**ACTION:** Approve a Final Subdivision Plat for a single-family residential development consisting of 80 two-story attached units for THE LEVEL, located at 915 South Smith Road. The applicant is Porchlight Homes.

**FISCAL IMPACT:** There is no fiscal impact on City funds.

**RECOMMENDATION:** Approve, subject to conditions

**BACKGROUND INFORMATION:** THE LEVEL (PL180235) is located on the south east corner of Smith Road and University Drive in the Apache Boulevard Character Area. The project includes 80 new single-family two-story attached townhomes with common amenity and landscape areas. The site includes seven existing lots which would be combined into one lot and subdivided into 80 individual townhome lots with common tracts. On November 27, 2018, the Development Review Commission recommended approval of a Zoning Map Amendment, Planned Area Development and Development Plan Review for 80 new townhomes. On January 10, 2019, the City Council held the second and final hearing, approving the change in Zoning to R-4 and approving the PAD and DPR, subject to conditions, including a requirement to subdivide the lots. Since the property had never been previously subdivided, the applicant is required to create a Preliminary Subdivision Plat prior to recording a Final Subdivision Plat. The City Council heard and approved the Final Subdivision Plat on March 28th. The applicant subsequently determined the location of a large underground irrigation line impacted the location of the south eastern units on the site. This request is to modify the prior approved Subdivision. The request includes the following:

SBD190033 Final Subdivision Plat to subdivide seven (7) existing lots into eighty (80) new lots with common tracts.

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**Existing Property Owner**

- Tom Stapley, Treehouse Tempe, LLC
- Ali Homsi, Homsi Enterprises, LLC
- Ryan Larsen, Porchlight Homes

**Zoning District (current)**

- R-4 Multi-Family General

**Gross / Net site area**

- 6,585 gross acres / 5.454 net acres

**Density / Number of Units**

- 12 du/ac / 80 units

**Lot 1**

- 1,726.29 sf

**Lots 2-19**

- 1,408.87-1,456.94 sf

**Lot 20**

- 2,099.55 sf

**Lots 21-36**

- 1,552.54-1,571.15 sf

**Lots 37-47, 57-59**

- 1,410.01-1,481.53 sf

**Lot 48**

- 1,592.49 sf

**Lot 49**

- 2,289.65 sf

**Lots 50-52, 54-56**

- 1,455.82 sf

**Lot 53**

- 2,330.49 sf

**Lot 60**

- 1,535.56 sf

**Lots 61-63**

- 1,908.47-1,955.77 sf

**Lot 64**

- 2,039.22 sf

**Lots 65, 68, 69, 72, 73, 76, 77 & 80**

- 1,552.54 sf

**Lots 66, 67, 70, 71, 74, 75, 78 & 79**

- 1,571.15 sf

**Tract A – Access Drive, Utilities, Refuse Collection, Parking & Drainage**

- 79,977.8 sf

**Tracts B-F & H-R – Pedestrian Access, Landscape, Utilities & Drainage**

- 21,781.0 sf

**Tract G – Pool, Amenities, Pedestrian Access, Landscape, Utilities, Drainage**

- 9,462.7 sf
COMMENTS:
This site is located on the southeast corner of Smith Road and University Drive, east of McClintock Drive, south of Rio Salado Parkway, west of the Price Road. Smith Road is a half-mile collector street that connects to Apache Boulevard and light rail a half mile to the south. University Drive is an arterial with access to the 101 Freeway to the east. The site is north of the Escalante Neighborhood Association, with single family homes built in 1958. The site is west of the Rio Ventana Townhomes built in 2002 and Questa Vida Condominiums, built in 1983. Cameron Creek Apartments are on the west side of Smith Road across from the proposed development of 80 single-family attached townhomes. Five of the lots have been used as a mobile home park for almost 60 years, these lots were purchased at the end of 2017 and the mobile home park vacated at the end of July 2018. The two corner lots which comprise a commercial office building and storage yard were incorporated into the project after entitlements were approved by Council January 10, 2019. The project required a Zoning Map Amendment from CSS Commercial Shopping & Service, RO Residential Office, R-3 Multi-Family Residential Limited and RMH Residential Mobile Home Park to R-4 Multi-Family General along with a Planned Area Development Overlay to establish development standards for building setbacks on individual lots and perimeter setback reductions on the front (north) from 20' to 10' and side (east) from 10' to 8' and minimum lot area per dwelling unit from 1,740 to 1,500 square feet. They received approval for the Development Plan Review including building elevations for 80 three-story units, and site plan and landscape plan for 5.49 acres at the same hearing in January.

The project includes seven parcels of land which have never been platted, a Preliminary and Final Subdivision plat are required as a part of this project. The Development Review Commission approved the Preliminary Subdivision Plat on March 12, 2019, so that the applicant could proceed to City Council with a Final Subdivision Plat. The plat is required by condition of the approved entitlements to create 80 individual for-sale lots with common tracts for the landscape and amenity areas. The City Council heard and approved the Final Subdivision Plat on March 28th. The discovery of the location of a large underground irrigation line required reconfiguration of the site to switch a 4-unit and 2-unit building to accommodate an easement for the irrigation line, which changed the lot lines for the plat prior to recordation. The applicant is seeking approval of this modified subdivision plat to complete the recordation process. A minor Planned Area Development and Development Plan Review to amend the site plans will be completed to bring the site plan into conformance with this revised subdivision plat.

Conclusion
Based on the information provided, staff recommends approval of the Amended Subdivision Plat. The properties will have access to public streets and conform to the technical standards of the Tempe City Code for Subdivisions, Chapter 30.

FINAL SUBDIVISION PLAT:
1. If the subdivision plat contains common areas, a continuing care condition, covenant and restriction shall be provided (CC&R). The CC&Rs shall be reviewed and in a form satisfactory to the Community Development Director and City Attorney.

2. The Planned Area Development shall be amended to modify the site plan in conformance with the Subdivision Plat.

3. The Final Subdivision Plat shall be recorded prior to issuance of permits.

4. The Final Amended Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder’s Office through the City of Tempe’s Community Development Department no later than one year from the date of City Council approval. Failure to record the plat within one year of City Council approval shall make the plat null and void.
5. All property corners shall be set and verified with staff upon final recordation of the subdivision plat, no later than three (3) months from the date of County recordation or as determined by staff.

**HISTORY & FACTS:**

1930  
Aerial photos indicate the area was used for agriculture. None of the properties are part of an existing Subdivision Plat.

1969  
Aerial photos indicate the building at the south east corner and the mobile home park were established sometime in the mid-1960s with an existing irrigation canal to the south of the site.

August 17, 1972  
The City annexed this area from Maricopa County by Ordinance 689.

September 5, 1972  
The existing building on the south east corner of Smith and University was modified to have commercial and residential uses on site but did not go through planning process, being used as construction offices with contractor equipment yard.

February 22, 1973  
Council adopted Zoning Ordinance 405.261 which rezoned portions of this site from AG to R-3 and C-1.

1993  
The City of Tempe Water Utilities built a water pump station at the south end of the site, where the canal had been undergrounded.

October 27, 2017  
The 42-unit Mobile Home Park went up for sale after approximately 60 years of operation under various owners and managers. A Letter containing the “Notice of intent to Change Land Use,” notified residents about the pending termination of all rental agreements of mobile homes and park space.

November 2, 2017  
Additional information was hand-delivered to tenants related to the Pre-Notice in English and Spanish and the availability of a Relocation Fund.

November 30, 2017  
The five lots comprised of the trailer park property were sold to Treehouse Tempe LLC.

January 23, 2018  
Certified letters sent to each resident with a “180-day notice” of termination of their tenancy, effective July 27, 2018 the AZ State Relocation Fund also sent information directly to residents.

January 29, 2018  
Letter notification of a meeting with the Manufactured Housing Communities of Arizona to discuss the Relocation Fund, and to answer any questions.

February 1, 2018  
Open House with Manufactured Housing Communities of Arizona to answer questions.

February 8, 2018  
Tempe Mobile Home Park residents spoke to the Council.

February 17, 2018  
The City of Tempe Human Services staff attended the community meeting at the Tempe Mobile Home Park. The same day, a letter notification of a second meeting with the Manufactured Housing Communities of Arizona regarding a meeting with other Mobile Home Park Owners and Professional Movers, in order to provide options to the residents.

February 22, 2018  
Human Services staff attended a meeting hosted by the Principal of Thew Elementary to hear from a variety of resources including Habitat for Humanity, Goodwill, Tempe Community Action
Agency, and City Housing Staff. The same day, Tempe Mobile Home Park residents spoke to the Council.

March 2018
On March 7th, 14th, 21st and 28th meetings were held at Escalante Community Center to bring resources to the people to answer their questions related to their individual paperwork and circumstances. These meetings included staff from Manufactured Housing Communities of Arizona, State Housing Relocation, Community Legal Services, and the city Housing Division. These meetings provided residents access to resources to get their individual questions answered related to their paperwork, personal circumstances and unique moving situation.

July 30, 2018
All mobile homes were removed from the property after a seven-month relocation plan was implemented pursuant to state process.

August 29, 2018
A neighborhood meeting was held for this development.

September 2018
The commercial corner lot was purchased and added to the project site.

November 27, 2018
Development Review Commission is scheduled to hear a request for a Zoning Map Amendment, Planned Area Development and Development Plan Review for a single-family residential development consisting of 80 two-story attached units for THE LEVEL, located at 915 South Smith Road on 6.585 acres.

December 20, 2018
City Council held an introduction and first public hearing of the above request.

January 10, 2019
City Council held a second public hearing and approved a Zoning Map Amendment, Planned Area Development and Development Plan Review for a single-family residential development consisting of 80 two-story attached units for THE LEVEL, located at 915 South Smith Road on 6.585 acres.

March 12, 2019
Development Review Commission approved the requested Preliminary Subdivision Plat to combine the 7 existing lots and subdivide this new lot into 80 individual fee-simple lots with common tracts.

March 28, 2019
City Council is scheduled to hear a requested Final Subdivision Plat for the into 80 individual fee-simple lots with common tracts.

ZONING AND DEVELOPMENT CODE REFERENCE:
Section 6-307: Subdivisions, Lot Splits and Adjustments