

## **Appeal to Reason**

### **Dwell PUD Public Hearing Tuesday, Nov. 9, 2021**

I'm Lisa Wolf Johnson and I own real property at 725 Hall St., which borders the Dwell PUD ("Dwell") parcel on its east side. All 3 houses immediately east of Dwell are single-story homes. I'm a retired small business owner. My next-door neighbor Bob is a retired teacher and Vietnam veteran. My other next-door neighbor Chriss is still working for a living, as do most of the people living in our neighborhood; others worked hard until retirement.

Fruita belongs to all of its residents. Don't turn your backs on people who work for a living. We need you to be strong. We need you to stand by Fruita's promise over 4 decades -- that the land parcel in question is zoned community residential for good reason. We insist upon the protections of community residential zoning.

You are in a position of trust. We count on you to exert zoning power wisely -- with awareness that Colorado limits your power to promoting "health, safety, morals, or the general welfare of the community." As part of the social contract between citizens and government, we abide by the zoning rules Fruita laid down and, in turn, we reasonably expect Fruita zoning restrictions to help protect our home values.

What we see is a Dwell plan of half measures. Dwell tips its hat to Fruita's desire to address an economic crunch that is pricing working people out of the housing market. Do not be distracted as Dwell spouts "Fruita In Motion" concepts while riding roughshod over us with extremely dense congestion 15 feet away.

Dwell does not live up to the full "Fruita In Motion" vision. Dwell's offer of half measures is not a fair bargain:

- extreme density without mixed uses (not "smart" growth)<sup>1</sup>;
- forever located too far from Fruita's retail and social core;
- cramming in houses to allegedly create an attainable range of prices but zero guarantee of any price points whatsoever.
- Traffic congestion and parking contention spilling over into our neighborhoods.
- Two houses towering over the backyard fence of each existing home.

Dwell can promise half measures but we should give up quality of life?

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<sup>1</sup> "Smart growth supports mixed land uses as a critical component of achieving better places to live. By putting residential, commercial and recreational uses in close proximity to one another, alternatives to driving, such as walking or biking, become viable. Mixed land uses also provide a more diverse and sizable population and commercial base for supporting viable public transit. Mixed use can enhance the vitality and perceived security of an area by increasing the number and activity of people on the street. It attracts pedestrians and helps revitalize community life by making streets, public spaces and pedestrian-oriented retail become places where people meet." SmartGrowth.org

Our quiet, friendly neighborhoods have not materially changed in character. There's been no showing that it's somehow necessary to save the health, safety, morals, or general welfare by rezoning the Dwell parcel. The threat of negative material change in neighborhood character is ironically coming from the City, if it reneges on our social compact and approves Dwell PUD.

We need you to stand up for people in these neighborhoods.

Lisa Wolf Johnson

My name is Darcy J. Anderson and I have an ownership interest in the house at 725 Hall St., which borders the east side of the Dwell PUD parcel.

As a professional engineer with 30+ years of experience in the Southwest, I recognize the following potential issues and impacts of the Dwell PUD development project. I would like to know how each item is being addressed.

- Clean Water Act – developer must follow all Clean Water Act rules due to proximity to Little Salt Wash, which is a Water of the US (WOTUS) and a direct tributary to the Colorado River.
- Threatened and endangered species – there are several listed US Fish and Wildlife threatened and endangered species in the Project area, as well as migratory birds and Bald and Golden Eagle Protection Act (BGEPA) species present that could be adversely affected by the Project.
- PE stamp not on drainage plan – a licensed professional engineer must stamp all permit related documents.
- Stormwater pollution prevention plan – this is critical to protect the Little Salt Wash from pollution during construction.
- Air quality impacts – the Project will affect air quality in the neighborhood both during construction and during operations. Developer must follow Clean Air Act rules and have adequate dust control plan during construction and excavation. After construction the added traffic will have an air quality impact on the neighborhood. Has this been quantified?
- Cultural resources – what is the plan if cultural resources or human remains are found during construction? Has the Project area been surveyed?
- What safety precautions will be required of the developer to keep children and wildlife from falling into excavations or otherwise suffering harm during construction?

The City of Fruita has the power and responsibility to ensure that these issues are adequately addressed before harm occurs.

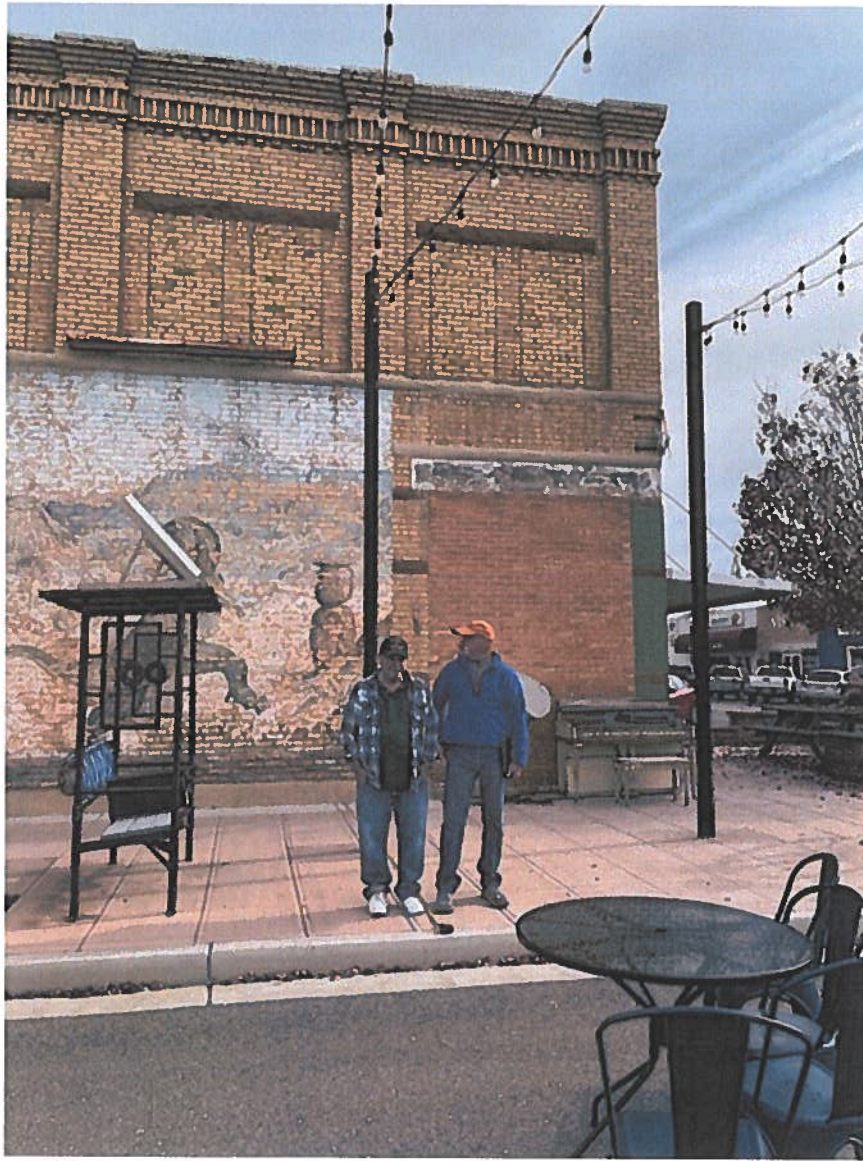
Darcy J. Anderson

## Dwell PUD Final Plan

Misleading rear elevation drawing, Dwell Project Report figure 6 page 7. The artist used some imagination, as the perspective is certainly NOT from that of a backyard neighbor 15 feet away. Apparently the artist created a rear elevation view from the perspective of neighbors well east of Hall Street, and imagined that the houses with backyards just east of the Dwell parcel had been scraped off the lots.

A realistic perspective is in these photos showing two of Dwell's neighbors, Bob and Craig, standing 15 feet away from the side of the second tallest building downtown. We know this building is several feet shorter than the 35-foot duplex that Dwell wants to construct immediately behind Bob's backyard. See "Fruita In Motion" p. 22: *"There has not been significant interest in constructing taller buildings in downtown Fruita and the tallest building in downtown today is about 30 feet."*





November 9<sup>th</sup>,2021

City of Fruita  
City of Fruita Planning Commission

OBJECTIONS To-  
2021-41 Dwell Final PUD Plan Hearing

Chriss & Marleny Rusch (We live on the East Border of Proposed 2021-41 Dwell)  
Wildwood Acres Sub Division  
711 Hall St  
Fruita,Co 81521

We support responsible development that enhances our immediate neighborhood and not sacrifice the quality of life, safety and integrity of existing neighborhoods and the 'Small Town' feel of Fruita. Dwell does NOT represent a common, sensible solution to blend exiting neighborhoods without negatively effecting/sacrificing the character of our neighborhoods and those of us who pay property taxes. Dwell does NOT belong in this neighbor and effects ALL of us in Fruita.

Our concerns are-

Density- (37) dwellings vs approx. (20) dwellings on the same lot area of bordering neighborhoods

Height- 25.5'-33' dwellings vs our immediate neighborhoods with 17'-25' dwellings

Setbacks/Heights-Our bordering neighborhood residences will loose ALL their privacy!

Our existing close neighbors also would view these excessively HIGH Dwells towering over our homes. What is neighborly about this!?! Nothing!

Traffic/Parking Safety both for pedestrians and autos in this proposed Dwell and overflow into our neighborhoods

Dwell is NOT in any means in character with our neighborhood

A PUD like this belongs on or near Hwy 50 in an area that will have a PUD plan that shares similar characteristics. This would be a Smart Growth Plan.

We would appreciate your careful evaluation and denial of this Dwell Project which so adversely effects ALL of us here in Fruita.

Sincerely,  
Chriss & Marleny Rusch



Dated: December 26, 2021

Submitted by: Scott Curry

**CURRY'S SECOND OBJECTION TO PUD**  
**DUE TO UNRESOLVED ISSUES RELATED**  
**TO IRRIGATION WATER**

Members of the Maves Family currently have pending before the City Council of Fruita, Colorado, a proposed PUD residential development on their raw land illustrated in the lower portion of *Drawing #1*. Scott Curry is the owner of approximately 4 acres of land that sits north of and adjacent to the proposed PUD. Curry submits this second objection to the PUD. (His first object relates to street layout.) This objection is specifically directed to the lack of any means of delivering irrigation water to the proposed PUD without burdening Curry's real property.



**DRAWING #2:**

**PROPOSED FUD &  
EXISTING IRRIGATION  
WATER ON CURRY'S PROPERTY**

**CURRY'S NORTH PROPERTY LINE**

**SUBSERVIAN EASEMENT  
IN FAVOR OF EXISTING DWELLING  
(BURIED PIPE)**

**ENTRY POINT  
OF GVIC WATER**

**SCOTT CURRY  
PROPERTY**

**PUMP HOUSE**

**FLING 1**

**FLING 2**

**POND**

**TRACT A**

**TRACT B**

**TRACT C**

**TRACT D**

**WILDWOOD DRIVE**

**SINGLETRACK ST.**

**YEW ST.**

**PIVOT ST.**

**LOT 1**, **LOT 2**, **LOT 3**, **LOT 4**, **LOT 5**, **LOT 6**, **LOT 7**, **LOT 8**, **LOT 9**, **LOT 10**, **LOT 11**, **LOT 12**, **LOT 13**, **LOT 14**, **LOT 15**, **LOT 16**, **LOT 17**, **LOT 18**, **LOT 19**, **LOT 20**, **LOT 21**, **LOT 22**, **LOT 23**, **LOT 24**, **LOT 25**, **LOT 26**, **LOT 27**

**Vortex's irrigation report states:**



- (1) "No existing irrigation infrastructure is present at the site".
- (2) "With the development of the project site, it is planned for irrigation with the source of irrigation water being the Grand Valley Irrigation Company (GVIC). In the proposed conditions, it is estimated that the area to be irrigated is approximately 4.85 acres in size."
- (3) Currently there are 5 irrigation shares associated with this property, which shall be sufficient for the site."
- (4) The closest source for irrigation water to service the subject site is situated in the northeast corner of the adjacent property to the north. A pipe will convey water from the headgate device to an underground settlement and storage vault. A separate pump system will then deliver pressurized irrigation water to the subdivision."

The project's developers have not submitted with their PUD application proof of statement (3) above. Therefore, Mr. Curry has no knowledge whether 5 irrigation shares of GVIC water are indeed owned by the developer.

The location of the "closest source for irrigation water" and the "headgate device" referred to by this irrigation report is located on the northeast corner of Mr. Curry's real property, as shown in *Drawing #2*, below. *Drawing #2* also shows the location of the proposed storage vault and pump system.

Vortex's irrigation report fails to address a significant fact: **the Maves currently hold no established easement right to cross Mr. Curry's property—or any other neighboring property—with a pipe that "will convey water from the headgate device to an underground settlement and storage vault"**. In short, there currently is no verifiable, established means of getting irrigation water to the proposed PUD.

Consequently, Mr. Curry objects to any approval of the PUD until the project developers (the Maves) arrive at an agreed upon means of accessing adequate irrigation water. It would be inappropriate for the Fruita City Counsel to approve this PUD project until a definitive, reliable plan for resourcing landscaping water is submitted.

Dated: December 11, 2021

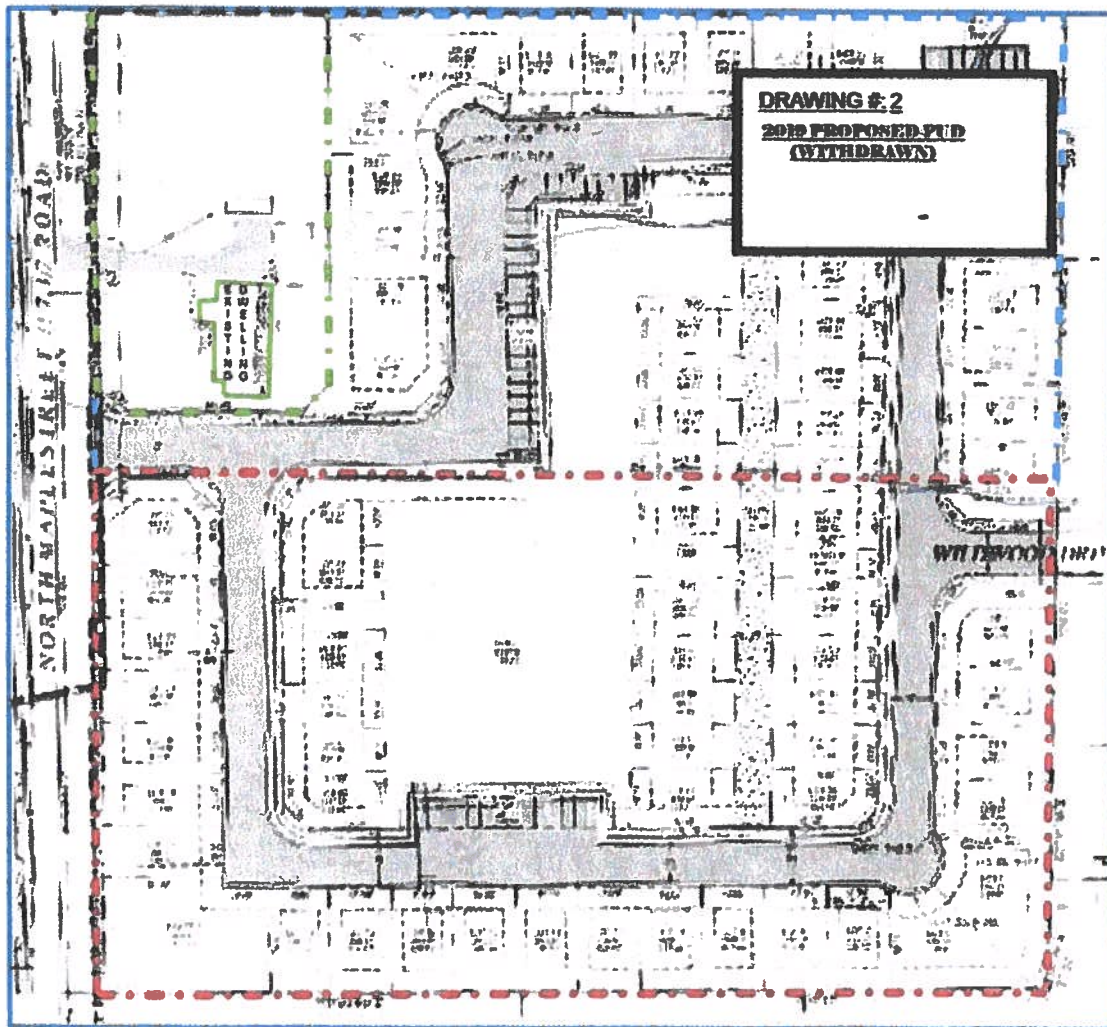
Submitted by: Scott Curry

### **OBJECTION TO PUD**

Members of the Maves Family currently have pending before the City Council of Fruita, Colorado, a proposed PUD residential development on their raw land illustrated in the lower portion of *Drawing #1*. Scott Curry is the owner of approximately 4 acres of land that sits north of and adjacent to the proposed PUD. Curry submits this objection to the PUD. His objection is specifically directed at the proposed layout of new streets for the PUD and the resulting negative impact upon his land when developed in the future.

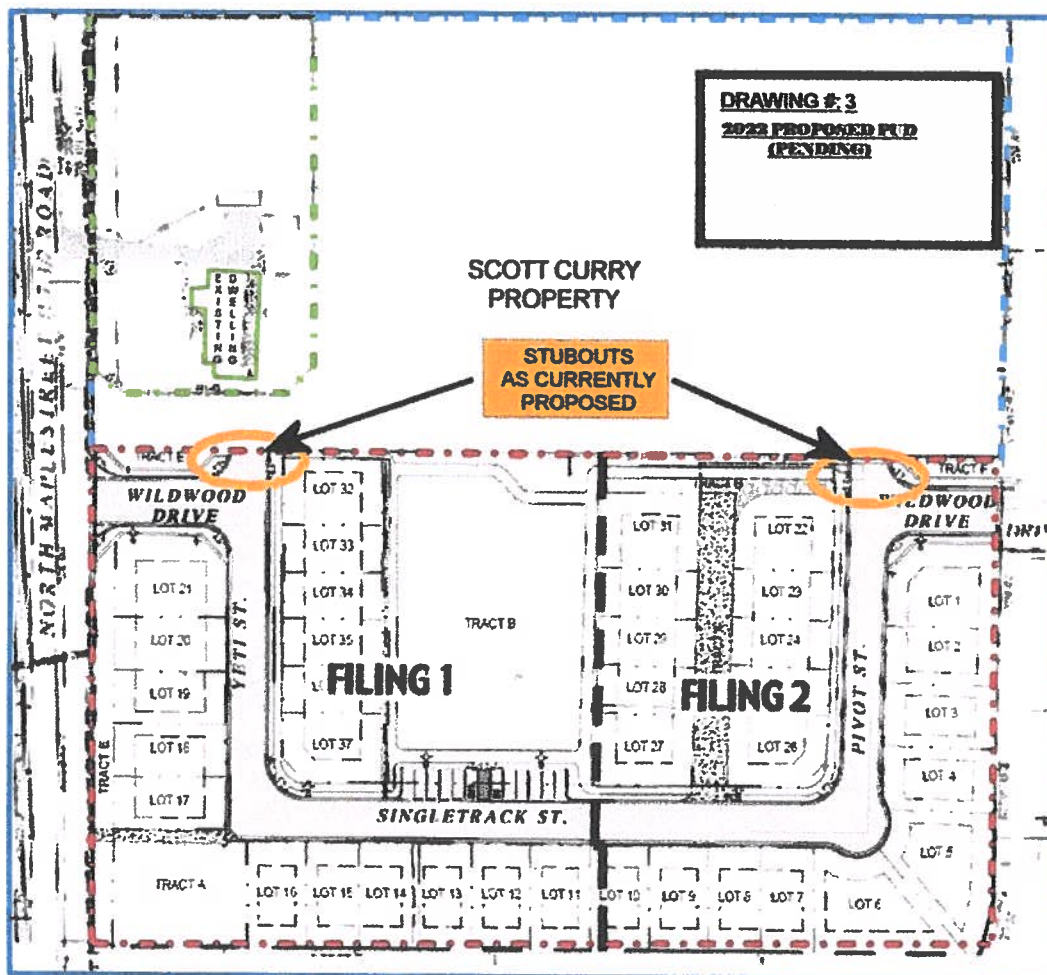


In 2019, the Maves family and Mr. Curry proposed to develop both their lots—jointly. The Planning Commission of Fruita issued a preliminary approval of that joint plan. Subsequently, the owners failed to agree on how to proceed and that joint development was withdrawn. That combined proposal is shown in **Drawing #2** (as was submitted).



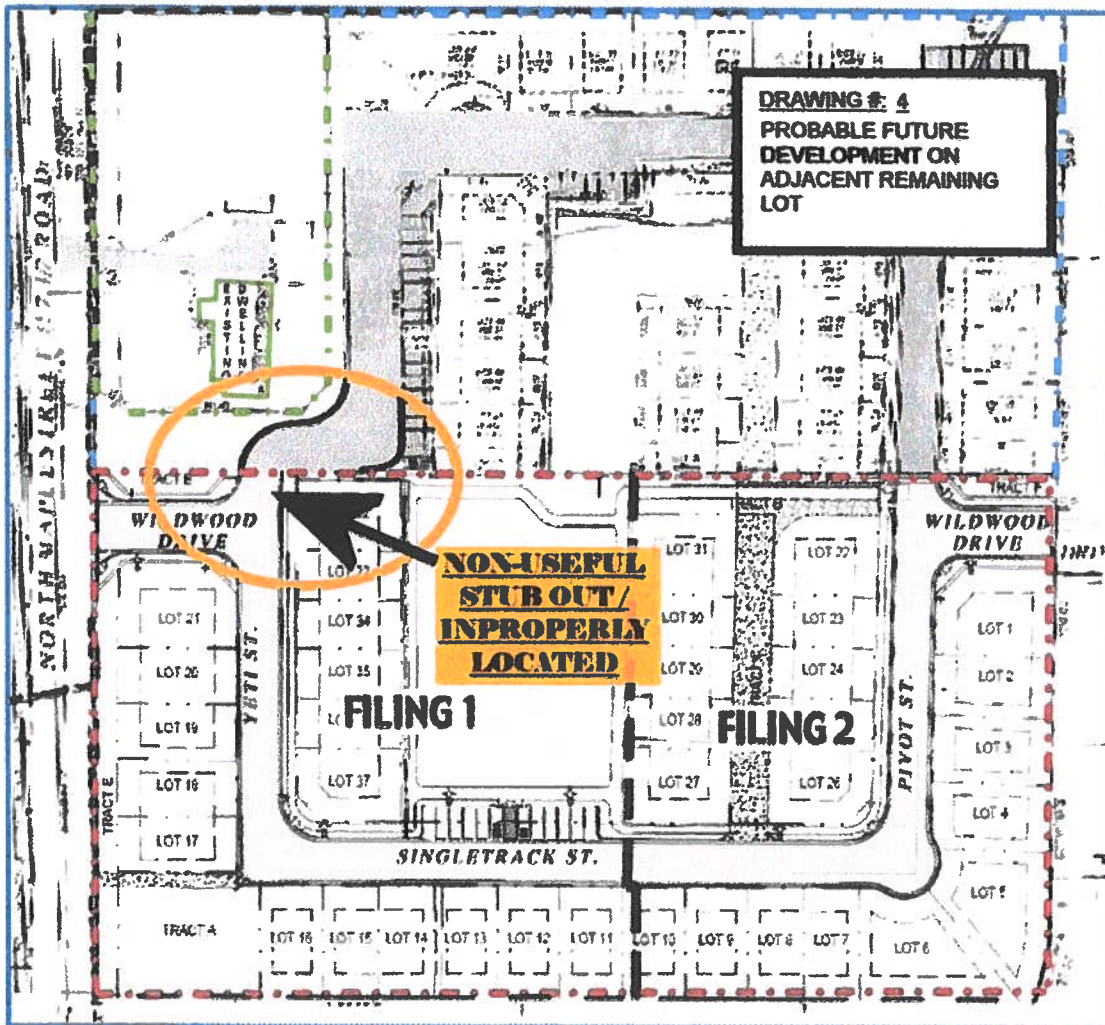
Currently, the Maves are petitioning the City Council of Fruita to approve a PUD having 2 filings with a plan for access to the 30+ new dwellings from North Maple Avenue on the west and another access from Wildwood Drive on the east. It is the proposed street plan (shown in *Drawing #3*) for the west entry from North Maple that most concerns Mr. Curry.

Any future development of Mr. Curry's 4+ acres will also have to rely similarly on a minimum of 2 access points in order to be approved by the City of Fruita. Obviously, the currently-proposed Wildwood Drive from North Maple will have to be utilized by future homes on Curry's lot, because a second access/intersection onto North Maple (additional to Maves' proposed Wildwood Drive) is not a possibility. During a Planning Commission hearing regarding Maves' PUD, Curry objected that no street stub-outs to his lot were being planned—which would leave Curry's lot land-locked. In response to Curry's objection, Maves agreed to provide street stub-outs on both the west and east of the PUD.





Unfortunately, no agreement was discussed as to exactly where these stub-outs would be located. Maves' subsequent submissions to the City have located the west stub-out as shown in **Drawing #3** on the previous page. Curry's objection to its location is that it dictates a complicated entry—probably not in compliance with City codes pertaining to street layout and access. Any use of the proposed stub-out—as located in the drawing below—would burden both the existing dwelling (bounded by dashed green lines) and all dwellings likely to be constructed in the future on Curry's lot. **Drawing #4** attempts to illustrate how unmanageable the stub-out would be.





**Drawing #5** illustrates what Mr. Curry believes to be an appropriate solution regarding the important stub-out's location.

