

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

1 message

Jerry Jacobs>

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To: "planning@estes.org" <planning@estes.org>, Jeff Woeber <jwoeber@estes.org>, "jgarner@estes.org" <jgarner@estes.org>, "swebermeier@estes.org" <swebermeier@estes.org>, "mcenac@estes.org" <mcenac@estes.org>, "khazelton@estes.org" <khazelton@estes.org>, "bmacalpine@estes.org" <bmacalpine@estes.org>, "pmartchink@estes.org" <pmartchink@estes.org>, "cyounglund@estes.org" <cyounglund@estes.org>, "wkoenig@estes.org" <wkoenig@estes.org>, "tmachalek@estes.org" <tmachalek@estes.org>

Jerry Jacobs

Jerry.jacobs@ap-tm.com

1655 Twin Dr Estes Park, CO 80517

Desk 636-442-1949

Cell 314-517-4691

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Estes Park Planning and Zoning Department

Estes Park Planning Commission

Estes Park Mayor and Town Trustees

Re: Objection to proposed re-zoning of [685 Peak View Dr. Estes Park.](#)

Objection to proposed development of 39 single family homes by CMS Planning & Development, Inc / Frank Theis

I am against the proposed zoning change for these reasons:

- The property is presently zoned E1 – 1 home per acre. There is no clear and compelling reason why a regulatory urban planning method relied upon for so long and by so many for decision making should suffer this unwarranted change.
- Current zoning and “use by right” allows this property to be adequately subdivided without any changes and without substantial resistance from neighbors and community members. The balance assured by current zoning does not alleviate all the impact concerns but does provide an adequate balance among all parties.
- City Trustees, Staff, and Commission members cannot make any prudent zoning decision because they do not require and will not evaluate any impact studies prior to the change being made (Jeff Woeber, 12/15/22 meeting(thanks for attending)). The “it’s not required” disclaimer should not hold Staff and Trustees harmless. Correct me if I’m wrong, but their duty is to the Community not developers. Without adequate due diligence performed on such changes these leaders cannot:
 - Cannot prove that overdevelopment will not create excess water runoff problems and cannot prove those problems will not impact many other community members in the existing watershed area, not just adjoining neighbors.
 - Cannot assure other community members that water, sewer, electrical, and traffic patterns will not be impacted by overdevelopment, or that expansion of these systems will not require changes to their property.
 - Cannot assure neighbors and other community members that the environment and wildlife in the area will not leave or be destroyed. This has many other ramifications to the community as

it's a significant tourist attraction to the area. For many, the existence of wildlife alone is ranked as the most enjoyable attribute of our local and expanded neighborhood. Zoning was considered by most in their decision to live in this neighborhood and provided confidence that existing animal birthing, travel paths, habitation, and protections could reasonably exist into the future.

- Cannot assure neighbors this change will not have a negative impact on their lifestyle and cannot provide evidence that such changes will not substantially interfere with an owner's right to use and enjoyment of their property.
- Cannot provide neighbors with any information on how such changes will potentially impact their property values.
- Cannot provide evidence that the project won't completely change after the zoning change is approved.
- Cannot provide controls that assure residents that there will not be a house on every 5000 sq ft of property.
- Cannot prove this change affords any real benefit except to the developer.
- And therefore, cannot provide evidence that Trustee, Staff, and Commission member decisions are not arbitrary and capricious actions.
- To date and aside from those having personal or economic gain from the change, I've not seen or heard of any adjacent landowners or members of the extended neighborhood in favor of these proposals.
- A vote to approve this change will negatively impact the trust and confidence necessary to support the public's fiduciary expectations of City Staff, Commission Members, and Elected Officials. While there's parallels between ethics laws and fiduciary responsibilities, the fiduciary duty imposes a standard of diligence, responsibility, and honesty. It's the faith in this duty that we, as community members, rely upon to believe our leaders protect us and put our interests first.

Market Forces – I completely understand the agendas behind workforce and affordable housing. Yet the proposed change has no impact on these agendas aside from putting profits into a developer's pocket and increasing the occupancy density in our community with most likely non-workers. One could say it might reap more tax benefits for the community, but I believe any of those gains will be offset by necessary infrastructure changes this development will eventually require. And others, in nefarious fashion, see the benefit as giving the city and developers the power to change zoning at will without any oversight or controls anywhere and anytime. As proposed, Frank has no control over what will be built nor how it will be priced as he's indicated this will be market driven. Given the volume of visitors to the community, there's little chance these homes will be any more affordable than other properties in the area that are already available. Developers are in business to be profitable, Realtors sell for commissions, and investors want returns on their investments, and it's all driven by supply and demand. The only modifier is restrictions and/or subsidies. Subsidies to developers or via other methods always source taxpayer money(our \$) and compete against taxpayers/individuals(us) in the marketplace. If subsidies are provided to Frank/CMS, to other developers, eventual residents, or owners, then the whole definition of this proposal changes completely and any assumptions or ideas of using such in pursuing the project should be fully disclosed prior to zoning decisions.

Green Light - I listened to Scott Moulton, Exec Director EP Housing Authority(12/15/2022 meeting(thanks for attending)) talk about the disconnect between zoning and density utilizing his property as an example. I trust this is correct but found it disturbing that an incorrect use of zoning in one area of the community would justify the same throughout the community. Little by little you remove the relevance of zoning and planning when 1 off variances are easily attained for unjustifiable reasons. Consistently doing this gives the "green light" to well capitalized developers to effectively change our entire community with no controls

afforded to community members if City Staff and City Trustees ineffectively advise, represent, or refuse to recognize our concerns.

Less is More – Just this week we heard of rolling power outages in Tennessee, water being shut off in Arizona, and reminiscing of the Superior/Louisville fire. Do we not understand that resources and protections are not infinite? When will the Colorado river be completely diverted to Arizona under emergency rules and what happens if water via the Adams tunnel is limited? Will energy and water supplies be impacted? What chance do we have along Peak View if fire erupts during our many 60+ mph winds? We stand no chance of overcoming these very real possibilities if our planners do not at least consider the possibility of controlling overdevelopment. Yet, I rarely read of studies related to this... probably because our planners only plan when they get money for planning which may or may not have strings attached, or are not allowed the independence to explore less popular planning paths. I'd challenge our leaders to again think of their fiduciary responsibility to us in the community and not to the County, State, and Federal entities. It may be unpopular, cost federal/state grants, and be against the common grain of thought, but maybe the survival of our community depends on looking at less development as opposed to more, at making decisions that may not be popular with the political persuaders of the moment, and to provide visible contingencies to overcome the newer types of natural or man-made disasters we may suffer in the future.

Perception becomes Reality – I daily encounter a growing perception around the community "The city doesn't care about us. They are going to do what they want to do because they can do it." I'm not surprised, as most individuals are opposed to change: good or bad and automatically assume the worst. I believe it is inappropriately perceived, but also believe decisions recommended by Staff and approved by City Trustees will determine whether the roots of this perception wither and die or in fact grow to become a future reality.

Respectfully submitted,
Jerry Jacobs