

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

From: Ken Suddreth, Community Development Director

Date: August 14, 2014

CC: Planning and Zoning Board
Toni Jo Howard, City Administrator

RE: ZONING AMENDMENT CASE Z15-014 – Jonquil Village

Applicant:	<u>Halpern Enterprises, Inc.</u>	Existing Zoning:	<u>MU-Conditional</u>
Titleholder:	<u>Halpern Enterprises, Inc.</u>	Proposed Zoning:	<u>MU-Conditional</u>
Location:	<u>Northeast corner of the Atlanta Road and Spring Road Intersection</u>		
Land Lot:	<u>559 & 594</u>	North	GC
Ward:	<u>3</u>	South	GC & RAD
Access:	<u>Spring Road & Atlanta Road</u>		
Existing Improvements:	<u>Vacant Lot</u>	Contiguous Zoning:	LI, GC & OI
		West	GC
		Hearing Dates:	
		P&Z	July 13, 2015
		P&Z	August 10, 2015
		Mayor and Council	August 17, 2015

Proposed Use:

Modification of currently approved development plan and building elevations to allow 65,000 sq. ft. of commercial retail space and 290 luxury apartment units.

Staff Recommendation:

Community Development recommends approval with conditions.



STAFF COMMENTS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. The following provides the nine factors followed by an analysis of each factor in italics:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The zoning proposal is a reduction in scale of the original Jonquil Village redevelopment project. The intensity of the originally approved uses has been reduced due the shift from a parking deck to surface & structured parking. The zoning for the property will not change from Mixed Use (MU); therefore, the list of permitted uses will remain the same as approved in the original zoning. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

The original redevelopment project was a Development of Regional Impact (DRI) and was reviewed by both Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA) for land use, environmental and transportation impacts on the region. Both reviewing bodies were supportive of the original project. The zoning proposal is a scaled down version of the original project and should have less impact on the surrounding property. Therefore, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject parcel has a reasonable economic use as a currently zoned.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The zoning proposal is currently under review by the City Engineer and Public Works Director.

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

The rezoning is in conformity with the land use plan which currently indicates the subject parcel has a land use of Mixed Use. The land use designation would not be required to be changed in conjunction with the rezoning.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The original project was approved in 2007 as a large scale mixed use project with approximately 188,000 sq. ft. of retail space and 300 condominium/luxury apartment units over a parking deck, which supported approximately 1300 parking spaces for the development. The parking deck and other infrastructure improvements were to be financed through the Tax Allocation District (TAD). The project got started after the original Jonquil Plaza shopping center had been demolished and all the excavation completed. Due to the economic downturn however, the project was shutdown and the site has lain vacant since work stopped on site. The applicant has proposed a new plan for the site, which will be privately financed with no TAD funding.

7. Whether the development of the property under the zoning proposal will conform to, be a detriment to or enhance the architectural standards, open space requirements and aesthetics of the general neighborhood, considering the current, historical and planned uses in the area.

The proposed development of the property under the zoning proposal will enhance the architectural standards and aesthetics of the general neighborhood. The applicant has provided renderings of the proposed buildings with the zoning amendment application. The proposed building elevations will be required to meet the Downtown Design Guidelines and go before the Urban Design Commission for approval. This meeting is trying to be scheduled between the Planning and Zoning Board meeting and the Mayor and Council meeting.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

The zoning proposal will not create a nuisance or be incompatible with existing uses in the area. The zoning proposal will provide commercial retail space and apartment units in the downtown area. These uses are compatible with existing uses in the area. In addition, the project is separated from the existing single-family neighborhood to the rear by a railroad right-of-way.

9. Whether due to the size of the proposed use, in either land area or building height, the proposed use would affect the adjoining property, general neighborhood and other uses in the area positively or negatively.

The zoning proposal will not negatively affect the adjoining property, general neighborhood and other uses due to the size of the proposal in either land area or building height. The zoning proposal meets a majority of the zoning requirements

of the MU zoning district. The applicant is seeking the following variances from Section 720 of the Zoning Ordinance:

1. *Increase of the maximum front setback for the grocery store from 20' to 100'; and*
2. *To allow off-street parking between the building and the right-of-way for the grocery store.*

History & Background

The subject property is a 12.62 acre triangular shaped tract bordered to the north by CSX railroad, to the south by Spring Road, to the west by Atlanta Road and to the north by the City of Smyrna's Aunt Fanny's Cabin. On November 5, 2007, the subject property was rezoned (Z07-018) in conjunction with the City of Smyrna and AG Armstrong from General Commercial (GC) and Light Industrial (LI) to Mixed Use (MU) with a series of zoning conditions placed on the property. The proposed project associated with the original rezoning of the property, known as "Jonquil Village", consisted of 188,000 square feet of commercial retail space, 29,000 square feet of commercial office space and approximately 300 residential condominium/luxury apartment units in six buildings all over an underground parking deck. The 188,000 square feet of commercial floor area for the development was broken down into a 40,000 square foot grocery anchor, 33,000 square foot secondary retail anchor, 40,000 square feet of restaurants, and 75,000 square feet of mixed retail tenants. The proposed parking deck was to be constructed by the developer who would later be reimbursed for the infrastructure through Tax Allocation District (TAD) funding. Due to the project's size, the project was deemed a "Development of Regional Impact" (DRI) and was reviewed by the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA). After the rezoning of subject property and subsequent DRI review, the developer submitted civil and architectural plans to city staff for review and approval. The Urban Design Commission approved the architectural plans for the development on March 6, 2008. The Mayor and Council heard a zoning amendment to modify the originally approved site plan and building elevations on December 2, 2013 and voted to deny the request by a vote of 4-3.

Since the initial rezoning of the subject property in 2007, the existing Jonquil Plaza shopping center and additional commercial buildings located on the property have been demolished and removed. The previous developer removed a large amount of dirt from the site for the construction of the underground parking deck and stormwater management facilities. The previous developer was able to complete the stormwater detention facility and start construction on a portion of the underground parking deck prior to work stopping on-site. Progress on the project halted as a result of the economic downturn (lack of financing). Since work has stopped on-site, the property has gone through foreclosure and Community Development has worked diligently with the property owner to stabilize the site with regards to soil and erosion control, as well as, erecting construction fencing and screening. The applicant is now the current owner of the property and has obtained a grading permit to remove some of the infrastructure installed by the initial developer and to bring in dirt to raise the site elevation 3 to 5 feet.

Project Description

The applicant is proposing to construct a mixed use project at a lesser density than the original Jonquil Village Project. The proposed project will consist of approximately 65,000 sq. ft. of retail space and 290 luxury apartment units with an associated parking garage.

The aforementioned uses are situated on a 12.62 acre parcel bounded by Atlanta Road to the west, Spring Road to the south, the CSX Railroad to the east and the Smyrna Welcome Center to the north.

The applicant proposes to subdivide the property into four separate parcels. The northern most parcel will be 0.91 acres in size and be occupied by a 5,000 sq. ft. restaurant building and 51 parking spaces. The second parcel will be 4.86 acres in size and be occupied by a 45,600 sq. ft. grocery store and 229 parking spaces. The third parcel will be 2.15 acres in size and be occupied by 14,400 sq. ft. of retail space and 95 parking spaces. The final parcel will be 4.70 acres in size and be occupied by a 4-story, 290 unit multi-family building with a 464 space parking garage.

The retail space will be located in a 45,600 sq. ft. grocery store and three retail buildings along Atlanta Road. There will be a 9,600 sq. ft. retail building and a 4,800 sq. ft. retail building at the intersection of Atlanta Road with a plaza area between the buildings. The remaining retail building will be located at the northern end of the property near Aunt Fannie's Cabin. The commercial uses will front Atlanta Road. The 45,600 sq. ft. grocery store and multi-family building will be located at the rear of the property along the adjoining railroad right-of-way. The three retail buildings along Atlanta Road will be one-story buildings and the buildings at the intersection of Spring Road and Atlanta Road will employ roof top dining areas.

The multi-family buildings will be a four-story building and with a six-story parking garage along the Spring Road side of the property. Per the applicant, the multi-family units will be comprised of 65% one-bedroom units, 35% two-bedroom units and 5% three-bedroom units. The forecasted rents for the units include an average of \$1,350 for a one-bedroom unit, \$1,650 for a two-bedroom unit and \$2,300 for a three-bedroom unit. The multi-family building will also include a leasing office, community rooms, a fitness gym, a swimming pool and a 456 parking space garage. The applicant has provided building elevations for the multi-family building and the parking garage with the zoning application.

The applicant has provided rendering of the proposed buildings on-site with the zoning amendment application. These buildings will have a mixture of exterior façade materials and architectural elements. The exterior façade materials include, but are not limited to brick, stone, shake, stucco and hardi-plank siding. The building elevations for the development will be reviewed by the Urban Design Commission for compliance with the City's Urban Design Guidelines.

Project Analysis

Community Development has reviewed the proposed plan against the zoning requirements of the MU zoning district (Section 720 of the Zoning Ordinance) with regards to setbacks, building height, building separations, parking requirements, buffering and landscaping. The zoning proposal meets a majority of the zoning requirements of the MU zoning district. The applicant is seeking the following variances from Section 720 of the Zoning Ordinance:

1. Increase of the maximum front setback for the grocery store from 20' to 100' (Section 720.3(1)(c)(1)) ; and
2. To allow off-street parking between the building and the right-of-way for the grocery store (Section 720.9(6)).

The City Engineer has reviewed the proposed zoning amendment for traffic and stormwater management issues. With regards to traffic improvements, the City Engineer would recommend the following improvement be completed applicant/developer: 1) Completion of the Spring Road multi-use trail from the pedestrian bridge to Atlanta Road; 2) Modification of the Spring Road access point to right-in/right-out; 3) Modification of the southern Atlanta Road access point to right-in/right-out; 4) Installation of a traffic light at Church Street & Atlanta Road with the associated intersection improvements; and 5) Dedication of right-of-way along Atlanta Road to place the whole Atlanta Road multi-use trail in the public right-of-way. With regards to on-site stormwater management, the applicant plans to modify the existing facility to accommodate the development. The City Engineer has reviewed the proposed modification and believes it will meet the City's stormwater management requirements. The applicant will be required to meet all city stormwater management requirements during the plan review process.

The City's Fire Marshal's Office has reviewed the proposed plan and believes that they can adequately serve this development. This development will need to meet all the city requirements with regards to the fire code.

Community Development has reviewed the proposed project against the goals and policies outlined in the City's 2030 Comprehensive Plan to ensure compliance with the city's overall planning objectives. The proposed project meets the following goals and policies (other goals and policies not applicable to this development have been removed):

Housing

Goal 2 *Encourage redevelopment of older declining neighborhoods and apartment communities.*

Policy 2.5 Encourage adequate amounts, types, and densities of housing needed to support desired mixed use redevelopment.

Goal 3 *Provide for a range of housing choices in order to meet market demand and allow residents to remain in Smyrna across different life-cycle stages.*

Policy 3.2 Provide housing opportunities for young families as well as "empty nester" households.

Policy 3.3 Encourage housing opportunities to ensure that those who work within Smyrna have the option of living within the City.

Policy 3.5 Provide opportunities for mixed-use, live/work housing.

Policy 3.7 Support equal housing opportunities for all persons.

Economic Development

Goal 5 Promote revitalization of declining commercial areas.

Policy 5.1 Promote adaptive reuse and mixed-use redevelopment of declining strip commercial centers.

Goal 6 Promote continued economic development within the downtown Smyrna as a vibrant mixed-use center for residential, government, office, retail and entertainment activities.

Policy 6.1 Higher-intensity housing should occur within and adjacent to Smyrna Market Village.

Policy 6.2 Development regulations should generally allow for more dense development in the Market Village area than in other parts of the City.

Policy 6.6 Maintain architectural design standards in the Smyrna downtown area.

Community Facilities and Services

Goal 12 Provide for efficient, high-quality, cost-effective public services.

Policy 12.2 Encourage infill development in areas with existing infrastructure capacity.

Policy 12.3 Consider impact fees in order to balance the need for new development and public services.

Policy 12.9 Consider fiscal impacts of proposed new developments and annexations.

Goal 13 Provide for lifestyle amenities that improve the “quality of life” in Smyrna.

Policy 13.1 Continue support for pedestrian oriented, mixed-use development in and around Smyrna Market Village.

Policy 13.3 Provide for outdoor gathering areas, such as plazas, public squares, and amphitheaters.

Land Use

Goal 15 *Expand on the success of Smyrna's Downtown Market Village*

- Policy 15.1 Promote mixed-use redevelopment of older strip commercial shopping centers and apartments at key intersections around Smyrna Market Village.
- Policy 15.2 Encourage infill residential development and redevelopment surrounding the downtown area that is supportive of "Main Street" retail.
- Policy 15.3 Promote walkable, pedestrian-oriented development in and around Smyrna Market Village.
- Policy 15.4 Encourage commercial buildings to be oriented toward the street with parking in the rear in order to enhance pedestrian appeal and mitigate the impact of automobiles.

Goal 16 *Provide for an efficient, equitable, and compatible distribution of land uses.*

- Policy 16.1 Provide for a reasonable accommodation of a broad range of land uses within the City.
- Policy 16.2 Encourage an appropriate transition of type and scale between established neighborhoods and activity centers.
- Policy 16.4 Protect established single-family residential neighborhoods from the encroachment of unwanted land uses.
- Policy 16.6 Coordinate land use planning with transportation improvement programs.

Goal 17 *Establish a visually attractive environment.*

- Policy 17.1 Update, implement and enforce the City's tree ordinance to preserve and re-establish the City's tree canopy.
- Policy 17.2 Update, implement and enforce the City's sign ordinance.
- Policy 17.3 Update, implement and enforce the City's design guidelines for development along major corridors.
- Policy 17.4 Screening of service yards and other places that tend to be unsightly should be encouraged by the use of walls, fencing, planting, or combinations of these. Screening should be equally effective year round.

- Policy 17.5 Newly installed utility services, and service revisions necessitated by exterior alterations should be placed under ground, where economically feasible.
- Policy 17.6 Monotony of design in single or multiple building projects should be avoided. Variations in detail, form, and siting should be used to promote visual interest. Harmony in texture, lines, and mass is encouraged.
- Policy 17.7 Reduce the visual impact of the automobile in both commercial and residential areas of Smyrna.

Goal 18 ***Encourage infill development and redevelopment that has a positive impact on existing neighborhoods and activity centers.***

- Policy 18.1 Prioritize redevelopment and revitalization of existing underutilized commercial and industrial areas over development of new land for commercial purposes.
- Policy 18.2 Ensure that infill development is compatible with surrounding neighborhoods and activity centers.
- Policy 18.3 Where appropriate, the City should assist in site assemblage for redevelopment initiatives, without the use of eminent domain.

Transportation

Goal 19 ***The transportation system of Smyrna will be safe, efficient, financially supportable, and connected to the county and regional transport networks in a seamless manner. The transportation network of Smyrna will be multi-modal in nature to maximize access and connectivity for all residents. It will be maintained and developed in coordination with regional and local plans to support multiple goals wherever possible.***

- Policy 19.2 Concentrate development in areas with existing infrastructure such as the downtown to avoid sprawl along the major arterials, reduce congestion, encourage transit, and foster redevelopment.
- Policy 19.5 Design better pedestrian facilities such as sidewalks, traffic calming measures, and crossings in high traffic areas, as recommended in the LCI study, throughout the city.
- Policy 19.6 Refine and use the subdivision and development process in order to provide transportation improvements needed such as pedestrian facilities, safety improvements, interparcel access, and

transit supportive street design within a specific timeframe as a condition of development approval.

Policy 19.7 Promote transportation alternatives such as transit, bicycle facilities, pedestrian infrastructure, car pooling, and other forms of alternative modes of travel by mixing land uses and making more areas pedestrian accessible.

Policy 19.10 Require a Traffic Analysis as a condition of development to review the potential traffic impacts related to proposed developments, assign appropriate mitigation requirements as a condition of development approval, and discusses opportunities for multimodal travel.

STAFF RECOMMENDATION

The development went before the Urban Design Commission (UDC) on Monday, August 10, 2015 for review of compliance with the Urban Design Guidelines. The UDC unanimously approved the building elevations with the incorporation of some staff recommendations. The zoning request then went before the Planning and Zoning Board on Monday, August 10, 2015 and was recommended for approval by a vote of 4-3. Since the Planning and Zoning Board and UDC meetings, the applicant has revised the building elevations to address each boards comments. The site plans and building elevations have been updated and the staff recommendation has been adjusted accordingly. Therefore, Community Development recommends **approval** of the requested zoning amendment to modify the currently approved site plan and building elevations with the following stipulations:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulation and conditions, in whatsoever form, which are currently in place concerning the subject property.
2. The subject property consists of 12.62 acres of total site area, which shall be developed as a mixed-use development including, but not limited to, the following: Class A amenitized apartments, restaurants, retail and ancillary permitted uses allowed under the MU zoning district.
3. The approval of the zoning amendment shall be in substantial conformity to the zoning plan submitted on August 14, 2015, titled Jonquil and created by B+C Studios. However, the area identified in Exhibit "A" attached (outlined in red) is still under consideration by staff for parking and/or openspace and will be resolved prior to the issuance of a commercial building for the grocery store.
4. The approval of the zoning amendment shall be in substantial conformity to the building elevations and renderings submitted on August 14, 2015 titled Jonquil and created by Wakefield Beasley and Associates. In addition, the developer must receive approval of the building architecture from the Urban Design Commission prior to the issuance of the commercial building permit.

5. The minimum floor area for attached dwelling units, condominium units and other multi-family units may not be less than an average of 900 square feet. (Section 720.9(2) of the Zoning Ordinance).
6. The final design and use of the plaza area located at the intersection of Atlanta Road and Spring Road between Retail Building "A" and Retail Building "B" is still under consideration by staff for use as public gather space and shall be completed prior to the issuance of the commercial building permit for this parcel.
7. Prior to the issuance of a building permit, the developer shall submit Master Protective Covenants for the entire development, which will include all components of the development. Concurrently therewith, a Master Association shall be formed which will include all components of the proposed development. The Master Association will be responsible for the oversight, upkeep and maintenance of all entrance areas, common areas, community buildings and structures, openspace areas and similar features contained within the overall development (i.e. walking trails, sidewalks, plazas and street furniture, etc.).
8. The Master Association shall have architectural design regulations which will control such items as signage and other usual and necessary Covenants and Restrictions to protect the quality and integrity of the development.
9. A third party management company and/or the developer (or their successor) shall manage the day to day operations of the Master Association, including the responsibility of all commonly owned properties and all amenities within the proposed development. They shall also be responsible for the management of all association monies as well as ensuring that the Association is properly insured.
10. The retention/detention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a ten percent (10%) reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
11. All utilities within the development shall be underground.
12. The developer shall be responsible for all water and sanitary sewer improvements deemed necessary by the Public Works Director. At a minimum and not limited to, the following water and sanitary sewer improvements shall be made:
 - a. The extension of the city water main along Spring Road.
13. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the city or the county during construction plan review. At a minimum and not limited to, the following transportation improvements shall be made:
 - a. The access drive on Spring Road shall be limited to right in/right out;

- b. The completion of the Spring Road 10' multi-use trail from the pedestrian bridge to Atlanta Road. The multi-use trail shall match the existing trail along the Atlanta Road frontage;
- c. The southern access drive on Atlanta Road shall be limited to right in/right out;
- d. The applicant/developer shall be responsible for the installation of the traffic signal and associated crosswalk work in accordance with the Atlanta Road Trail and Streetscape project; and
- e. The northern access drive shall be a signalized intersection with the design of the intersection to be approved by the City Engineer.

14. The developer shall dedicate enough right-of-way along Atlanta Road to get the existing multi-use trail entirely onto the public right-of-way.

15. The developer shall provide both pedestrian and vehicular inter-parcel access with the city owned property to the north.

16. No debris may be buried on any lot or common area.

17. The developer will install decorative streetlights within the development equivalent to Georgia Power style posts and light fixtures used in the Market Village. These lighting fixtures are subject to approval by the City Engineer. Utilization of low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property through the use of "full-cutoff lighting".

18. The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.

19. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect.

20. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

21. All entrance signage shall be ground-based, monument-style signage with finish material and colors in substantial conformity to the architectural style embodied in the mixed-use development and the sign renderings submitted on 8/6/2015.

22. Parking for the restaurants, commercial, retail and apartments within the development will be provided by means of surface and structured parking as shown on the submitted site plan, which will employ "shared" parking among the respective components and will provide sufficient and adequate parking for the total development.

23. All air conditioning condenser units, transformers and any other utilities shall be fully screened from view from any public right-of-way. The utility units components placed on the roof of the buildings may be screened by parapets and the utility components at ground level may be screened by landscaping.

24. All landscaping shall be installed and maintained by a professional third-party group.
25. Concrete sidewalks shall be permitted for use around the commercial buildings as shown on the site plan submitted and dated 8/6/2015. All other sidewalks and crosswalks connecting to the Atlanta Road and Spring Road multi-use trails and between the different buildings shall be constructed with the use of brick pavers and match the pattern of the multi-use trail along Atlanta Road. The design of these crosswalks and sidewalk shall be subject to the review and approval of the City Engineer.
26. The developer shall provide a bike sharing station along Spring Road. This bike sharing station shall be constructed in accordance the city's bike sharing program. The location of this facility shall be reviewed and approved by the City Engineer.
27. The non-residential components shall contain a maximum floor area of 65,000 sq. ft. which will include a grocery store, restaurants and other retail uses.
28. Dumpsters shall be positioned so as to prevent visual intrusion from streets, connection points to community spaces and wherever possible with screening by landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying. At grade trash compaction shall also be allowed and screened as appropriate in accordance with the City's regulations.
29. There shall be no outside paging systems, phone bells or loud speakers. However, outdoor music systems and outdoor musical performers shall be allowed.
30. The following uses shall be prohibited:
 - a. Video arcades as a primary use;
 - b. Adult-themed book and novelty stores as a primary use;
 - c. Automotive sales, repair and/or service facilities;
 - d. Movie theaters;
 - e. Gas stations and convenience stores with gas sales;
 - f. Fast food establishments such as McDonald's, Wendy's and the like;
 - g. Pawn shops;
 - h. Automotive wash services;
 - i. Boat sales and repairs;
 - j. Boarding and breeding kennels;
 - k. Dry cleaning plants;
 - l. Farm equipment sales and services;
 - m. Lumber, hardware and other building material establishments;
 - n. Mobile home and travel trailer sales;
 - o. Motorcycle sales and services;
 - p. Check cashing establishments;
 - q. Service stations;
 - r. Station terminals for bus and rail passenger service;
 - s. Taxi stands;

- t. Theaters;
- u. Tattoo parlors;
- v. Massage parlors;
- w. Pool halls; and
- x. Package stores (except in the context of wine/spirits sold in a market or specialty shop).

31. The maximum number of residential units shall not exceed 290 Class A amenitized multi-family units. One hundred percent (100%) of the said units shall be constructed so that the units can be modified to individually owned condominium units in the event of future favorable market conditions.

32. All apartment units shall be maintained in a Class A/First Class manner.

33. The multi-family units shall include the following interior finishes:

- i. Minimum nine-foot (9') ceilings;
- ii. Forty-two inch (42") upper cabinets in the kitchen;
- iii. Crown molding in the main living area (i.e. living room & kitchen);
- iv. Pendant lighting shall be utilized in the in the kitchen area of the units and spot track lighting shall be used in both the kitchen and dining areas of the units;
- v. Bathroom cabinets need to be of equal or similar quality as kitchen cabinets;
- vi. Sheet vinyl flooring and VCT vinyl flooring shall be prohibited;
- vii. Tile flooring shall be required in both the kitchen and bathrooms;
- viii. All bathrooms shall have tile tub/shower surrounds;
- ix. All kitchen and bathroom counter and cabinet tops shall be solid surface granite or similar material. Laminate counter tops are prohibited;
- x. All kitchen counter tops shall be horizon style counter tops; and
- xi. All kitchen sinks shall be under-mounted stainless steel sinks.

34. The approximate mixture of unit types shall consist of the following: sixty-five percent (65%) one bedrooms; thirty-five percent (35%) two bedrooms; and five percent (5%) three bedrooms.

35. The developer shall comply with the City of Smyrna's Sign ordinance as applied to a "planned shopping development" in Section 82-15(b) subject to the provision that buildings will be allowed to have two (2) wall signs, one sign on the street side of the building that is visible from the public right-of-way and one sign on the parking side of the building.