

Peyton Heitzman

From: Chad Phillips
Sent: Tuesday, September 14, 2021 10:04 AM
To: Peyton Heitzman
Subject: FW: Second Haymeadow land swap proposal

Chad Phillips, A.I.C.P.

Community Development Director/Town Planner

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-5203

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From: Michael Kleinman <michaeljkleinmanlaw@gmail.com>

Sent: Tuesday, September 7, 2021 1:10 PM

To: Chad Phillips <chad.phillips@townofeagle.org>

Subject: Second Haymeadow land swap proposal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Phillips,

I understand Abrika has filed another land swap proposal to amend the PUD that was passed years ago. The last proposal was denied by the planning commission and then the city counsel.

This proposal is equally poorly thought out and as with the first proposal benefits ONLY the developer in violation of the applicable ordinances

My wife and I oppose the second Haymeadow land swap proposal for the reasons below:

1. According to the developer, construction of the 72 multi-family units in this proposal won't be started for several years because they are planning to start building the multi-family units in neighborhood A1 in the spring

of 2022. If there is a benefit to anyone besides the developer, which is highly questionable, it could only be the existence of more multi-family units. However, it would be at least 5 years before the units would be available. Therefore, this proposal does not benefit anyone except the developer. There are already other multi-family units planned which could be started without this questionable swap.

1. The development will look like these 72 multi-family units were an add-on and an afterthought. This development will look like it was not well thought out and not cohesive. It will look cobbled together and very ad hoc.
2. There is no benefit to the TOE to giving up 6.5 acres of open space right next to the Mtn Rec facilities, the BMX track, the future bike park, and the future school in exchange for 8 acres of park space $\frac{3}{4}$ of a mile away.
3. The only reason the developer is proposing this land swap is so that the sales of these 72 units can fund the cost of building a water tank. That is the developer's problem to solve and not the Town of Eagle's problem.
4. It just makes sense to use the 6.5 acres for recreational purposes because it is immediately adjacent to Mtn Rec and the school.

Thank you for your consideration and please vote for denial of this land swap proposal.

Michael J. Kleinman Esq.
C/O Law Offices of Michael L. Poindexter\\
2132 Montane Dr. E.\\
Golden, Colorado 80401
Telephone: 970-328-3986
Facsimile: (303) 526-1981
Alternate Email: Kleinmanlaw@q.com•Cellular Phone 303.359.1825

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Peyton Heitzman

From: Chad Phillips
Sent: Tuesday, September 14, 2021 10:05 AM
To: Peyton Heitzman
Subject: FW: Second Haymeadow land swap proposal

Chad Phillips, A.I.C.P.

Community Development Director/Town Planner

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-5203

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From: Michael Kleinman <michaeljkleinmanlaw@gmail.com>

Sent: Tuesday, September 7, 2021 1:18 PM

To: Chad Phillips <chad.phillips@townofeagle.org>

Subject: Re: Second Haymeadow land swap proposal

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I am sorry that I hit send while editing.

This developer has demonstrated poor planning and follow through as evidenced by their untimely completion of the road, their failure to maintain the property as it is overrun with weeds throughout the project and their failure to take down a silt fence that is equally an eyesore as the noxious weeds.

They claim they are concerned about providing housing to the Eagle community yet they have not started one home on one lot since their completion of the infrastructure.

This plan benefits no-one but the developer. What do they think the City will do with an 8 acre parcel down the road? They have presented no proposed use to the City because they only care about avoiding the cost of a water tank. As others have expressed to you, the land is contiguous to the rec district and the planning commission and the City Council should hold Abrika to its bargain and stop these self-serving attempts to modify the existing PUD

Michael J. Kleinman Esq.
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On Tue, Sep 7, 2021 at 1:09 PM Michael Kleinman <michaeljkleinmanlaw@gmail.com> wrote:

Dear Mr. Phillips,

I understand Abrika has filed another land swap proposal to amend the PUD that was passed years ago. The last proposal was denied by the planning commission and then the city counsel.

This proposal is equally poorly thought out and as with the first proposal benefits ONLY the developer in violation of the applicable ordinances

My wife and I oppose the second Haymeadow land swap proposal for the reasons below:

1. According to the developer, construction of the 72 multi-family units in this proposal won't be started for several years because they are planning to start building the multi-family units in neighborhood A1 in the spring of 2022. If there is a benefit to anyone besides the developer, which is highly questionable, it could only be the existence of more multi-family units. However, it would be at least 5 years before the units would be available. Therefore, this proposal does not benefit anyone except the developer. There are already other multi-family units planned which could be started without this questionable swap.
1. The development will look like these 72 multi-family units were an add-on and an afterthought. This development will look like it was not well thought out and not cohesive. It will look cobbled together and very ad hoc.
2. There is no benefit to the TOE to giving up 6.5 acres of open space right next to the Mtn Rec facilities, the BMX track, the future bike park, and the future school in exchange for 8 acres of park space $\frac{3}{4}$ of a mile away.
3. The only reason the developer is proposing this land swap is so that the sales of these 72 units can fund the cost of building a water tank. That is the developer's problem to solve and not the Town of Eagle's problem.
4. It just makes sense to use the 6.5 acres for recreational purposes because it is immediately adjacent to Mtn Rec and the school.

Thank you for your consideration and please vote for denial of this land swap proposal.

Michael J. Kleinman Esq.
C/O Law Offices of Michael L. Poindexter
2132 Montane Dr. E.\

Golden, Colorado 80401

Telephone: 970-328-3986

Facsimile: (303) 526-1981

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Peyton Heitzman

From: Chad Phillips
Sent: Tuesday, September 14, 2021 10:05 AM
To: Peyton Heitzman
Subject: FW: Haymeadow land swap proposal #2 opposition

Chad Phillips, A.I.C.P.

Community Development Director/Town Planner

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-5203

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From: Mike Claymon <mikeclaymon@hotmail.com>

Sent: Tuesday, September 7, 2021 11:06 AM

To: Chad Phillips <chad.phillips@townofeagle.org>

Subject: Haymeadow land swap proposal #2 opposition

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I oppose the second Haymeadow land swap proposal for the reasons below:

1. According to the developer, the 72 multi-family units in this proposal won't even be started for several years because they are planning to start building the multi-family units in neighborhood A1 in the spring of 2022. If there is a benefit to anyone besides the developer, which is highly questionable, it could only be the existence of more multi-family units. However, it would be at least 5 years before the units would be available. Therefore, this proposal does not benefit anyone except the developer.
2. The development will look like these 72 multi-family units were an add-on and an afterthought. This development will look like it was not well thought out and not cohesive. It will look cobbled together and very ad hoc.
3. There is no benefit to the TOE to giving up 6.5 acres of open space right next to the Mtn Rec facilities, the BMX track, the future bike park, and the future school in exchange for 8 acres of park space $\frac{3}{4}$ of a mile away.
4. The only reason the developer is proposing this land swap is so that the sales of these 72 units can fund the cost of building a water tank. That is the developer's problem to solve and not the Town of Eagle's problem.
5. It just makes sense to use the 6.5 acres for recreational purposes because it is immediately adjacent to Mtn Rec and the school.

Thank you for your consideration and please vote for denial of this land swap proposal.

Mike Claymon
116 Soleil Circle
Eagle, CO

Peyton Heitzman

From: Chad Phillips
Sent: Tuesday, September 14, 2021 10:06 AM
To: Peyton Heitzman
Subject: FW: Haymeadow land swap opposition

Chad Phillips, A.I.C.P.

Community Development Director/Town Planner

TOWN OF EAGLE

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From: Linda Bennett <linda4bennett@gmail.com>

Sent: Tuesday, September 7, 2021 11:02 AM

To: Chad Phillips <chad.phillips@townofeagle.org>

Subject: Haymeadow land swap opposition

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I oppose the second Haymeadow land swap proposal for the following reasons:

1. According to the developer, the 72 multi-family units in this proposal won't be started for several years because they are planning to start building the multi-family units in neighborhood A1 in the spring of 2022. It will be at least 5 years before the units will be available. This proposal is of little benefit to anyone except the developer.
2. This second proposal indicates that this development was not well thought out and the developer is again seeking a bail-out rather than working his approved plan.
3. There is no benefit to the TOE in giving up 6.5 acres of open space right next to the Mtn Rec facilities, the BMX track, the future bike park, and the future school in exchange for 8 acres of park space $\frac{1}{4}$ of a mile away. It just makes sense to use the 6.5 acres for recreational purposes because it is immediately adjacent to these facilities.
4. The only reason the developer is proposing this land swap is so that the sales of these 72 units can fund the cost of building a water tank. That is the developer's problem to solve and not the Town of Eagle's problem.

Thank you for your consideration and please vote for denial of this land swap proposal.

Linda Bennett

Response to second request to amend Haymeadow:

To exchange 6.5 acres in NE corner of the combined school/rec parcel for 8 acres of park space in Neighborhood C of Haymeadow and transferring 72 multi-family units from Neighborhoods B & C on the 6.5-acre parcel.

I am opposed to this 2nd request to amend the Haymeadow project. The reasons why coincide with the 1st amendment request in many aspects.

- 1) The swap of parcels improves outcomes ONLY for the developer. It provides no advantage to the rec center/school site whatsoever and does not comport with the synergies that were focused on maintaining with the original study. It directly conflicts with the Elevate Eagle Comprehensive Plan, Chapter 4.1.010 C in the approved PUD, that various land use elements are designed so that they inter-relate cohesively with each other. The original approved boundary between the PUD and adjacent land areas was taken into consideration to follow the requirements with particular attention to ensure that land use patterns were compatible with the school site and adjacent recreational and future master planned recreational facilities. This 2nd request to amend does not provide the same.
- 2) This additional cluster of 72 multi-family units, never part of the original plan or approval, only benefits the developer and their profit. This does not benefit the Town today or in the near future and could likely endanger the neighbors adjacent to the development. Approving an additional 72-multi-family-unit development in the proposed area without requiring the developer to first implement their future-planned water storage tank could certainly create human-safety and water-use issues for neighboring residents, mountain rec, and land in the vicinity. Depletion of water pressure would not only negatively impact day-to-day regular water use, but it could also create life-threatening issues should insufficient water pressure be available to fight a house or forest/wild fire in this area.
Has the developer submitted any 'water-use or water-pressure studies' to coincide with this new-build request of an additional 72 units? Insofar as their approved plan acknowledges the need for the water tank before completion of the development, allowing for a change that front loads high water consumption multi-family housing prior to improving the water infrastructure could endanger the surrounding residents and facilities.
- 3) The developer has repeatedly stated that all studies demonstrate the acute need and demand for workforce housing. However, this developer continues to postpone and delay their own approved workforce housing and development, essentially creating delays that make the problem worse. Their timeline for completion moves farther and farther out as they repeatedly attempt reconfigurations to front load the maximum possible number of units prior to having to put in place the water storage tank that is required for basic life safety. Fundamentally, the developer is putting their profits ahead of basic resident safety. The Town probably recognizes this and therefore refusal of the developer's attempts to put profits before people should be imminent.
- 4) Citing the developer's original statements to secure approval for the entire development, Haymeadow stated this in the PUD Annexation and Development Agreement Resolution 12 regarding LERP (Local Employee Residency Program): "*The LERP units shall be dispersed in a reasonable manner throughout each neighborhood. There may be more than one LERP unit per building, and there may be multi-family buildings that contain three or more LERP units. However, all, or a significant concentration of, the required LERP units for each*

neighborhood shall not be located within one multi-family project or cluster of buildings.” The developer is now contradicting his own prior statements on which his prior approval is based. The Town and its residents (both present and future) appear to be nothing more than impediments in the eyes of the developer.

- 5) Under the TOE Amendments to PUD Zoning and Development Plans, Conditions for Amendment, section 4.11.050A(2), this proposed amendment application does affect in a substantially adverse manner either the enjoyment of land abutting upon, adjoining or across a street from the planned unit development or the public interest, and therefore should not be approved in this case, as neighboring housing developments and community areas are adversely affected. Clearly, creating potential water safety issues or use issues would be “adverse”.
- 6) Under the TOE Amendments to PUD Zoning and Development Plans, Conditions for Amendment, section 4.11.050(3), this proposed amendment confers a special benefit to the developer, allowing him to use unfettered, the Town water supply instead of building a new one that is required for this development. This is a monetary benefit serving only the developer while endangering the Town residents. Allowing the developer to build more and higher density units prior to having to cover the costs related to resident safety water infrastructure only serves the profits of the developer. Rejecting this proposed 2nd request to amend will give the Town a better understanding of the true intentions of the developer. After all, as alluded to by the developer in prior meetings, if they had to build the water storage tank too soon, they would likely just walk away from the project instead.
- 7) This new request for a 72-unit development brings into play the prior comments of the developer stating, “we do not anticipate” using Field Street as a through-street. Please again refer to Mountain Recreation letter submitted December 3, 2020 by Board President, Elizabeth Jones and Board Member, Tom Pohl, referencing their concerns about any potential extension of Field Street. *“One item to note based on the public planning process for the Haymaker Trailhead Concept Plan: The proposed PUD Amendment concept plan illustrating the school parcel does not fully match the adopted Haymaker Trailhead Concept Plan’s outline for the school portion of the parcel, as uses were blended. The proposed parcel boundary shown appears to suggest that a road centerline could be constructed from the current terminus of Field Street to the future unnamed street connecting to Neighborhood A. The impacts of traffic flows through the adjoining neighborhood were considered during the concept planning process following resident comment and review of the Soleil development plans. The Haymaker Trailhead concept plan specifically included installation of a gate past the Field Street terminus with the idea that the gate was intended to be opened only for special events such as the CHSAA regional and state mountain bike competitions or large tournaments. Traffic flows created by opening a street from Soleil Homes through a multi-family development to Neighborhood A1 may trigger a desire to review projected traffic impacts to the Soleil neighborhood based on that public input process.”* Insofar as this density of housing in this remote, less-than-accessible (by current, approved plans) location would presumably require the extension of Field Street in order to ensure responsive emergency vehicle access, a revised traffic flow study is surely required. Such a study would undoubtedly determine a vast change to traffic flow through Soleil resulting in substantial negative impact to homeowners.

Peyton Heitzman

From: Chad Phillips
Sent: Thursday, September 16, 2021 9:09 AM
To: Peyton Heitzman
Subject: FW: PUDA21-02 Haymeadow PUD Major Amendment

Chad Phillips, A.I.C.P.

Community Development Director/Town Planner

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-5203

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From: Dave & Linda Gerdes <grdstr@gmail.com>
Sent: Wednesday, September 15, 2021 9:33 PM
To: Chad Phillips <chad.phillips@townofeagle.org>
Subject: PUDA21-02 Haymeadow PUD Major Amendment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are **opposed** to the land swap that is requested by Brandon Cohen of Abrika Properties LLC.

First, the land parcel reserved for a future school should not be moved anywhere. This plan was approved by the planning and zoning commission and the town council. Why are we having repeated discussions about this? It reminds us of a child who doesn't get what he wants from a parent, so they change the story slightly and go to the other parent... in this case, Mr. Cohen has made a change to the land swap, but he still wants to move the future school property. The 6.5 acre school / rec parcel should be non-negotiable. Let's move on... Abrika Properties LLC has already wasted the 2021 building season. They need to decide if they want to finish what they started, or hand it off to someone who will.

Why was the 6.5 acres designated for a school? Was that **bait** that Mr. Cohen threw out and agreed to in an effort to get approval for the Haymeadow development? And now, he seems hell-bent on making a **switch**. That is a classic con game.

Many people have purchased homes on nearby property, understanding that a future school or rec area would be very close. The change that is proposed could affect their property values and resale. It's just not right, or necessary.

This really sounds like a contractor / company that did not have a solid plan to begin with. No structures have been built yet, and they are already wanting to make a significant change. What will be the next amendment, and will these requests be a regular theme as the development progresses?

We really hope that the Town of Eagle will stand firm, and keep the school / rec parcel where it was originally approved.

Sincerely,
Linda & Dave Gerdess
2171 Montgomerie Circle

Peyton Heitzman

From: Jenny Rakow
Sent: Thursday, September 16, 2021 8:59 AM
To: Peyton Heitzman
Subject: FW: Haymeadow family residential project

Peyton: Did you want to distribute this to Town Council, Planning Commission?

Jenny Rakow, CMC

Town Clerk & Municipal Court Supervisor

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9623, Fax: 970-328-5203

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From: Robert Crawford <robcordaddy70@hotmail.com>

Sent: Thursday, September 16, 2021 8:45 AM

To: Clerk Group <clerk@townofeagle.org>

Subject: Haymeadow family residential project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Town Council, Planning Commissioners & Town Staff,

My name is Robert Crawford and I have been an Eagle County resident for more than two decades. I have been paying attention to the Haymeadow development for several years and plan to be one of the first to own a home there when they become available. I have a family and have always been drawn to the connectivity between town, trails, parks and the Haymeadow development.

I am writing this letter because I know that Haymeadow is applying to amend their PUD. I was supportive and emailed my support for the Haymeadow amendment that was reviewed and denied in April of this year. While I supported that amendment, I understood and respected the reasons that the Town Council made its decision to deny the application.

Today, with the new amendment application, I believe most, if not all, of the concerns voiced in April have been solved. What Haymeadow is asking to change no longer impacts Mtn Rec or the School land, and I believe that the concerns of neighbors have been addressed.

So, again, I write in support of Haymeadow's proposed amendment. I support the amendment because I understand how crucial housing is to our local economy and the local business community.

I look forward to seeing this wonderful development start building homes. I also believe this amendment is an improvement over the currently approved plan.

It is a choice to live here and have the mountain lifestyle in the Vail Valley. We will always have growth due to the awesome people that live and choose to live here. In the case of Haymeadow they are not asking to build more total units, just build more already approved units in the early phases. People need housing and Eagle and Haymeadow are a great place to be. I hope you will approve the amendment request.

Thank you for taking the time to read my letter and I hope this will make an impression on you as you make your decision on Haymeadow. I think we can all agree that more housing is necessary, so why not provide it with units that are already approved in a more timely manner?

Thank you,

Robert Crawford (future homeowner)

Robcrawdaddy70@hotmail.com

480 332 5313.