

CASE NO. C09 13-16

Square Peg, Round Hole

Rezoning 15 acres at the northeast corner of Sabino Canyon and Cloud to medium high intensity urban does not fit and I object.

CLERK'S NOTE:
COPY TO SUPERVISORS
COUNTY ADMINISTRATOR
DATE 2-10-14 NUN
cc: Chris Pairier, DSD

BT

William D. Nelson
8040 E. Corte de la Familia
Tucson, Arizona 85750

February 6, 2014

Hand Delivered

Mr. Chris Poirier
Assistant Planning Director
Development Services
Public Works Building
201 N. Stone, 2nd Fl.
Tucson, AZ 85701

Planning and Zoning Commission
Development Services
Public Works Building
201 N. Stone, 2nd Fl.
Tucson, AZ 85701

Ms. Ally Miller, District 1
Pima County Board of Supervisors
130 W. Congress Street, 11th Fl.
Tucson, AZ 85701

Mr. Ramon Valadez, District 2
Pima County Board of Supervisors
130 W. Congress Street, 11th Fl.
Tucson, AZ 85701

Ms. Sharon Bronson, District 3
Pima County Board of Supervisors
130 W. Congress Street, 11th Fl.
Tucson, AZ 85701

Mr. Ray Carroll, District 4
Pima County Board of Supervisors
130 W. Congress Street, 11th Fl.
Tucson, AZ 85701

Mr. Richard Elias, District 5
Pima County Board of Supervisors
130 W. Congress Street, 11th Fl.
Tucson, AZ 85701

Re: CO9 13-16

**I object to rezoning 15 acres at the northeast corner
of Sabino Canyon and Cloud to medium high intensity
urban.**

Dear Mr. Poirier, Planning and Zoning Commission, and Pima County
Supervisors:

Like the proverbial square peg in a round hole, Aerie
Development's request to build 179 apartments on this parcel does
not fit with the surrounding areas and violates the principles of
"smart growth."

William D. Nelson
8040 E. Corte de la Familia
Tucson, Arizona 85750

The Pima County Comprehensive Regional Plan Policies regarding site planning states as follows on page 15:

C. Site Design and Housing

1. Site Planning

- a. Bufferyards. Promote adequate buffering in rezonings with greater intensity uses. The bufferyards shall be used to protect the privacy and character of an adjoining neighborhood. Bufferyards shall be designed to ensure efficient site design and mitigate adverse impacts of noise, odors, views, and traffic as applicable. The bufferyards may contain landscaping, opaque screening, and natural areas.
- b. Existing neighborhoods. Ensure that new or redeveloped mixed use or infill rezonings assess the privacy and character concerns of existing neighborhoods in reviewing the location, density, and character of the project.
- c. Scale of development. Ensure, where possible, new development shall be designed at a human-scale, i.e. development with multimodal opportunities and mixed uses, rather than solely a car-oriented land use pattern.
- d. Sense of place. Encourage development where there are natural resources to create opportunities for natural area linkage or create in more urbanized areas a sense of place in the Sonoran Desert.

William D. Nelson
8040 E. Corte de la Familia
Tucson, Arizona 85750

Aerie's proposed development does not fit the requirements of the site planning in the Pima County Comprehensive Plan. Let me illustrate.

We will use as a comparison the existing townhouse development on the southeast corner of Cloud and Sabino Canyon (Exh. 1). This development is directly south of the proposed Aerie development.

The photographs of Sabino Vista Circle (Exh. 2) indicate a well planned comfortable living environment with abundant open space congruent with the natural characteristics of the adjoining neighborhoods. Please note that Sabino Vista Circle is set back many feet from both Sabino Canyon Road and Cloud Road. The walls defining the Sabino Vista Circle property are low and unobtrusive. These bufferyards are designed to ensure efficient site design and mitigate adverse impacts of noise, odors, views, and traffic. You can also see that the layout and planning of Sabino Vista Circle takes into account the natural geographic resources which create an urbanized area with a sense of place in the Sonoran Desert. Sabino Vista Circle is pleasing to the eye and a nice place to live.

The preliminary development plan that Star Consulting submitted on behalf of Aerie Development is attached as Exhibit 3. This development plan is very similar to what Aerie Development actually built at the Tanque Verde and Desert Links area and so we will use that as a comparison to the area already built out at Sabino Vista Circle at Cloud and Sabino Canyon.

Exhibit 4 are photographs of the Aerie development at Tanque Verde and Desert Links. We note that this development is surrounded by a high brick wall set back just feet from the street edge. The wall is high enough to obscure or to block the view of the interior of the apartment complex; similar to a wall being used to block a view of a junkyard.

The interior views of this development show us that the apartments are crammed in on top of one another with no open

William D. Nelson
8040 E. Corte de la Familia
Tucson, Arizona 85750

space other than paved parking areas. There are a few cactus and bushes that amount to a sad attempt at landscaping a barren and concrete filled complex.

One of the partners of this Aerie development was quoted as follows:

Karber noted the company has already built four similar projects in the Tucson area: "We're renting them as fast as we can build them." Arizona Daily Star, August 30, 2013 (Exh. 5)

If Mr. Karber is accurate that they are renting these units as fast as they can build them, then the signs hanging on the wall stating "immediate move-in, luxury rental homes" or setting forth the office hours must be there because Aerie Development thinks they are attractive. I don't.

Type of tenant that Aerie Development attracts.

Aerie Development's PR people have claimed that this development is intended to attract the urban professional person. While good intentions are nice, the actuality is quite different.

If we look at the Aerie development at Tanque Verde, it was opened in March, 2012 and there are 85 units. A check of court records indicates that Aerie on Tanque Verde has filed six forcible detainer actions (eviction notices) in the short period of time that their development at Tanque Verde has been open (Exh. 6). This type of tenant is not consistent with the urban professional that Aerie Development would like to attract.

A check with the Tucson Police Department Records Section indicates that in a fifteen month period from April, 2012 through July, 2013, the Tucson Police Department was called to the Aerie development fifteen times for offenses ranging from property damage, burglary, assault, domestic violence, and mental cases (Exh. 7).

William D. Nelson
8040 E. Corte de la Familia
Tucson, Arizona 85750

From this data, can we assume that in fact the Aerie development actually attracts the type of tenant who is either unemployed and cannot pay their rent or chooses not to pay their rent, who feels it necessary to engage in such conduct as domestic abuse, burglary, assaulting one another, and damaging property? All of these characteristics lead one to believe that these types of tenants are unstable and certainly not the urban professional Aerie is telling us they are trying to attract. These are not the type of people we want moving into and living in what has been to date a relatively crime-free area of Tucson. This is an area of urban professionals and retirees and we want to maintain this area as such.

Traffic

I am sure other people have pointed out the immense traffic problem that will be created with a development of this high of a density. Traffic is an extremely important issue as supervisor Ray Carroll noted in voting against a three-acre project with ten single family homes at the southwest corner of Twin Lakes Drive and Hauser Street in Catalina. Mr. Carroll is noted to have voted against this small ten single family home, three acre project because traffic was a concern. He is quoted in an Arizona Daily Start article of January 20, 2014 justifying his vote:

"Due to the proposed development's murky and invalid cluster development, the questionable integration to the project to the west, the poor road conditions and the fact that adding a burden to the streets in Catalina is not appropriate without any timetable for major road improvements in the area, I voted against the rezoning . . . "

The same reasoning and logic applies to the proposed rezoning at the northeast corner of Sabino Canyon and Cloud Road. Add in the fact that additional developments are already underway that will feed into this area of Sabino Canyon Road passing through the Cloud Road and a traffic nightmare will emerge.

William D. Nelson
8040 E. Corte de la Familia
Tucson, Arizona 85750

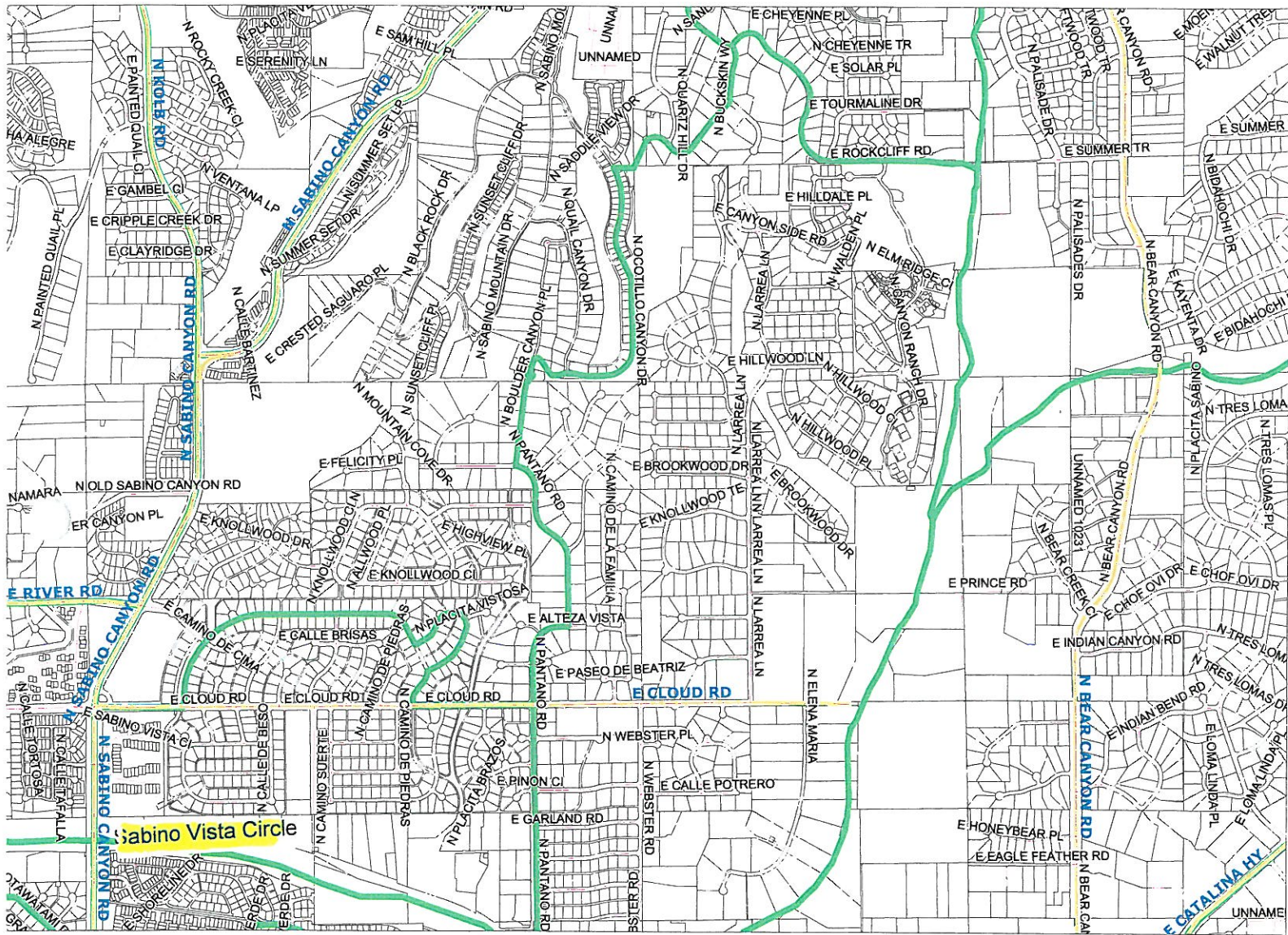
Therefore, I kindly request that you deny the rezoning of the northeast corner of Sabino Canyon and Cloud Road as it is in violation of the principles of "smart growth" as delineated above. It doesn't fit.

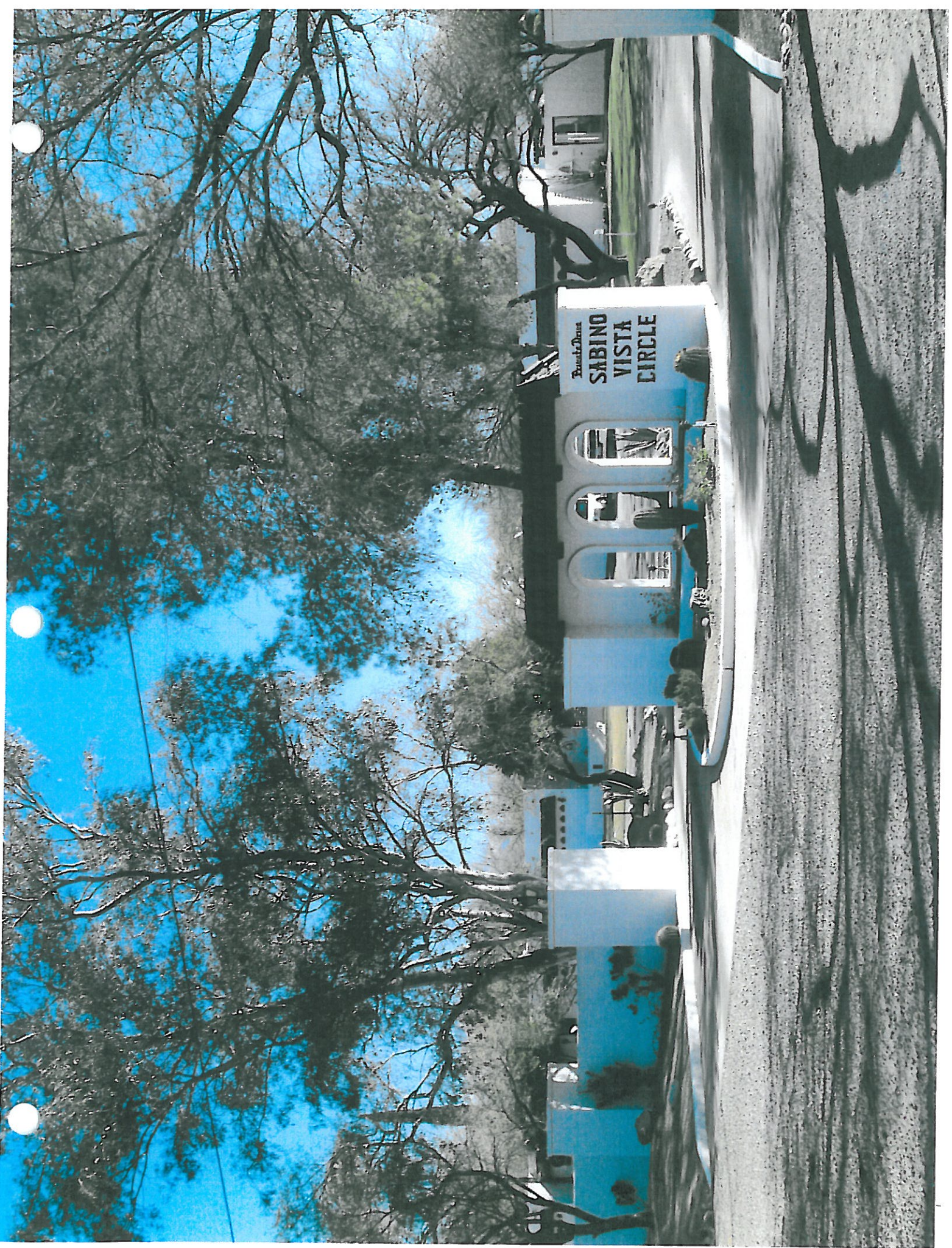
Very truly yours,



William D. Nelson

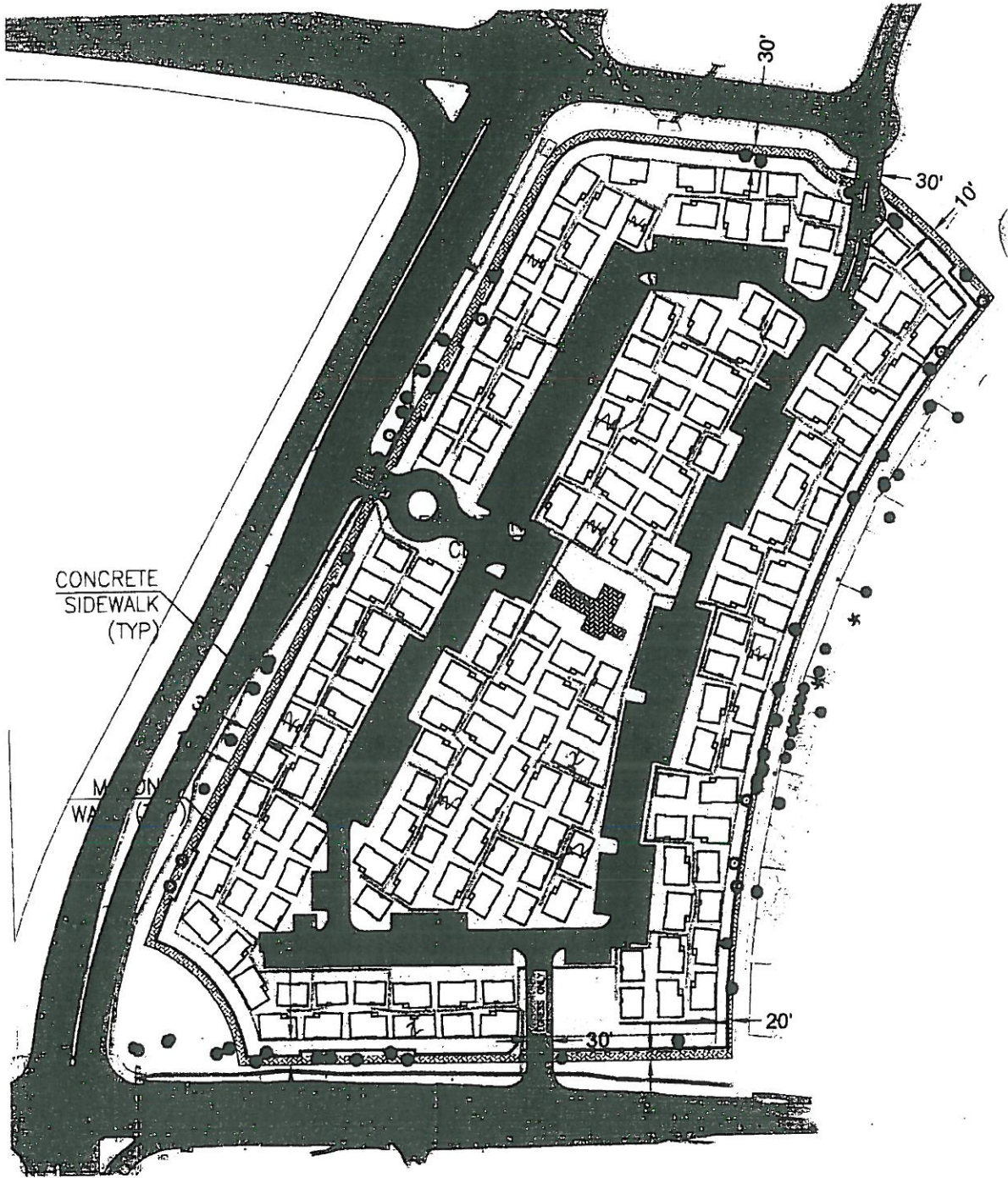
WDN/akt
Enclosures













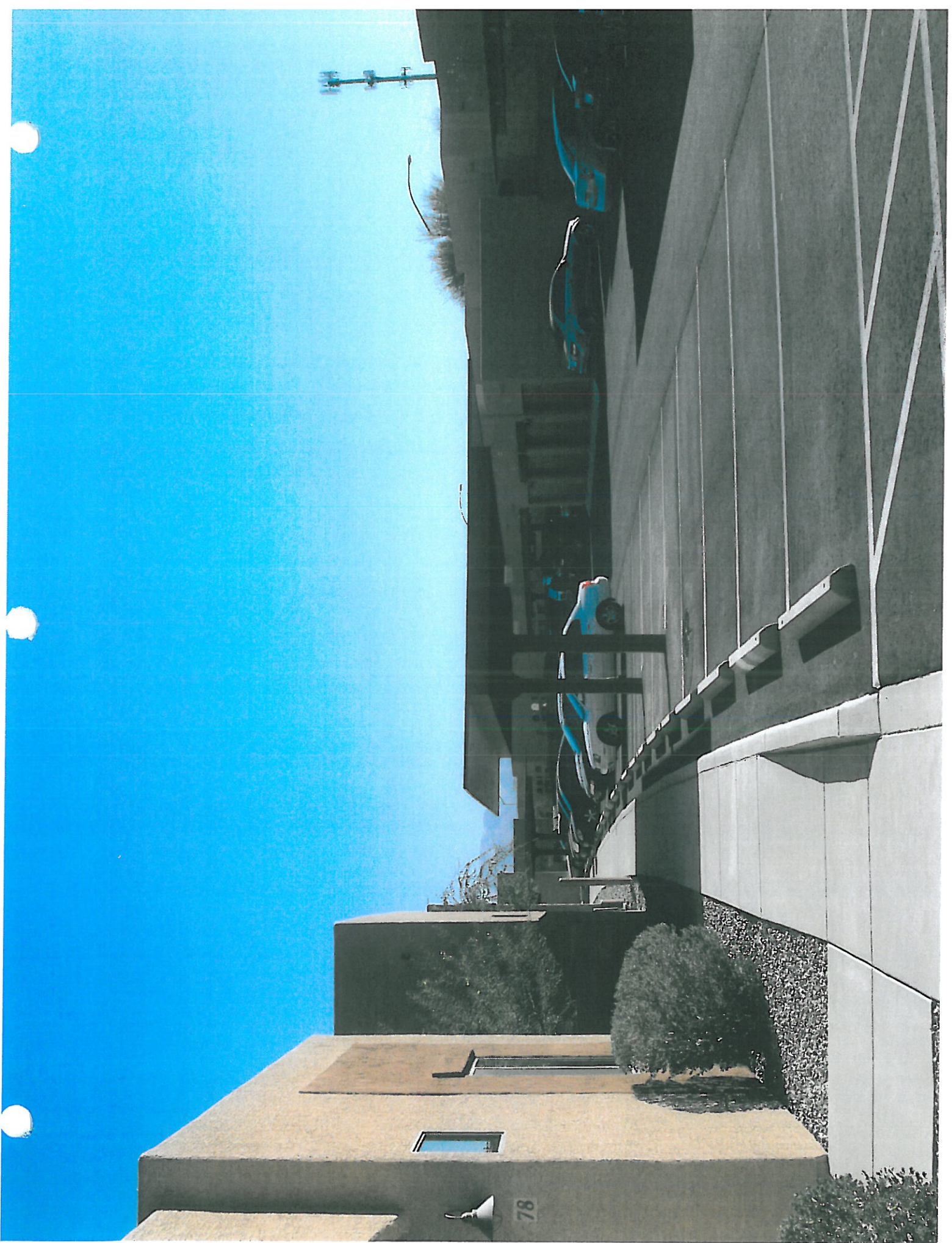
**IMMEDIATE
MOVE-IN**
Luxury Rental Homes

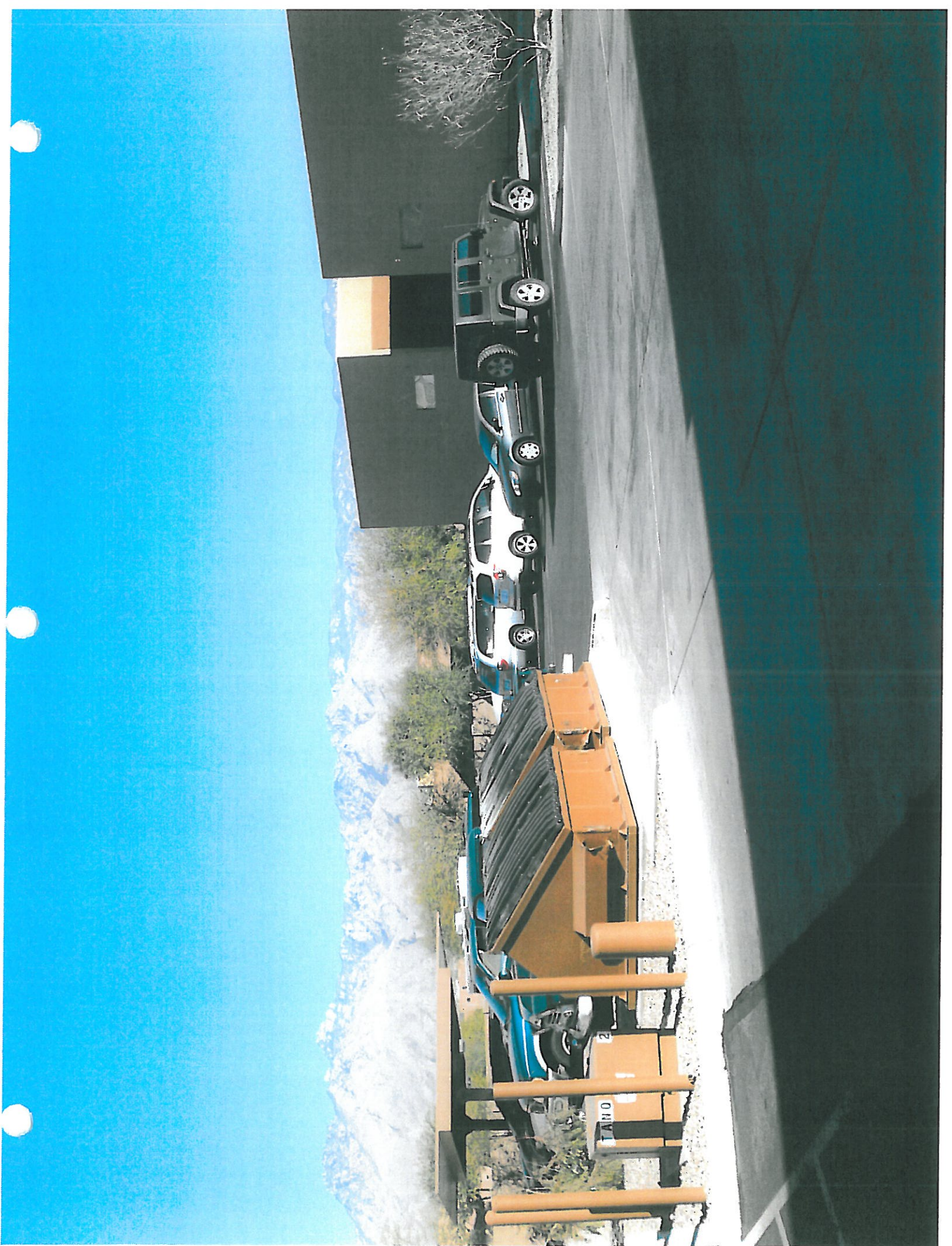
1000 S. 10th St.
Las Vegas, NV 89104

**OFFICE OPEN
TUES-THUR
11am - 4pm and
by appointment
612.7487**

HERE







Steller: We want infill — until it's in our neighborhood

9 HOURS AGO • ARIZONA DAILY STAR

We want density and infill development in the Tucson area — all the plans, visions and town halls say so.

Denser development is supposed to give us more walkable neighborhoods, better access to businesses, less driving due to more public transit and, most of all, decreased suburban sprawl.

But when it comes down to actual projects, ones that would be tall or packed-in, we tend to fight them. Homeowner associations and neighborhood groups are especially guilty of this.

“They may talk at a more abstract level about how we need more urban infill, but when it gets down to it, they may not want the kind of urban infill developers are proposing,” Tucson architect **Bob Lanning** told me.

The examples have been numerous over recent years: Sam Hughes Place at North Campbell Avenue and East Sixth Street, the two new apartment towers going up in the Main Gate area. In each case, neighborhood groups made strong objections, winning concessions in some cases.

Now the battle zone is in the Tanque Verde-Sabino Canyon area. About 80 people turned out Wednesday for an afternoon meeting about Aerie Development's proposal to build up to 249 rental “casitas” on 21 acres of empty land along both sides of Sabino Canyon Road, between Cloud and River roads.

The crowd overflowed the meeting room of the Dusenberry-River Library and consisted mostly of people from neighboring areas passionately opposed to the proposal, which requires a change to the county's comprehensive plan as well as a rezoning before it can move forward.

Kristin Anderson was standing near me outside the door and was angry about the prospect of this being built near the house she bought just last June.

“I bought with the idea that this was nice and rural. They're going to put in all these rentals, and my house will overlook all of them,” she said.

Among the many concerns neighbors brought up, perhaps the top one was traffic, but there was a simmering feeling in the crowd that the project doesn't do the public any good while it causes them harm.

“Our elected officials are acting in the interests of a small group of wealthy people,” resident

Edward Young said, referring to the developers. People who have lived in the neighborhood all their lives shouldn't bear the burden of proving that the project would harm them, he added.

Two of the partners in the project, **Bob Gugino** and **Roger Karber**, presented their plans at the meeting and absorbed the audience's repeated critiques.

Afterward, Gugino said of the project: "This is what growing smarter is all about. Use our existing infrastructure to build density."

Karber noted the company has already built four similar projects in the Tucson area: "We're renting them as fast as we can build them."

So we've got a project that fits a broader definition of dense, infill development that apparently has a market and that the neighbors vociferously oppose. How do we resolve these conflicts?

First, neighbors need to recognize the property isn't theirs.

"People see open land and they forget that it's not owned by the county or the governmental entity. It's not a park; it's private property," County Administrator **Chuck Huckelberry** said.

County Supervisor **Ally Miller**, who represents the area, said, "We need to respect the property rights of the people who live there, but we also need to respect the property rights of the people who own that property."

Recognizing that, they need to answer this question, said the Sonoran Institute's **Dave Richins**: "If not this, then what?"

Neighbor **Carmen Wiswell** is unhappy with the project but was getting toward that question when we talked Wednesday afternoon.

"I don't have a problem with development," she said. "I have a problem with development that isn't thoughtfully done."

So here's the rub: If neighbors are going to be talked into accepting dense infill development, they need to see the benefits of density.

More convenient retail is one. But this project is probably too small to include it.

Mitigation of the added traffic would be relatively simple, Huckelberry said. And compromises could be struck on the number of units per acre, Miller said.

Franklin Sax, one of the few neighbors speaking up in support of the project, said people need to recognize that the density of the project brings only an additional 100 or so homes than what a more typical three-units-per-acre would bring.

"Why are we picking on a tiny development which seeks to add 105 units, when we could

mitigate effects of all this density by extending bus service from Cloud to Sunrise?" he said in an email.

These are the avenues neighbors need to explore when they're getting upset about a nearby infill project: What changes can they negotiate to make the project work better for them?



Pima County Consolidated Justice Courts

Tucson JP Civil Docket

CV12-026423B-FD

1/28/2014

Party	AERIE ON TANQUE VERDE	Judge	SCOTT
Party Type	Plaintiff	Writ Rest	
ET AL	2	Judgment For	P
Attorney Number		Cost	
Attorney Name		Cost/Cons	
Nature		Application Default	
Claim/CC	\$1,315.00	Attorney Award	
Filed	18 Oct 2012	Award Cost	
Answer		Award Attorney	
Entry Default		Interest	0.000%
Court Action	26 Oct 2012	Accrual	
Action Type	HEARING	Bond Type	
Signed		Bond Disposition	
Judgment Type	COURT	Bond Amount	
Mailed		Bond Paid	
Term Date	26 Oct 2012		
Set Aside			

General

Summons Issued	
Summons Served	
Summons Returned	
Service Type	
Term Type	COURT
SA Judgment	
Motion Set	
Continues	
Hearing Type	
Calendared	
Tickler	
Comment	
Property Address	,

Accounting

Total	\$0
Total Paid	\$0
Balance	\$0
Payment Due :	
Community Service Hours Due :	



Pima County Consolidated Justice Courts

Tucson JP Civil Docket

CV12-026425B-FD

1/28/2014

Party	AERIE ON TANQUE VERDE	Judge	SCOTT
Party Type	Plaintiff	Writ Rest	
ET AL	2	Judgment For	P
Attorney Number		Cost	
Attorney Name		Cost/Cons	
Nature		Application Default	
Claim/CC	\$1,315.00	Attorney Award	
Filed	18 Oct 2012	Award Cost	
Answer		Award Attorney	
Entry Default		Interest	0.000%
Court Action	26 Oct 2012	Accrual	
Action Type	HEARING	Bond Type	
Signed		Bond Disposition	
Judgment Type	COURT	Bond Amount	
Mailed		Bond Paid	
Term Date	26 Oct 2012		
Set Aside			

General

Summons Issued	
Summons Served	
Summons Returned	
Service Type	
Term Type	COURT
SA Judgment	
Motion Set	
Continues	
Hearing Type	
Calendared	
Tickler	
Comment	
Property Address	,

Accounting

Total	\$0
Total Paid	\$0
Balance	\$0
Payment Due :	
Community Service Hours Due :	



Pima County Consolidated Justice Courts

Tucson JP Civil Docket

CV12-033000B-FD

1/28/2014

Party	AERIE ON TANQUE VERDE	Judge	WARD
Party Type	Plaintiff	Writ Rest	
ET AL	2	Judgment For	p
Attorney Number		Cost	
Attorney Name		Cost/Cons	
Nature		Application Default	
Claim/CC	\$1,364.14	Attorney	
Filed	27 Dec 2012	Award	
Answer		Award Cost	
Entry Default		Award Attorney	
Court Action	09 Jan 2013	Interest	0.000%
Action Type	HEARING	Accrual	
Signed		Bond Type	
Judgment Type	COURT	Bond Disposition	
Mailed		Bond Amount	
Term Date	09 Jan 2013	Bond Paid	
Set Aside			

General

Summons Issued	
Summons Served	
Summons Returned	
Service Type	
Term Type	COURT
SA Judgment	
Motion Set	
Continues	
Hearing Type	
Calendared	
Tickler	
Comment	
Property Address	,

Accounting

Total	\$0
Total Paid	\$0
Balance	\$0
Payment Due :	
Community Service Hours Due :	



Pima County Consolidated Justice Courts

Tucson JP Civil Docket

CV13-002044B-FD

1/28/2014

Party	AERIE ON TANQUE VERDE	Judge	SCOTT
Party Type	Plaintiff	Writ Rest	
ET AL	2	Judgment For	p
Attorney Number		Cost	
Attorney Name		Cost/Cons	
Nature		Application Default	
Claim/CC	\$2,059.00	Attorney Award	
Filed	25 Jan 2013	Award Cost	
Answer		Award Attorney	
Entry Default		Interest	0.000%
Court Action	31 Jan 2013	Accrual	
Action Type	HEARING	Bond Type	
Signed		Bond Disposition	
Judgment Type	COURT	Bond Amount	
Mailed		Bond Paid	
Term Date	31 Jan 2013		
Set Aside			

General

Accounting

Summons Issued	
Summons Served	
Summons Returned	
Service Type	
Term Type	COURT
SA Judgment	
Motion Set	
Continues	
Hearing Type	
Calendared	
Tickler	
Comment	
Property Address	,

Total	\$0
Total Paid	\$0
Balance	\$0
Payment Due :	
Community Service Hours Due :	



Pima County Consolidated Justice Courts

Tucson JP Civil Docket

CV13-028747B-FD

1/28/2014

Party	AERIE ON TANQUE VERDE	Judge	WARD
Party Type	Plaintiff	Writ Rest	
ET AL	2	Judgment For	P
Attorney Number		Cost	
Attorney Name		Cost/Cons	
Nature		Application Default	
Claim/CC	\$1,362.53	Attorney	
Filed	22 Nov 2013	Award	
Answer		Award Cost	
Entry Default		Award Attorney	
Court Action	02 Dec 2013	Interest	0.000%
Action Type	HEARING	Accrual	
Signed		Bond Type	
Judgment Type	COURT	Bond Disposition	
Mailed		Bond Amount	
Term Date	02 Dec 2013	Bond Paid	
Set Aside			

General

Summons Issued	
Summons Served	
Summons Returned	
Service Type	
Term Type	COURT
SA Judgment	
Motion Set	
Continues	
Hearing Type	
Calendared	
Tickler	
Comment	
Property Address	,

Accounting

Total	\$0
Total Paid	\$0
Balance	\$0
Payment Due :	
Community Service Hours Due :	



Pima County Consolidated Justice Courts

Tucson JP Civil Docket

CV13-031207C-FD

1/28/2014

Party	AERIE ON TANQUE VERDE	Judge	SCOTT
Party Type	Plaintiff	Writ Rest	
ET AL	3	Judgment For	
Attorney Number		Cost	
Attorney Name		Cost/Cons	
Nature		Application Default	
Claim/CC	\$1,582.00	Attorney	
Filed	20 Dec 2013	Award	
Answer		Award Cost	
Entry Default		Award Attorney	
Court Action	30 Dec 2013	Interest	0.000%
Action Type	HEARING	Accrual	
Signed		Bond Type	
Judgment Type	COURT	Bond Disposition	
Mailed		Bond Amount	
Term Date	30 Dec 2013	Bond Paid	
Set Aside			

General

Summons Issued	
Summons Served	
Summons Returned	
Service Type	
Term Type	DISM W/OP
SA Judgment	
Motion Set	
Continues	
Hearing Type	
Calendared	
Tickler	
Comment	
Property Address	,

Accounting

Total	\$0
Total Paid	\$0
Balance	\$0
Payment Due :	
Community Service Hours Due :	

Proceedings

Case	Plaintiff	Defendant	Item	Date	REF	Proceeding Entry
CV13031207A	MORRISON, EKRE	CAMACHO, ADRIANA	1	07 Jan 2014	FD	"RC# 09363" GBus

INCI-ID	Address by Hundred Block	DATE-REPT	HOUR-REPT	NEIGHBORHD	AGENCY	OFFENSE	STATUTDESC	CAPRIORITY	NATURE CODE	CSDISPOSIT
1204210033	2400 N Desert Links Dr	4/21/2012	0041	T402	TPD	5602	Suspicious Activity/Person			
1205110193	2400 N Desert Links Dr	5/11/2012	0716	T402	TPD	3313	Non-Traffic Accident/Prpty Dmg- Leaving Scene			
1205110196	2400 N Desert Links Dr	5/11/2012	0725	T402	TPD	6101	Miscellaneous/Officer			
1205268512	2400 N Desert Links Dr	5/26/2012	1400	T402	TPD	3212	Traffic Accident/Prp Dmg/Hit-And- Run/Motor Vehc			
1207050025	2400 N Desert Links Dr	7/5/2012	0029	T402	TPD	2615	Other Offenses/Other Misdemeanors DV			
1209140210	2400 N Desert Links Dr	9/14/2012	1356	T402	TPD	5705	Disturbance/Other	4	5705	IN
1211020147	2400 N Desert Links Dr	11/2/2012	1237	T402	TPD	0501	"Burglary/Forcible Entry"	4	0501	IN
1305180624	2400 N Desert Links Dr	5/18/2013	2248	T402	TPD	0413	Assault, Aggravated/Other-Domestic Violence	2	10-31	C
1305090300	2400 N Desert Links Dr	5/19/2013	1347	T402	TPD	2605	Other Offenses/Other Misdemeanors	2	CTORD	C
1305270511	2400 N Desert Links Dr	5/27/2013	1838	T402	TPD	0604	Larceny/From Motor Vehicles (Except 0605)	4	10-310	ASSNCASE
1306040445	2400 N Desert Links Dr	6/4/2013	1458	T402	TPD	0607	Larceny/From Residence	4	10-35	A
1306230128	2400 N Desert Links Dr	6/23/2013	0437	T402	TPD	0502	Burglary/Unlawful Entry-No Force	3	CKWELF	A
1306250265	2400 N Desert Links Dr	6/25/2013	1225	T402	TPD	4102	Mental Cases/Other	2	Threat	A
1307090302	2400 N Desert Links Dr	7/9/2013	0922	T402	TPD	5303	Public Assist/Check Welfare	4	MISPER	A
1307140090	2400 N Desert Links Dr	7/14/2013	0237	T402	TPD	0911	Assault/Minor Injury-Domestic Violence	2	10-31	A

Clerk, Pima County Board of Supervisors

Pima County Board of Supervisors
130 W. Congress Street
Tucson, AZ 85701

TO: Pima County Board of Supervisors
FROM: Barbara and Thomas Bloom
RE: High-Density Development at Cloud Road & Sabino Canyon Road by Avilla
Development
DATE: April 4, 2014

As residents near the corner of Cloud Road and Sabino Canyon we are greatly concerned about the proposed high-density development project by Avilla Development. We have been residents of this area for many years and find that the increased volume of traffic on the roads has made travel to and from this region extremely difficult and congested by car during certain hours of the day. With the proposed development, the proliferation of cars and traffic would only increase the congestion problem and make for even slower travel times. It would create more difficulty exiting and entering certain roads in the surrounding area.

In addition, the high-density development will bring more problems for our scarce water resource. Many of us have concerns about the future availability of water for this region and such high-density projects only increase our concerns for future supplies of water.

It is our understanding that in order for this project to be approved it would need rezoning. The recommendation of the Planning & Zoning Commission has opposed this. Please consider the recommendation of the Commission and the needs of the current residents. Please deny the developer's request for rezoning.

Sincerely,



Barbara L. Bloom
7031 Calle Arandas
Tucson, AZ 85750



Thomas K. Bloom
7031 Calle Arandas
Tucson, AZ 85750

BT

CLERK'S NOTE
COPY TO SUPERVISORS
COUNTY ADMINISTRATOR

DATE 4/7/14 BT
CC: Development Services

Bruce & Gail Price Grossetta

3349 Calle Tortosa
TUCSON, ARIZONA 85750
Telephone: [REDACTED]

March 24, 2014

Pima County Board of Supervisors
Tucson, Arizona

Ladies and Gentlemen,

As nearby residents and potential neighbors, we are writing to protest and state our opposition to the proposed Avilla development between Knollwood Drive and Cloud road on the east side of Sabino Canyon Road.

The proposed number of new units for this site is simply beyond the limits the surrounding roads and neighborhoods can bear. According to a study by the Pima Association of Governments, Sabino Canyon Road traffic is already above capacity. Increased housing units and vehicles will bring far more congestion than the area and roads can accommodate.

Future development of this site is likely, and probably inevitable, but it should be lower density. Currently, zoning for this area is "suburban ranch", a suitable designation for the area, and that should not be changed to permit high density development.

Please consider the strong opposition of the surrounding residents and vote to deny this rezoning application.

Thanks for your consideration, for your efforts for all of us, and best wishes,

Gail P. Grossetta
Bruce Grossetta

CLERK'S NOTE:

COPY TO SUPERVISORS

COUNTY ADMINISTRATOR

Arlan Colton
Angie Rangel
Chris Poindexter

DATE

3-27-14

BP