ACTION: Request a Preliminary 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 is scheduled to hear the Final Subdivision Plat on March 28th, subject to the results of this hearing. The request includes the following:

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

<table>
<thead>
<tr>
<th>Existing Property Owner</th>
<th>Tom Stapley, Treehouse Tempe, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Ali Homsi, Homsi Enterprises, LLC</td>
</tr>
<tr>
<td>Zoning District (current)</td>
<td>R-4 Multi-Family General</td>
</tr>
<tr>
<td>Gross / Net site area</td>
<td>6,585 gross acres / 5.454 net acres</td>
</tr>
<tr>
<td>Density / Number of Units</td>
<td>12 du/ac / 80 units</td>
</tr>
<tr>
<td>Lot 1</td>
<td>1,726.29 sf</td>
</tr>
<tr>
<td>Lots 2-19</td>
<td>1,408.87-1,456.94 sf</td>
</tr>
<tr>
<td>Lot 20</td>
<td>2,099.55 sf</td>
</tr>
<tr>
<td>Lots 21-36</td>
<td>1,552.54-1,571.15 sf</td>
</tr>
<tr>
<td>Lots 37-47, 57-59</td>
<td>1,410.01-1,481.53 sf</td>
</tr>
<tr>
<td>Lot 48</td>
<td>1,592.49 sf</td>
</tr>
<tr>
<td>Lot 49</td>
<td>2,289.65 sf</td>
</tr>
<tr>
<td>Lots 50-52, 54-56</td>
<td>1,455.82 sf</td>
</tr>
<tr>
<td>Lot 53</td>
<td>2,330.49 sf</td>
</tr>
<tr>
<td>Lot 60</td>
<td>1,535.56 sf</td>
</tr>
<tr>
<td>Lots 61-63</td>
<td>1,908.47-1,955.77 sf</td>
</tr>
<tr>
<td>Lot 64</td>
<td>2,039.22 sf</td>
</tr>
<tr>
<td>Lots 65, 68, 69, 72, 73, 76, 77 &amp; 80</td>
<td>1,552.54 sf</td>
</tr>
<tr>
<td>Lots 66, 67, 70, 71, 74, 75, 78 &amp; 79</td>
<td>1,571.15 sf</td>
</tr>
<tr>
<td>Tract A – Access Drive, Utilities, Refuse Collection, Parking &amp; Drainage</td>
<td>79,977.8 sf</td>
</tr>
<tr>
<td>Tracts B-F &amp; H-R – Pedestrian Access, Landscape, Utilities &amp; Drainage</td>
<td>21,781.0 sf</td>
</tr>
<tr>
<td>Tract G – Pool, Amenities, Pedestrian Access, Landscape, Utilities, Drainage</td>
<td>9,462.7 sf</td>
</tr>
</tbody>
</table>
ATTACHMENTS: Development Project File

STAFF CONTACT(S): Diana Kaminski, Senior Planner (480) 858-2391
Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Diana Kaminski, Senior Planner
Reviewed by: Suparna Dasgupta, Principal Planner

COMMENTS:
This site is located on the south east 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 applicant is requesting the Development Review Commission take action on the Preliminary Subdivision Plat, so that they may proceed to City Council with a Final Subdivision Plat at the end of the month. 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.

Conclusion
Based on the information provided, staff recommends approval of the Amended Subdivision Plat. The properties will have access to public streets and confirm 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 Final Subdivision Plat shall be recorded prior to issuance of permits.
3. 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.
4. 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  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  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 heard 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 is scheduled to hear 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
DEVELOPMENT PROJECT FILE
for
THE LEVEL
(PL180235)

ATTACHMENTS:

1-3. Site Context (Location Map, Aerial and Aerial with Site Plan Overlay)
4. Applicant’s Letter of Explanation
5. Site Plan (For Reference Only)
6. Renderings (For Reference Only)
7-10. Subdivision Plat
November 21, 2018

Development Review Commission
The Level
915 South Smith Road
Request for: Approval of Preliminary Plat to Create 80 Lot Single-Family Subdivision
Proposed By: Porchlight Homes

This subdivision plat request is for an 80 lot townhome development called The Level, located at the southeast corner of Smith and University. The existing land for The Level consists of 7 lots that will be replatted to create 80 individual lots and various tracts for ingress and egress, landscaping, amenities, and open space.

Access for The Level will be off public streets, primarily from Smith Road, with an exit only point on University Drive. Internal circulation will be provided by a private accessway owned and maintained by the homeowners’ association. The General Plan designation for this site is for residential use up to 25 units/ac and this request is a density of approximately 14 units/acre. This subdivision shall conform with the requirements of the Zoning and Development Code and the land is suitable for a residential development.

Respectfully,

[Signature]
Ryan Larsen
Co-Founder
PRELIMINARY PLAN FOR THE LEVEL TOWNHOMES OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

TRAITS TO BE TAKEN OF WASTE TO BE OPERATED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION AS SET FORTH IN THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE PROPERTY.

OWNER AUTHORIZATION:
PORTHELM-THREEHOUSE TEMPE, LLC, AN ARIZONA LIMITED LIABILITY COMPANY
BY: MILLER & SONS SURVEYING, LLC
By: MANAGER
By: MANAGER
By: SCOTT J. PATRICK Date
By: MANAGER

ACKNOWLEDGMENT
ON the ______ Day of __________, 20__, before me, the undersigned, personally appeared, the person whose name is subscribed to the instrument hereinafter and was the instrument hereinafter executed by the purpose and herein contained.

IN WITNESS WHEREOF, I HEREFORE SET MY HAND AND SEAL.

By: NOTARY PUBLIC

LEGAL DESCRIPTION (PRIOR TO SUBDIVISION)
(SEE PAGE 2)

DEVELOPER
PORTHELM-THREEHOUSE TEMPE, LLC
2915 E. HABELE ROAD #118
GILBERT, AZ 85234
480.815.1224

OWNER
PORTHELM-THREEHOUSE TEMPE, LLC
2915 E. HABELE ROAD #118
GILBERT, AZ 85234
480.815.1224

BENCHMARK
BEARING ON TOWNHOMES AT THE INTERSECTION OF SPRING ROAD AND ARCADE ROAD
ELEVATION = 765.54 (NW98)

BASIS OF READING
THE BASIS OF READING IS THE UNRAISED LINE OF UNRAISED DRIVE, ALSO BEING THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 24, USING A BEARING OF SOUTH 89 DEGREES 48 MINUTES 03 SECONDS EAST OF NORTH." ELEVATION = 758.85 (NW98) BEING 380.45 ACRES OF LAND IN THE CITY OF TEMPE SURVEY CONTROL MAP.

APPROVALS
APPROVED TO THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA ON __________, 20__

BY: MAYOR

ATTACHMENT: CITY ENGINEER

BY: CITY ENGINEER

BY: COMMUNITY DEVELOPMENT

FLOODPLAIN CERTIFICATION
THIS IS TO CERTIFY THAT THE ABOVE SUBMITTED PROPERTY LESS THAN 3% OF THE LAND IS LOCATED IN A FLOOD RISKS ZONE: "A" AS DESIGNATED ON THE FHFA, FLOOD INSURANCE RATE MAP, MAP NUMBER D01700009, DATED OCTOBER 16, 2013, 0.5% ANNUAL CHANCE FLOOD AREAS OF 1% ANNUAL CHANCE FLOOD AREAS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND ARE PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

BY: RALPH M. MILLER
REGISTERED LAND SURVEYOR
REGISTRATION NO. 34609, AZ