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# MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

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**TO:** Honorable Ally Miller, Supervisor, District # 1

**FROM:** Arlan Colton, Planning Director *AC*

**DATE:** May 8, 2013

**SUBJECT:** P1209-010 CHULA VISTA LOT 6, PLAT NOTE MODIFICATION

The above referenced Plat Note Modification is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MAY 21, 2013** hearing.

**REQUEST:** The applicants request a plat note modification to be able to exchange approximately 6,737 square feet of natural open space area for equivalent (in area and vegetative quality) natural open space. The new natural open space will be recorded. The applicants propose the exchange to extend their usable yard area.

**OWNERS:** Frank & Melinda Simpson  
PO Box 4242  
Jeffersonville, IN 47131-4242

**AGENT:** Sarah Berna  
Sunset Quality Builders, Inc.  
131 W. Rolling Hills St.  
Tucson, AZ 85704

**DISTRICT:** 1

**STAFF CONTACT:** Terrill Tillman

**PUBLIC COMMENT TO DATE:** One letter of support has been received as of May 8, 2013.

**STAFF RECOMMENDATION:** APPROVAL WITH CONDITIONS.

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM:** The subject property lies outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/TT/ar  
Attachments



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# Board of Supervisors Memorandum

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Subject: P1209-010

Page 1 of 3

**FORTUESDAY, MAY 21, 2013 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Arlan Colton, Planning Director  
Public Works-Development Services Department-Planning Division

**DATE:** May 8, 2013

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**UNADVERTISED ITEM FOR PUBLIC HEARING**

**PLAT NOTE MODIFICATION**

**P1209-010 CHULA VISTA LOT 6, PLAT NOTE MODIFICATION**

**Frank and Melinda Simpson** request a **Plat Note Modification** to allow use of designated natural open space for an extended yard area and fence. The applicant proposes to designate an equal amount of undisturbed area in exchange for undisturbed, platted, natural open space on Lot 6 of the Chula Vista Subdivision Plat as recorded at Bk. 64, Pg. 90. The subject site is zoned CR-1 (Single Family Residence) and is approximately 0.98 acres. Staff recommends **APPROVAL WITH CONDITIONS**.  
(District 1)

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**STAFF RECOMMENDATION:**

Staff recommends **APPROVAL WITH CONDITIONS** of the requested plat note modification to allow the removal of approximately 6,767 square feet of natural open space area in exchange for approximately 6,767 square feet of undisturbed area to be dedicated as natural open space within the subject site.

**Should the Board decide to approve this request, staff recommends the following condition:**

1. The natural open space surveys are to be recorded and submitted to Development Services Planning Division prior to the issuance of permits.

**REQUEST OF APPLICANTS:**

The applicants request the exchange of approximately 6,737 square feet of natural open space area for equivalent (in area and vegetative quality) new natural open space. The new natural open space will be recorded. The applicants propose the exchange to extend their usable yard area. The subdivision plat currently requires a 40-foot natural open space area adjacent to the rear of the property. The natural open space does not allow for typical uses of a rear yard. The applicants plan to install a pool, but without the requested exchange have little additional space for landscaping and play areas.

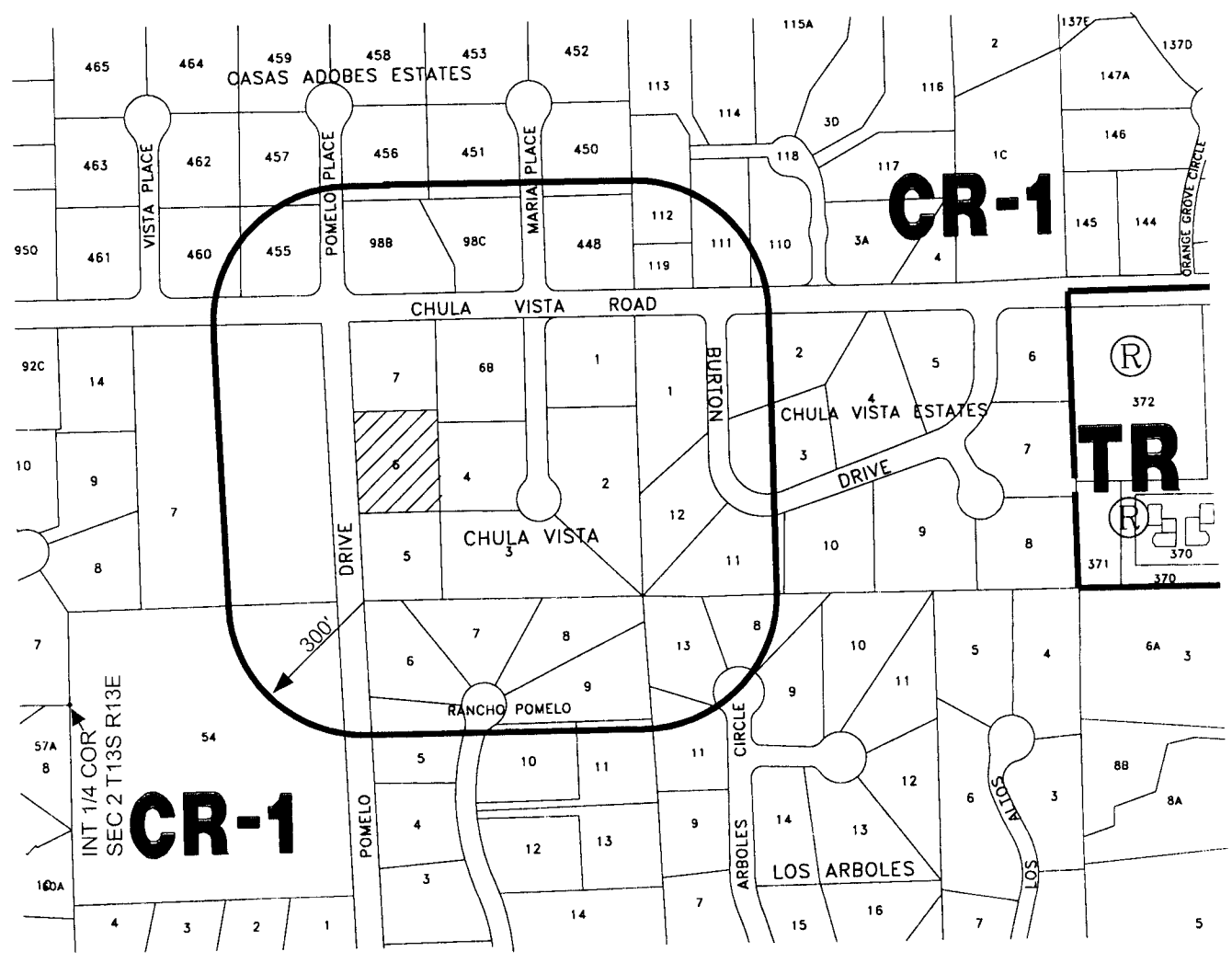
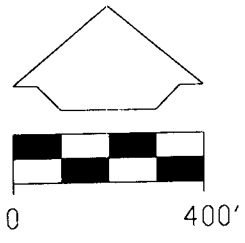
**PLANNING REPORT:**

History: The subdivision Chula Vista, Lots 1-7 was platted in 2009 under the original CR-1 (Single Residence) zoning. A native plant preservation plan was approved with the subdivision plat. The native plant set-aside method of preservation was utilized which requires 30 percent of the site to be set-aside as natural open space. There were no protected species identified within the subdivision except for one unhealthy saguaro cactus on Lot 1. The majority of the set-aside area natural open space surrounds the Casas Adobes Wash which contains Regional Flood Control District's important riparian areas. The wash lies outside of the subject lot (Lot 6) and to the south. There is no mapped riparian area within the subject property. The distance between the subject property's new natural open space and the important riparian areas of the subdivision would essentially remain unchanged by this request. The subject property's natural open space is a 40-foot area that runs most of the length of the rear property boundary. The natural open space on Lot 6 is not contiguous to the properties to the south which contain the Casas Adobes Wash area. A 20-foot sewer easement divides the natural open space areas. The native plant preservation plan requires that the 20-foot sewer easement area be revegetated with a seed mix after disturbance occurs to mitigate the negative impacts of the easement located between the natural open space areas.

Analysis: The subject property is being developed with a single family residence which is in the final stages of construction and an application for a pool has been submitted to Development Services. The applicants state that after construction began they realized there was no room left in the back yard for the pool, a play area for the grandchildren, or the fruit trees they had planned to plant during their retirement. The applicants have demonstrated with the attached survey maps, their willingness to preserve the natural open space area by exchanging an equal amount of undisturbed area of equal vegetative quality. The proposed natural open space is an approximately 19-foot strip of land along the northern property boundary which connects to the remainder of proposed natural open space to the east. Connectivity of the subject property's natural open space to the natural open space on the adjacent parcel to the east remains. It is staff's opinion that the exchange of natural open space within Lot 6 would have little consequence to the adjacent parcels, nor to the vegetative quality of the surrounding area. The required 30 percent set-aside preservation square footages will still be met.

CP/TT/ar  
Attachments

c: Frank & Melinda Simpson, PO Box 4242, Jeffersonville, IN 47131-4242  
Sarah Berna, Sunset Quality Builders, Inc., 131 W. Rolling Hills St.,  
Tucson, AZ 85704  
Chris Poirier, Assistant Planning Director  
P1209-010



Petition area

Notification area

BASE MAP 77

Notes PLAT NOTE MODIFICATION

Tax codes 102-04-1260

Date 04/24/13  
 Drafter DS

File no. P1209-010  
CHULA VISTA - LOT 6

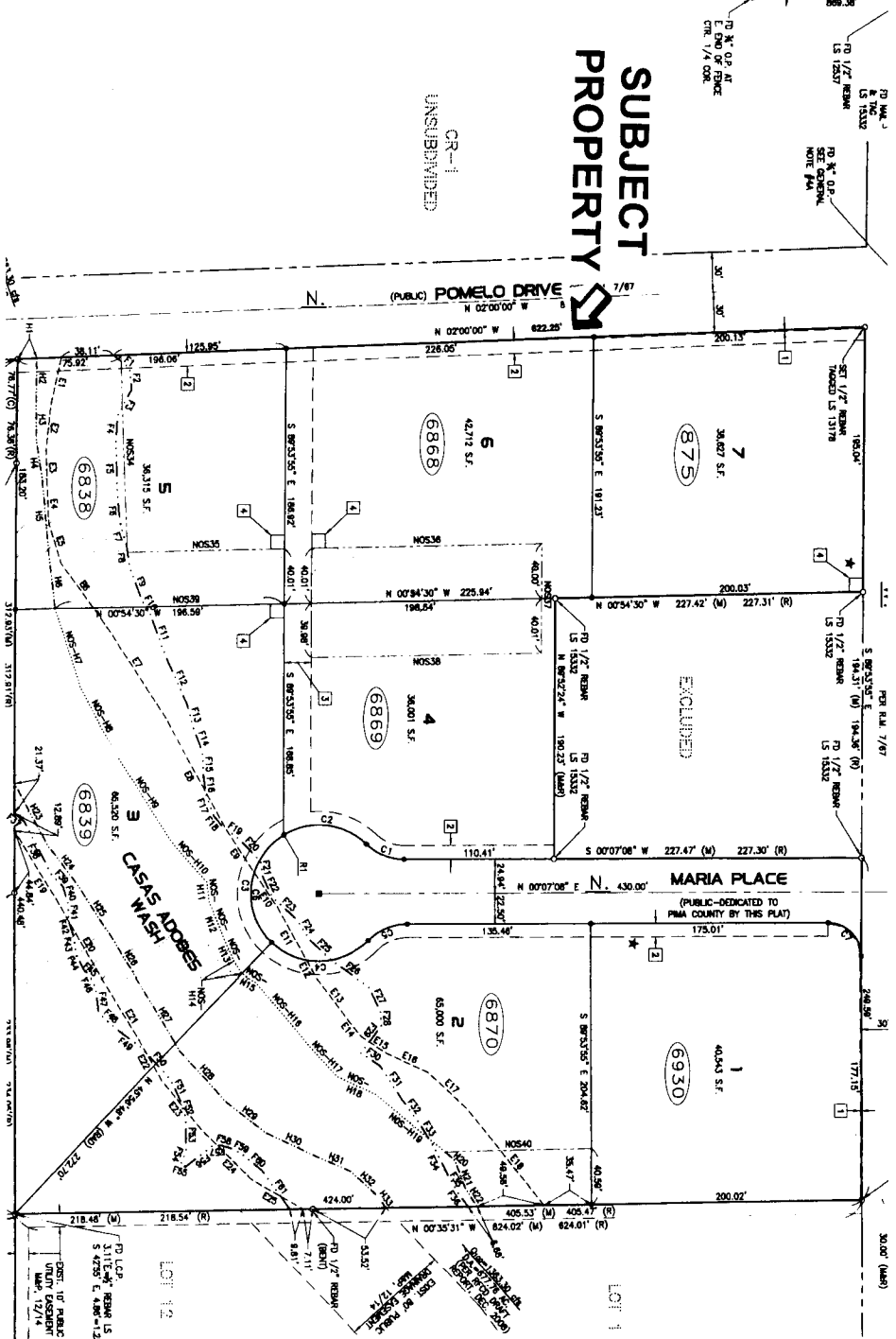
PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION

# PLAT NOTE MODIFICATION P1209-010 CHULA VISTA LOT 6



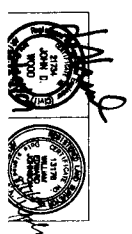
# SUBJECT PROPERTY

CR-1  
UNSUBDIVIDED



- EASEMENT NOTES
- 1' PUBLIC HO ACCESS EASEMENT GRANTED BY THIS PLAT.
  - 10' PUBLIC UTILITY PUBLIC MAINTENANCE AND PUBLIC SLOPE EASEMENT GRANTED BY THIS PLAT.
  - 20' PUBLIC SEWER AND PUBLIC UTILITY EASEMENT GRANTED BY THIS PLAT.
  - 10' X 10' ELECTRIC EASEMENT GRANTED BY THIS PLAT.

ANNOTATED COPY

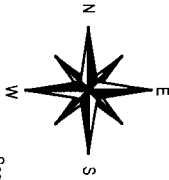


CHULA VISTA ESTATES  
M&P, BK. 12, PG. 14  
CR-1

**Pinna County Inclusive Home Design:**

1. The Designer agrees to all lighting codes from local housing jurisdiction for residential, commercial and public buildings.
2. The Designer agrees to all lighting codes from local housing jurisdiction for residential, commercial and public buildings.
3. The Designer agrees to all lighting codes from local housing jurisdiction for residential, commercial and public buildings.
4. The Designer agrees to all lighting codes from local housing jurisdiction for residential, commercial and public buildings.

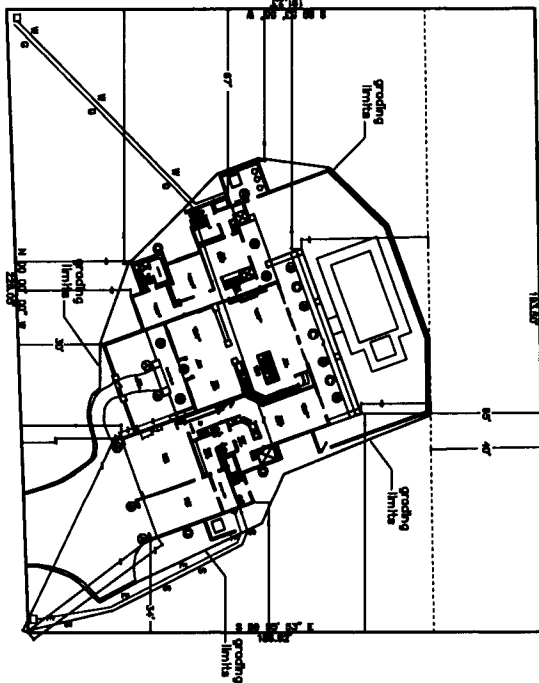
1. The Designer agrees to all lighting codes from local housing jurisdiction for residential, commercial and public buildings.
2. The Designer agrees to all lighting codes from local housing jurisdiction for residential, commercial and public buildings.
3. The Designer agrees to all lighting codes from local housing jurisdiction for residential, commercial and public buildings.
4. The Designer agrees to all lighting codes from local housing jurisdiction for residential, commercial and public buildings.



Scale:  
1"=20' feet

All systems to be installed in accordance with the National Electrical Code and all other Codes as required by Pinna County, Arizona. The lighting shall be installed in accordance with the National Electrical Code, Article 410.

Grading Conditions:  
Total Grading = 11,000 sq ft  
Grading Volume = 11,000 cu yd  
Grading Rate = 1/4" per ft  
Grading Slope = 1/4"



Pomelo Dr.

**Legend:**  
Labels:  
6868 N. Pomelo Dr.  
08-1  
Cadastral Value Lot 8  
Parcel 108-04-1289  
Parcel 10879 Page 4883

**Outdoor Lighting Code:**

Project Location Area	Lighting Code	Actual lumens used	Lumens allowed
6868 N. Pomelo Dr.	45 x 30,000 = 1,350,000	5,400	28,000
6868 N. Pomelo Dr.	45 x 30,000 = 1,350,000	12,500	37,000
6868 N. Pomelo Dr.	45 x 30,000 = 1,350,000	12,500	37,000

**Sunset Quality Builders**  
Tucson, Arizona  
General Lic. 5409240  
Sean 444-1062  
Dawn 444-5170

# Simpson Residence

## 6868 N. Pomelo Dr.

Sheet Index	1	Page	1
Scale	1" = 20'	Drawn By	David Phillips
Project Name	Simpson Residence	Client	Sarah Berna
Project Address	6868 N. Pomelo Dr.	Site Plan	
Project Date	1-05-2012	Page	1 of 9



# Arrow Land Survey, Inc.

3121 E. Kleindale Road  
Tucson, Arizona 85716

Phone (520) 881-2155

Fax: (520) 881-2466

## LEGAL DESCRIPTION

**JOB NO. 13039**

**March 26, 2013**

### Natural Open Space Abandonment

Abandonment of a portion of the "Natural Open Space" over a portion of Lot 6, Chula Vista, as recorded in Book 64 of Maps and Plats at Page 90, Pima County, Arizona described as follows:

**Commencing** at the southeast corner of said Lot 6 of Chula Vista, as recorded in Book 64 of Maps and Plats at Page 90, Pima County, Arizona;

Thence North 00°54'30" West, upon the east line of said Lot 6, a distance of 20.00 feet;

Thence North 89°53'55" West a distance of 20.01 feet to the **POINT OF BEGINNING**;

Thence North 89°53'55" West a distance of 40.00 feet;

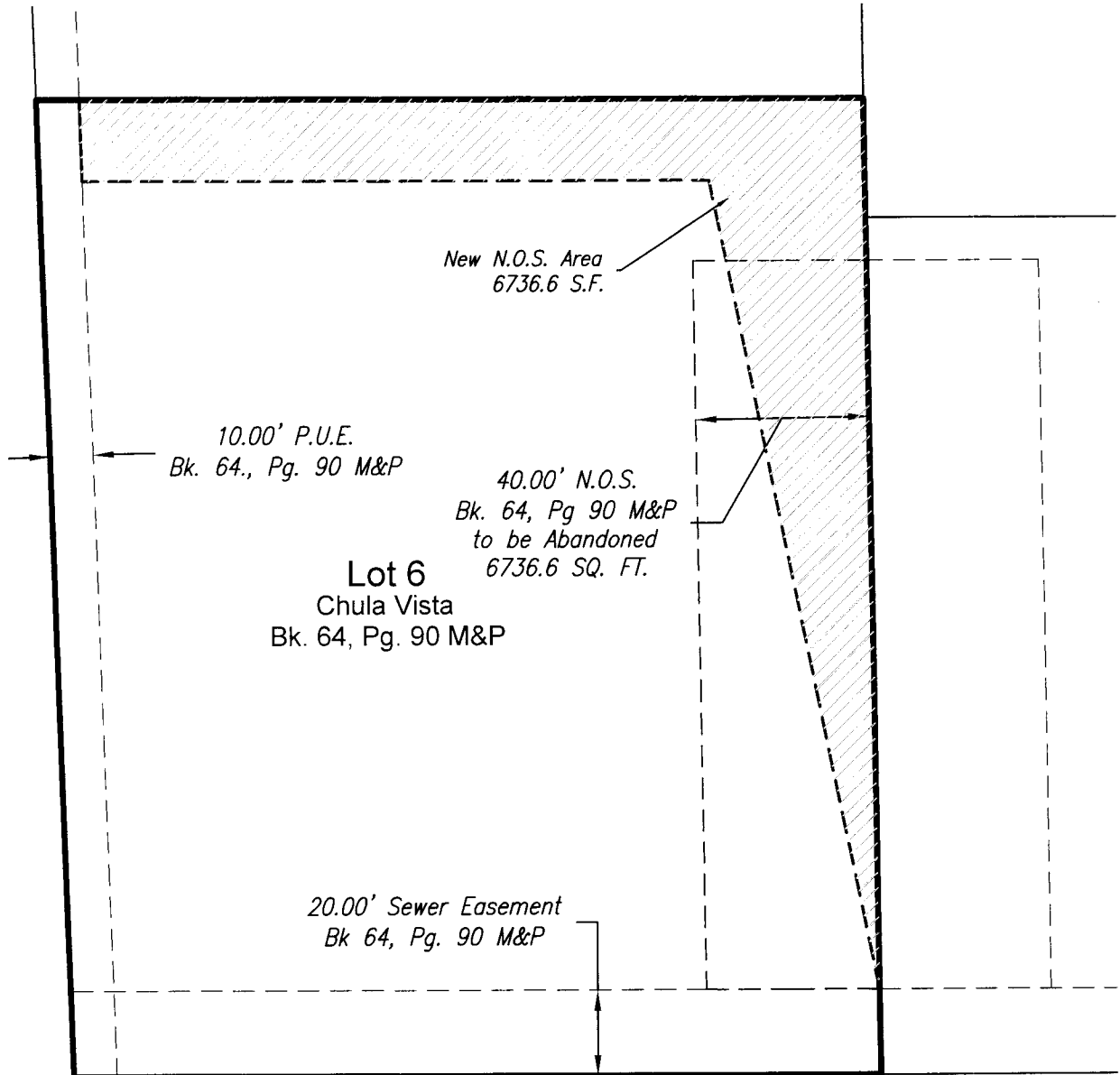
Thence North 00°54'30" West a distance of 168.38 feet;

Thence South 89°59'45" East a distance of 40.00 feet;

Thence South 00°54'30" East a distance of 168.45 feet to the **POINT OF BEGINNING**;

Said abandonment contains 6736.6 square feet more or less as described.





Expires 06/30-2015

Natural Open Space Exchange  
Lot 6, Chula Vista, Book 64 of Maps and  
Plats at Page 90, Pima County, Arizona

**Arrow Land Survey, Inc.**

3121 E. KLEINDALE RD. PHONE(520)881-2155  
TUCSON, AZ. 85716 FAX(520)881-2466

LAND SURVEYING  
CONSTRUCTION STAKING

# Arrow Land Survey, Inc.

3121 E. Kleindale Road  
Tucson, Arizona 85716

Phone (520) 881-2155

Fax: (520) 881-2466

## LEGAL DESCRIPTION

**JOB NO. 13039**

**March 26, 2013**

### Natural Open Space

“Natural Open Space” over a portion of Lot 6, Chula Vista, as recorded in Book 64 of Maps and Plats at Page 90, Pima County, Arizona described as follows:

**Commencing** at the southwest corner of said Lot 6 of Chula Vista, as recorded in Book 64 of Maps and Plats at Page 90, Pima County, Arizona;

Thence North  $00^{\circ}54'30''$  West, upon the east line of said Lot 6, a distance of 20.00 feet to the **POINT OF BEGINNING**;

Thence continue North  $00^{\circ}54'30''$  West, upon said west line, a distance of 205.94 feet to the northeast corner thereof;

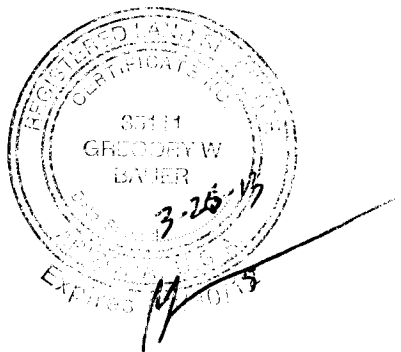
Thence North  $89^{\circ}53'53''$  West, upon the north line of said Lot 6, a distance of 181.22 feet;

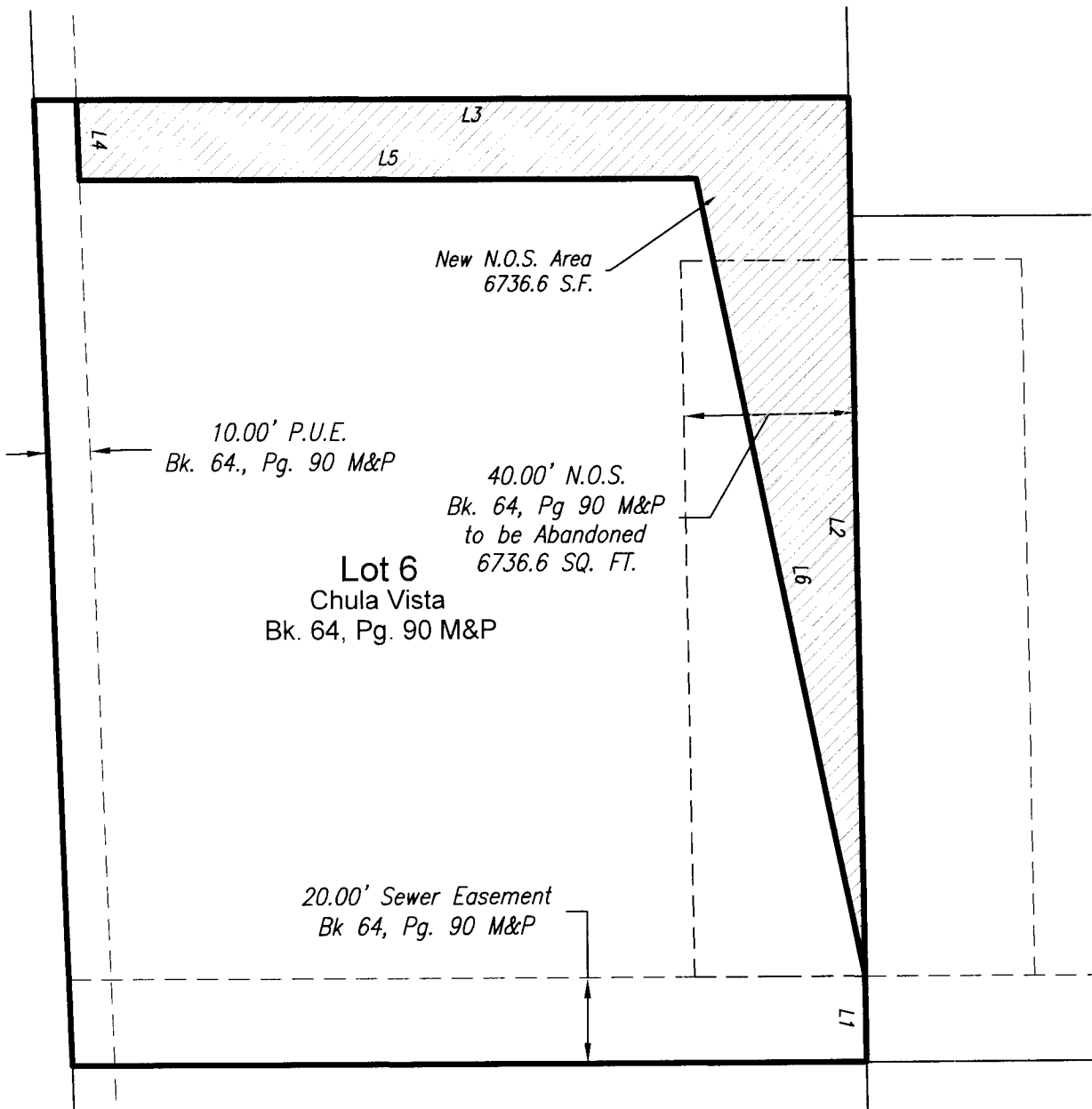
Thence South  $01^{\circ}59'39''$  East a distance of 18.62 feet;

Thence South  $89^{\circ}53'55''$  East a distance of 144.89 feet;

Thence South  $11^{\circ}44'25''$  East a distance of 191.38 feet to the **POINT OF BEGINNING**.

Said Natural Open Space contains 6736.6 square feet more or less as described.





**Lot 6**  
Chula Vista  
Bk. 64, Pg. 90 M&P

New N.O.S. Area  
6736.6 S.F.

10.00' P.U.E.  
Bk. 64., Pg. 90 M&P

40.00' N.O.S.  
Bk. 64, Pg 90 M&P  
to be Abandoned  
6736.6 SQ. FT.

20.00' Sewer Easement  
Bk 64, Pg. 90 M&P



Expires 06-30-2015

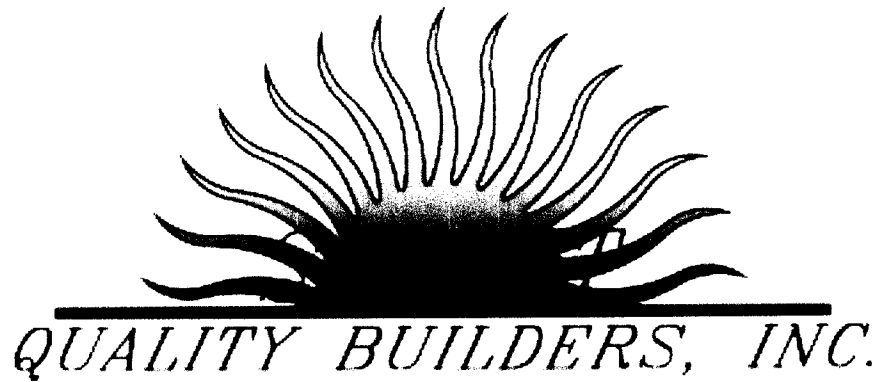
L1	N 00°54'30" W	20.00'
L2	N 00°54'27" W	205.94'
L3	N 89°53'53" W	181.22'
L4	S 01°59'39" E	18.62'
L5	S 89°53'55" E	144.89'
L6	S 11°44'25" E	191.38'

Natural Open Space Exchange  
Lot 6, Chula Vista, Book 64 of Maps and  
Plats at Page 90, Pima County, Arizona

**Arrow Land Survey, Inc.**

3121 E. KLEINDALE RD. PHONE(520)881-2155  
TUCSON, AZ. 85716 FAX(520)881-2466

LAND SURVEYING  
CONSTRUCTION STAKING



Sunset Quality Builders Inc  
131 W. Rolling Hills St  
Tucson, Az 85704  
520-444-1062  
Fax : 1-866-484-1062  
Sarah@sunsetquality.com

#### REQUEST LETTER

Please accept this letter as our request for a Note Plat Amendment for the parcel located at 6868 N. Pomelo, Lot 6 of Chula Vista Estates. The current zoning is CR-1. My clients Frank and Melinda Simpson would like to exchange a portion of the natural open space designated in rear of the property for the portion of the north side of the property. Please see the attached survey and exchange of Natural Open Space we are requesting prepared by Arrow land survey. We understand the purpose and intent of leaving natural open space designated and would only like to exchange it. This would allow them more room to extend the back fence and enjoy the sun year round in the pool. Please see the attached letter from my clients with their personal request. Thank you for your consideration.

Sarah Berna  
Sunset Quality Builders Inc  
520-444-1062

P1209-010

MAR 26 2013

# Frank & Melinda Simpson

P.O. Box 35507 • Tucson, Arizona 85740 • Phone: 812.207.7771 •  
E-Mail: ornaments77@gmail.com

December 26, 2012

To Whom This May Concern:

My husband and I are qualified as “senior citizens”. We just celebrated our 45 years of marriage with purchasing a beautiful lot in Casas Adobes with a lovely view on a quiet street.

Frank served his country in the United States Marine Corps and served two tours in Vietnam. We have three children, six grandchildren, and now our first great-grandchild!

We have worked very hard all these years with the hopes of planning our retirement in the place we both love very much.

After construction was well under way on the property, we all realized there was no room left in the back for either the pool or the fruit trees Frank had dreamed of planting.

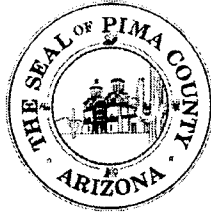
Our request to you is to give us a variance of at least 30 feet/with a minimum of 20 feet directly in the backyard in exchange for us giving up the same amount of footage on the side of the property.

We certainly do not want to encroach on land set aside for vegetation and nature, only to exchange the land to permit what is necessary and good for the desert.

Thanking you in advance for your consideration,

Sincerely,

Frank & Melinda Simpson



PIMA COUNTY  
 DEVELOPMENT SERVICES DEPARTMENT  
 201 N. Stone Avenue, 2nd Floor  
 Tucson, AZ 85702-1207

CARMINE DEBONIS, JR.  
 Director

Phone: (520) 740-6800  
 FAX: (520) 623-5411

**LETTER OF AUTHORIZATION**

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and the party whose name is listed below is authorized to apply for a Rezoning/ Variance/ Minor Land Division – Lot Split/ Modification of Setback Requirement (circle one).

Chula Vista lot #6 6868 N. Pomelo Dr. 85704  
 Property Address and/or Tax Code (Where permit is being applied for)

Sarah Berner  
 Authorized Agent PRINT/SIGNATURE

03-21-13  
 Date

**AUTHORIZED BY:**

Frank Simpson  
 Property Owner(s) (Please Print)

03.21.13  
 Date

[Signature]  
 Property Owner(s) (Signature)

03.21.13  
 Date

William A. Thomas II  
Kathleen T. Thomas  
6941 N. Maria Place  
Tucson, AZ 85704-4218  
(520) 797-2437

RECEIVED  
MAY 08 2013  
BY:.....

May 5, 2013

Pima County Development Services Department  
Planning Division  
201 N. Stone Avenue, 2<sup>nd</sup> Floor  
Tucson, AZ 85701

RE: Case No. P1209-010 B/S  
Frank and Melinda Simpson

Gentlemen,

Please consider this our whole hearted approval of the Simpson request concerning "undisturbed area and natural open space".

Sincerely yours,

*William A. Thomas II TTEE*

William A. Thomas II, RLS 13573  
Kathleen T. Thomas

*Kathleen T. Thomas*

cc:Simpson