anything goes" type of zone that allows a haphazard, varied list of commercial conditional uses, most of them totally inappropriate in a residential area.

The neighborhood wanted a very limited rezoning that would provide for a small office building, a use they considered more acceptable in a residential area.

The property in question is located at the northwest corner of N. Nevada Avenue and E. Jackson Street. In the past, it has been used as a photographer's studio and similar office-type uses, none of them heavy commercial.

The southwest corner of that intersection is part of Penrose Main Hospital. The other two corners have residences built on them.

The owner of the building seeking a zone change told the city Planning Commission of plans to use the building as a "health spa," but the application

included only the zone change to MX-N (mixed-use commercial) and did not include a request for a conditional use for a health spa.

Further complicating the situation was the temporary appearance of a “For Sale” sign on the property while the question of the exact future use of the property was presented before the city Planning Commission.

The 8-to-1 Planning Commission vote on granting the mixed-use zone shows the recent tendency of some city officials to strongly support densifying existing residential areas and introducing non-residential heavy commercial uses into previously all-residential zones.

Quite naturally, volunteer homeowners’ associations strongly resist such non-residential uses intruding into residential areas and seek to preserve single-family and two-family zoned neighborhoods as is.

Putting a mixed-use commercial zone into a city block that otherwise contains only one-family and two-family zoned houses is a classic example of spot zoning, which previous to the densification movement, was highly disapproved.

This action by the city Planning Commission should serve as a warning to other single-family and two-family neighborhoods throughout Colorado Springs that, at any moment, an MX-N zone could be spot zoned into their neighborhood.

These family neighborhoods need to be very wary of the mixed-use commercial zone and the long list of inappropriate commercial uses that it includes.

City Council will make the final decision on MX-N zoning at N. Nevada Avenue and E. Jackson Street. The issue is scheduled for the Sept. 23 City Council meeting.

Bob Loevy is a news columnist and retired professor of Political Science at Colorado College. He has served on the city Planning Commission and is currently on the board of directors of the Old North End Neighborhood.