

A Brief History of HENA Zoning

The HENA neighborhood is currently zoned RLE which stands for “Residential Low Density Established”. This zone is designed to “preserve predominantly residential areas that were substantially developed prior to 1940, and to promote appropriate redevelopment consistent with the single-family heritage and design character of the neighborhood, such that overall density of the district does not exceed six units per acre.” (This was taken from the Longmont Land Development Code (LLDC) Title 15. You can find the LLDC at http://www.ci.longmont.co.us/planning/dev_code/index.htm.) Depending on the number of houses versus acreage on a block, a new multi-family dwelling could be constructed in the HENA neighborhood or a lot could be split to build an additional house.

The history of how HENA got its RLE zone is interesting. Prior to 1940, there was no zoning in our neighborhood. In 1940, the first zoning ordinance was put in place designating an “A” section of the neighborhood for single-family homes and a “B” section of the neighborhood for one or two family homes. Two thirds of HENA was zoned “A”. In 1961, City Council rezoned HENA to R3 and R4 which allowed up to four unit developments throughout the neighborhood and higher densities in some areas. At this time, there were no large multi-family housing developments in our neighborhood. This re-zoning allowed the beautiful and historic Mary Bryant School located on the corner of Longs Peak and Emery Street to be torn down and developed into several apartment complexes. (The twelve unit building on the corner of Longs Peak plus the three Darby Court apartments that stretch up to Collyer Street are all part of the old school property.) HENA was rezoned again in 1967 by combining the R3 and R4 zones into just R3 allowing high density residential housing throughout the neighborhood. In 1981, the City of Longmont Planning and Zoning Commission (P & Z) recommended changing the zoning to further encourage high density residential development. City Council denied this proposal and a East Side Committee was formed to review with P & Z the zoning needs of our neighborhood. Over a period of 2 years, this committee struggled with the issues. The residents wanted the neighborhood returned to an R1 single-family designation but P&Z and Council resisted their arguments. So instead, the HENA neighborhood was zoned RLE as a compromise.

An interesting side-note to this story: In 1975 a group of West Side residents petitioned to change their zoning from R3 to R1 (residential single-family dwellings) and it was accomplished within 2 months!

More information is available about the history of HENA zoning in the following document from 1982. The “RES” zone that this document refers to eventually became the “RLE” zone that we have today.

THE EAST SIDE REZONING RECORD

Prepared by Citizens for Sensitive Revitalization

December 1982

To many who live in other areas of Longmont, the rezoning of the old East Side is a recent issue concerning only those living in that historic neighborhood. That perception is wrong on both counts. In 1974 the City recognized that the R3 zone was inappropriate and potentially damaging for the East Side. The zoning was never corrected. During the last two years residents of the area have appeared before City Council, City Staff, and various commissions and have satisfied all normal requirements; a solution is not yet in sight.

What does zoning accomplish for a residential neighborhood? It is supposed to ensure that future development is built in harmony with adjacent properties. R3, in contrast, encourages high density redevelopment in an area with over 80% single family homes. If local politicians can ignore the City's birthplace and allow policies that threaten the fabric of an established neighborhood, no home owner in Longmont can feel secure! Citizens for Sensitive Revitalization believes that it is vital that the community knows the Record of East Side Rezoning.

- 1871 The Chicago Colony was formed February 1, 1871, and the first lots were sold in March of that year. The City, which included the present East Side section, incorporated in 1873, three years before Colorado became a state.
- 1873-1940 There is no record of any zoning until 1940. At that time the East Side looked much like it does today. In fact, our research shows that 65% of the single family dwellings were built before 1910 and 75% prior to 1920.
- 1940 The first zoning ordinance, enacted in January of 1940, designated sections of this area as "A" for single family homes, or "B" for one or two family homes. Two-thirds of the entire East Side was zoned "A."
- 1961 In 1961, City Council rezoned this entire area to R3 and R4 which allowed up to four unit developments throughout and higher densities in some sections. We have asked many current residents, who lived in the East Side at that time, and we have yet to find anyone who remembers being notified of the pending change. There are indications that it was quietly enacted so that the Bryant School property could be developed. No large multi-family projects existed in the East Side prior to this rezoning. The new zones were arbitrary and did not protect the low density residential uses in the area. For the first time business uses such as offices and commercial parking lots were allowed in this residential neighborhood.
- 1967 The zoning we find today was imposed in 1967 by combining the R3 and R4 as the current R3 with high density residential use permitted throughout.
- 1974 The Planning and Zoning Commission (P&Z) studied the entire Original Town while recommending land uses for the St. Vrain Valley Comprehensive Plan. The Plan, adopted in December of 1974, showed low density residential in two-thirds of the East Side and medium density for the balance of this area. That land use designation was not consistent with the existing 1967 zoning. The opinion of the planning staff at that time was that the continuation of the trend from single-family to multi-family could be detrimental to the character of most of the neighborhood. Regrettably, the zoning was not changed at that time.
- 1975 City Council's resistance to alter the zoning for the Old Town area enflamed a group of West Side residents who formally petitioned for a change from R3 to R1 for the West Side of the original town. 445 property owners, representing 293 of the 489 properties within the boundary, signed the petitions. At that time, the City did not require verification of those names as the East Side residents have done for the present petition. There was heated opposition to that rezoning at the May 13th public hearing; 54 people wrote or spoke against it. The rezoning ordinance passed on June 10, 1975, and, as a result, architectural integrity and predominate single-family life styles were preserved. Both City Staff and P&Z advised that

the East Side Zoning should be corrected in concert with the West Side change. The East Side was ignored.

1975-1981 The paths of the two residential areas which had developed in parallel through the City's history parted with that change in zoning. Property values in the West Side during the late 70's increased at a greater rate, as a result, in part, of the stability in that area. From 1975 to date, 15 new residential structures containing 81 dwelling units have been erected on the East Side. One of the buildings recently completed contains 24 units.

May 1981 In May, the Planning and Zoning Commission sponsored, passed unanimously, and sent to City Council a zoning change ordinance affecting the East Side R3 neighborhood. The ordinance would have allowed high density residential development on lots with widths of 40 feet or more, in contrast to the present requirement of 60 foot frontage for development of non-vacant lots. The more than 150 residents that attended the City Council public hearing on the ordinance were outraged, recognizing that this change would drastically increase the high density residential uses in the area. In addition to strenuously objecting to the ordinance they requested that Council rezone the East Side to R1. Council members voted to deny the ordinance and also refused to sponsor the zoning change requested by their constituents at the meeting. Council advised the East Side citizens to bring the rezoning request before the Planning and Zoning Commission.

June 1981 In response to the East Sider's requests, the Planning and Zoning Commission established a community task force, chaired by John Gaddis, to review zoning needs of the neighborhood. The East Side Committee met throughout the summer. Those meetings were open to the public and were covered by the local newspaper.

Oct. 1981 The East Side Committee members developed a list of things that they would like to see happen in their neighborhood. The list that was presented to P&Z on October 21 is included here.

- Maintain current density
- Preserve Historical structures
- Preserve views to the west
- Encourage architectural compatibility of new projects with existing adjacent development
- Implement a 25 foot height limitation
- Preserve solar access
- Discourage increase in traffic
- Limit alley traffic
- Maintain standard R1 setback requirements
- Water/maintain trees in R.O.W. between the sidewalk and the street
- Maintain Collyer Park
- Maintain present street widths
- Clean up and pave alleys
- Possible Special Improvement District for neighborhood improvements

The Commission, on the advice of the City Attorney, declined to proceed in sponsoring the rezoning and forwarded the matter to City Council even though in May, Council had referred the residents to P&Z. P&Z members felt that Council should refer the matter through a "formal review process."

- Nov. 1981 City Council declined to discuss the East Side rezoning, implying that what was best for the neighborhood might conflict with what was best for the downtown business district. Council indicated that it would consider the East Side Re-zoning following the Downtown Redevelopment Steering Committee report, due in about three months.
- Apr. 1982 With no notice to interested East Side residents (e.g., those members of the East Side Committee) and before the final Steering Committee report was presented, Council brought the East Side Rezoning to the floor. East Siders believe that Council intended to take advantage of the residents being ill-prepared and to dispose of the issue quickly. East Side residents present at that meeting requested that the matter be withdrawn to permit time for reasonable preparation. It was clear that, despite the work of the East Side Committee, Council members discounted any widespread support in the neighborhood for a change in zoning.
- June 1982 In early summer, residents of the East Side met with City Planning staff and proposed that the City create a new zone which would recognize the present low density use in the area but allow some flexibility in future development. The staff members and City Attorney did not favor some of the elements suggested by the neighborhood representatives and declined to carry the process further.
- July 1982 At this point, more than a year had passed since the drastic need for a rezoning was brought before the City. In spite of all of the efforts of those in the neighborhood not one inch of progress had been made. In July, Citizens for Sensitive Revitalization (CSR), a civic group active in issues affecting the neighborhoods adjacent to the central business district, agreed to sponsor a rezoning by formal petition. The request was for a change to R1 for the entire East Side Original Town of Longmont then zoned R3 and covered about 26 square blocks. The residents of that area responded overwhelmingly. About 90% of the property owners who lived within the boundaries signed the petitions. Only a third of the parcels in the East Side are owned by people living outside this section. Forty percent of those absentee owners who live elsewhere in Longmont also signed as favoring the strict preservation of a single family atmosphere for future development in the area. In all, 442 people signed representing 296 of the 466 total properties affected. The numbers and percentages were nearly identical to those of the West Side rezoning in 1975. That petition unquestionably demonstrated the prevailing popular support for the change.

- Aug. 1982 CSR complied with all procedures normally required in a rezoning. The petitions were submitted Aug. 16. CSR paid for filing fees and for a certified list of all owners of property inside the area and within 300 feet. More than 700 stamped, addressed envelopes for city mailings to owners of affected and adjacent properties were provided by the Committee.
- Sept. 1982 At the Design Review Committee meeting, City Staff summarized the development potential of the East Side. Presently there are 702 dwelling units in the area. If redeveloped to full R3 density there could be as many as 3200 units. The sewer system serving the area can support at most an additional 40 units. Without a rezoning, major improvements would be required at City expense. The electrical distribution system must also be reconstructed to provide adequate service for any significant redevelopment. Area residents are now aware of the limited dynamic pressure in the water supply system that results from lines too small to meet present summer needs. Clearly, the city faces tremendous utility-reconstruction costs if high density redevelopment continues.
- Sept. 9,
1982 The Long Range Planning Commission reviewed the land use amendment required by the rezoning and unanimously passed the "low density" designation for the entire area.
- Sept. 15,
1982 The Planning and Zoning Commission passed the low density land use designation by a margin of 6 to 1. It tabled the R1 request and asked staff to prepare material on a compromise zone, the Residential East Side or RES zone, which could allow limited multi-family building if done in harmony with the existing architecture.
- Sept. 29,
1982 P&Z acknowledged that the grounds for the rezoning--that the original zoning in 1961 had been in error--were valid. They concluded, however, that enough damage to the predominant single family integrity had been done in the interim as a result of the improper R3 classification that a change to R1 now was not warranted. P&Z voted to deny the R1 rezoning request but acknowledged that a new zone was essential for the area. The members were not willing to expend any effort to develop such a zone without City Council's endorsement. The R1 denial was sent to Council with the strong recommendation that a new zone be developed for the area.

Oct. 12,
1982

When the issue came before City Council on October 12, Councilman Walker moved to deny the rezoning. If passed, that denial could have forced the East Siders to start from the beginning of the process again. The cruel irony in that motion was that the citizens requesting rezoning lived within Walker's ward--he was elected by them to represent their interests on City Council. In the end, the rezoning to R1 was tabled instead, and the Planning Staff was instructed to refine the proposed RES Zone and present it to the Planning and Zoning Commission.

Oct.-
Nov.
1982

During October and November CSR members met with the City Planning Staff to develop a new zone that met the two neighborhood requirements: that it protect the single-family density now predominate in the area, and that it recognize and preserve the historic features of this section by preventing construction of new buildings which are architecturally incompatible with the existing homes. The resulting zone did not have the strict limitations that the citizens had requested in the R1 petition, but it seemed a workable solution--a compromise that the neighborhood could accept and one that allowed anyone who could develop their property now under R3 to do so in the future under the RES zone.

Nov. 17,
1982

The Planning and Zoning Commission on November 17, 1982, approved the RES zone, 4 to 1, and sent the measure to City Council.

Nov. 23,
1982

At what should have been a routine first reading of the ordinance creating the RES zone, Council again side-tracked the issue on Nov. 23rd. Councilman Walker, to the dismay of his irate constituents, prevailed in tabling the measure. A public hearing is to be held at the January 4, 1983 City Council work session. In an action without precedent in this City's zoning history, Walker's motion directed the City to place a paid advertisement in the local newspaper promoting the coming work session. Councilman Walker has stated that this will be the most controversial issue to come before Council this year. Apparently his input has been limited to the few people opposed to the rezoning. Councilman Walker has repeatedly been unavailable to discuss the issue with individual East Side residents or with CSR members at their public meetings. Could the fear of controversy be the reason that Council has repeatedly avoided taking decisive action on the East Side rezoning?

The issue of a more equitable zone for the East Side has been before Council or Planning Zoning a total of eleven times in the last 20 months. The residents of the East Side feel that there is little basis for controversy. They are requesting that the R3 zone imposed on the area in error in 1961 be changed to one that preserves its overwhelming single-family residential nature and that recognizes its historic significance to the community. Four Hundred and Forty-two property owners have asked for the change while less than two dozen developers objected to it. That's hardly controversial! The controversy arises when local officials use delay and dilution to make a political issue out of one that should be settled promptly based on the historic development pattern and the desires of those living in the area. The rezoning to R1 was accomplished in 1975 in two months for those on the West Side. Why should the identical situation require two years for the East Side neighborhood?