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## Opposition: Re-zoning 685 Peak View Dr - Estes Park

1 message

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Christy Jacobs <cj@ap-tm.com>

Wed, Dec 28, 2022 at 6:43 PM

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**Date: December 28, 2022**

**To: Estes Park Planning & Zoning Department,  
Estes Park Planning Commission  
Mayor Wendy Koenig  
Town Board Trustees**

**Subject: Strongly Object to the proposed Re-zoning of 685 Peak View Dr., Estes Park from E1 to R1. Object to proposed development of 39 single family homes by CMS Planning & Development, Inc. – Frank Theis.**

**I strongly oppose the proposed re-zoning change for these reasons:**

- The neighborhood and area surrounding subject property 685 Peak View is Zoned E-1 (1 dwelling on min. of 1 acre) with its current zoning is one of the main reasons we chose our property as the location for our dream/retirement home. We spent years searching and saving, along with our blood, sweat, and tears; we were tired of wall-to-wall houses with no yards and few trees and thought we'd found a serene area away from most of the daily hustle bustle. Allowing such a fundamental departure from the density of the adjacent properties violates the trust in zoning that existing property owners relied on to protect their neighborhood. If changed, this will be a dramatic & detrimental change to our neighborhood and property values. And it proves that no one is safe from the over-reach of our community leaders. There is no other R1 zoning anywhere on the south side of Estes Park. The existing zoning requirements preserve the character of the neighborhood and the value for the properties, and a change only **subsidizes the developer's ability to maximum profit.**
- The R-1 density for this property DOES NOT align with the Comprehensive Plan Land Use (just approved) or align with the characteristics of the surrounding properties zoned E-1.
- The proposed re-zoning change would increase the density from 1 home/dwelling per acre to 8 homes/dwellings per acre... **UNACCEPTABLE.**
- The Proposal zoning change does **not** support "Reasonably Priced" housing.

- Frank Theis said in our community meeting, held December 15, 2022, he was not planning on building the homes, only to develop the land and sell the lots to individuals or builders at a price range of \$100K - \$175K...who knows what amount he will charge? Frank is just throwing out numbers. It seems he really has no idea of what it will cost to develop just the land...much less the final cost of a lot. He's admitted that he will not build the homes so any house pricing he's shared is nothing but pure speculation with no supporting basis. ***A simple "I don't know" is factual, but nothing I heard from Frank could be stated as such.***
  - Even when using his figures, the selling price might be realistically estimated to be in the \$650-\$800K price range...not "Reasonably Priced" as stated in his "Statement of Intent" submitted to the Town of E.P. Planning Commission.
  - To purchase a \$500-\$600K home, not including the lot, one would need more than \$150K-\$200K of verifiable equity to even be considered as a "qualified buyer". That is well above the "Reasonably Priced" definition for workers earning even above minimum wage here in Estes Park.
  - The developer is maximizing the number of lots to maximize his profits. As I stated above with the numbers, the developer stands to profit in the millions at the cost of surrounding neighbors and for no compelling benefits to any of the town's stated objectives, much less the community.
- Frank stated in our community meeting (held on Dec. 15, 2022), "I'm a Free-Market guy and only restrictions are Covenants to control the house size (1500 sq ft or less) and the rest is Market Driven". Then a concerned neighbor stated, "So there is no element to this design to be reasonably priced housing in Estes Park", and Frank agreed. ***I rest my case on the analysis above.***
- The Comprehensive Plan (just passed on Dec. 6<sup>th</sup>, 2022) ...Frank Theis, the developer & current owner of subject property who is requesting the re-zoning is/was on the Comprehensive Planning Committee (County-Non-Voter), along with being on the Estes Valley Planning Committee, and President of the Watershed Coalition... which he has input to the Comprehensive Plan Land Use. Yes, even as a County-Non-Voter on the CompPAC committee, his input still could influence a voting member. *My husband, as a registered investment advisor, calls this "insider trading".* ***Call it what you like, but all of Frank's so called "unpaid volunteer" contributions to the community seems to be paying off nicely.***
- Developer stated in the community meeting on (Dec. 15, 2022) that "The Town Policy by the Town Board is that they want to look at new development in town and increase the density and that he "the developer" is doing just that. ***I don't know the technical term for this, but simply put, it's suspicious.***
- Forty-Nine (49) of our community neighbors that attended the unofficial community meeting, held on December 15, 2022, with Frank Theis, **all community neighbors opposed** the rezoning to R-1 or the 39 homes. Some homeowners were out of town already due to the Holidays, but some were present by written letters/comments that also opposed this high-density subdivision. We (the impacted community neighbors) want to keep the E-1 - 1 house per min. 1 acre).

## Detrimental Impacts of this high density proposed housing:

1. Degradation of The Natural Element...Loss of Wildlife Habitat, Wildlife corridor, Wildlife Birthing, Wildlife Safety (with increase of traffic on Peak View) & impediment to wildlife movement.
2. Quality of life, peace, & tranquility of the neighborhood in jeopardy/compromised.
3. Increased Pollution –
  - Light noise degrading our dark skies (lights from street, homes, vehicles, etc.)
  - Noise from proposed subdivision will carry thru the neighborhood, just as the climbers on Prospect Mountain Thumb do).
4. Views – potential loss to surrounding neighbors' homes.
5. Drainage/Watershed/Erosion/Flooding...this proposed development will increase the percentage of impenetrable surfaces and will result in increased Drainage, Stormwater runoff, Erosion, and Flooding Neighboring properties and the Ecosystem far into the watershed area will suffer the damaging impact. This is already a big issue without homes on the subject property.
6. Environment / Loss of Ecosystem
7. Utilities:
  - WATER (Water, big issue...town in Arizona is out of water and Scottsdale will no longer allow water to be pumped and delivered to this one town effective Jan. 1, 2023). This will continue to get worse with all Western states...and the water we see isn't necessarily ours to use. (With continuous Climate change/Global warming)
  - Sewer (Treatment plant not properly working) – should get Sewage Treatment Plant up and running before any new major building projects.
  - Electrical Grid (totally in question) – Again, California, Florida, Tennessee, and many other cities/states do not have the electrical grid to handle more people, EVs, etc. (Hence, rolling blackouts & blackouts.)
8. Traffic Safety for humans & wildlife is significantly impacted – this will increase the chances for severe injury or death.
  - Limited Site distance in front of subject property due to 2 major curves on P.V. and the proximity of the main entrance to this subdivision at Peak View & Twin.
  - Increased Traffic (39 homes x 2 vehicles = 78 more vehicles added to Peak View Dr)
  - Increased Traffic on Peak View from May to November
    - Many RVers & Campers going to campgrounds (Mary's Lake Rd/and other campgrounds near Hwy 34/Moraine Ave and Rt 66.
    - Spring & Fall Sunrise & Sunset limited site (blinding sun) and curvature of Peak View, this is when wildlife corridor is most active.
  - Speeding...big time and hitting the breaks for the turn, not paying attention if an animal is in the road. Not only on Peak View but all the other neighborhood roads. People coming from SW on Hwy 7/St.

Vrain will cut thru Twin Dr or thru Long's Dr. to avoid going further down the road to connect with Peak View. I see it every day when I walk my dog.

- Nobody in this neighborhood wants to live with stoplights and round-abouts. Even if they did, how could the city really justify the expense for just 39 more homes? Unless, of course, they have a bigger plan we don't know about.

9. **FIRE (Wildfire) & WIND**...Estes Park is in a High-Risk Wildfire Zone. The proposed change with high density housing only exacerbates the problem with a negative contribution to wildfire mitigation. I'm not sure there's even a fire hydrant nearby, so even a minor fire, with houses this close together, could end up taking a significant portion of the town with it. Do our city leaders really think our community is immune from these dangers???

- Extreme concern is with continuous Climate Change/Global Warming and the highly damaging intense fires all over the west. We here in Colorado, have experienced some of the worst fires:
  - Yr.2020 -Cameron Peak Fire to our north
  - East Troublesome Fire /Thompson Zone, which Estes Park had to evacuate for 3 days
  - In Grand Lake it destroyed 555 structures & 2 lives
  - Calwood Fire in Boulder, many homes lost, and then
  - Nov. 2021 the Kruger Fire, South of Estes Park, outside my window...and finally
  - December 31, 2022, Marshall Fire that destroyed over 1000 homes and killed 2 people in Superior & Louisville, CO.
- **It is imperative we DO NOT CREATE a HIGHER DENSITY COMMUNITY** that increases our chances of never controlling a fire. when mixed with high fire danger & our ever-present high winds we'll never stand a chance. Mayor Wendy Koenig, stated in EPNews article "it's not a matter of if, but when". Do our town leaders really believe the benefits of concentrated housing offset the risks, the loss of life and property, and the devastation that 39 extra homes will bring???. And by the way, this type of subdivision is way different than controlled building with fire mitigation systems which have half a chance of being contained before they become out of control.
- Most neighbors never see it, but in our location, we see it every day. Dumping of cigarette butts, sparking chains, parking in authorized off road locations (catalytic converter fires), improperly secured RV devices, and the ever-present danger from summer campers to our west. The risk is more significant than you can even imagine.

This is a unique piece of property for the wildlife habitat where every day it is visited by many elk, deer, bobcat, coyotes, and yes, even a Mountain Lion. Our neighborhood has wildlife corridors abundant with birthing of Elk, Deer, Bob Cat, Coyotes, etc. directly on many property owners' yards. We have all witnessed this over the years and have videos and photos that are wonderful treasures. They will travel back and forth across Peak View to 685 Peak View property once their babies get strong enough and then as the babies get older form nurseries that roam the area. While wildlife is abundant in Estes, I'm not sure these birthing areas are.

My heart skips every time I watch the little ones cross Peak View with those curves on Peak View and the people flying down P.V. Wildlife safety is a big concern with an increase of traffic on P.V. I guess the city better get ready to scrape many of these young creatures off the road at least for the first few years as an increase in traffic guarantees they will not survive.

Under current zoning the current open space will be impeded, but I've observed that wildlife will adapt when given adequate space around a residence. This is certainly not the case with the proposed project as there's be little to no space for these animals. *Shame on us as humans!*

**Final Comments:**

- All of us are stewards & gate keepers to safely protect the land we share and live.
- Protect not destroy the outstanding Natural Beauty of the Estes Valley...It has such a majestic and magical Beauty that people from all over come to Estes Park and love.
- Protect the Wildlife, Ecosystem, Environment (Open Space), and Conservation, (not just some little corners in a high density 39 home subdivision, that you would call Conservation).
- Don't destroy the Wildlife Habitat, Wildlife corridor, Wildlife Birthing that this subject property provides.
- Once the damage is done, it is pretty much irreversible.
- Listen to us, the residents that make up your community.

Sincerely,

Christy Jacobs