

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

From: Russell Martin, AICP, Community Development Director
Joey Staubes, AICP, Planner II

Date: May 6, 2021

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: **REZONING CASE Z21-005 – 2400 Lake Park Drive**

Applicant: 2400 Lake Park Dr Atlanta
Office LLC

Existing Zoning: GC

Titleholder: 2400 Lake Park Dr Atlanta
Office LLC

Proposed Zoning: MU
Size of Tract: 9.73 Acres

Location: 2400 Lake Park Drive

Land Lot: 779, 780, 805 & 806

Ward: 2

Access: Cobb Pkwy & Lake Park Drive

**Existing
Improvements:** Office Building

Contiguous Zoning:
North CRC (Marietta)
South GC
East CRC (Marietta)
West GC

Hearing Dates:
P&Z April 12, 2021
Mayor and Council May 17, 2021

Proposed Use:

Development of a Mixed Use development with 277 multi-family units, 21,000 sq. ft. of retail/office and existing 105,000 sq. ft. office building at a residential density of 28.5 units per acre.

Staff Recommendation:

Community Development recommends approval of the zoning request from **GC to MU-Conditional with conditions**.

Planning & Zoning Board Recommendation: Approval by a vote of 7-0 at the April 12, 2021 meeting.



PROJECT DESCRIPTION

2400 Lake Park Drive Atlanta Office LLC is requesting to rezone 9.73 acres at 2400 Lake Park Drive from GC to MU-Conditional for the development of 277 multi-family units at a density of 28.5 units per acre, 11,000 of office/co-working space and 10,000 sq. ft. of active/commercial retail space. The applicant is proposing to retain the existing 105,000 sq. ft. office building and build a mixed use development in the existing parking area.

The proposed development will consist of 277 Class A multi-family units spread across one, five-story building with basement. Among the 277 multi-family units, 77% (213 units) will be one-bedroom or studio units, and 23% (64 units) will be two-bedroom units. The new mixed use building will contain 21,000 sq. ft. of office and active/retail space and an on grade pool courtyard. These office and retail spaces will be located on the ground level with the residential units located above and the pool courtyard will be at the interior of the building. The existing 105,000 sq. ft. office building will remain on site, and the new development will be constructed in the existing surface parking area.

The proposed development will be accessed by a full-access drive on Cobb Parkway and full access drive on Lake Park Drive. The proposed development will have 515 total parking spaces. An attached parking deck will include 382 spaces, and 133 spaces will be surface spaces spread across the proposed development. Most of the parking for the development will not be visible from the public rights-of-way of Cobb Pkwy and Lake Park Drive due to the parking being located behind the building, pond, and existing vegetation.

The development will include green space, landscaping, and bicycle/pedestrian improvements. Additionally, the applicant is planning the first segment of a multi-use trail that could extend to the Battery (Mountain to River Trail).

The development will utilize the existing shared stormwater detention facility for the community, which is visible at the intersection of Lake Park Drive.

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.

Applicant Response:

“The zoning proposal will allow for uses that are not only suitable in light of the use and development of adjacent and nearby properties but also compatible with and supportive of the use and development of such properties. Adjacent and nearby properties currently are developed to include a mix of office buildings, commercial

use, and residential buildings (both multi-family and single family). The proposed use of the Subject Property as a high-quality mixed-use development will provide job opportunities for those living in nearby developments; residential opportunities for nearby workers; potential customers for nearby retail uses, and enhanced pedestrian and bicycle connectivity.”

Staff Analysis:

The applicant is proposing the redevelopment of the subject property with an existing 105,000 sq. ft. office building to also include a 277-unit mixed use development at a density of 28.5 units per acre with 21,000 sq. ft. of retail, amenity area, and office/co-working space. The adjoining properties to the east are zoned CRC (City of Marietta) and are occupied by commercial uses. The adjoining property to the south is zoned GC and is occupied by an office building. The adjoining properties to the west are zoned GC and are occupied by an office building. The adjoining properties to the north are zoned CRC (City of Marietta) and are occupied by commercial uses. Given the description of the development patterns surrounding the subject property, the proposed use and development of the subject property will be suitable in view of use and development of adjacent and nearby properties.

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

Applicant Response:

“The zoning proposal will have no adverse impact on adjacent or nearby properties and, in fact, will enhance the use, usability, and value of such properties by allowing for the creation of a high-quality mixed-use development that will provide job opportunities, accessible housing, increased green space, and enhanced pedestrian and bicycle connections to points within the Project, to surrounding developments within the area, and to nearby transit, including the transit stop adjacent to the Subject Property along Cobb Parkway.”

Staff Analysis:

The proposed development is surrounded by office buildings, and commercial uses. The existing uses would not be negatively impacted by the proposed mixed use development. 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.

Applicant Response:

“While the Subject Property has some economic use as currently zoned in the GC classification, such current zoning unnecessarily limits the Owner’s ability to create the type of development proposed herein that will support and help achieve many of the City’s goals as expressed in the 2040 Comprehensive Development Plan (the “Plan”) and benefit to the City as its residents as a whole, in addition to the Owner.”

Staff Analysis:

The subject parcel has a reasonable economic use as a currently zoned. The GC zoning district is one of the city's most intensive commercial zoning districts and allows a variety of permitted uses. The requested zoning would be considered a down zoning from commercial use to a mix of primarily residential uses combined with office and limited commercial uses.

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.

Applicant Response:

"The zoning proposal will not result in a use that overburdens the surrounding streets, transportation facilities, utilities, or schools. The impact of the proposed development on surrounding transportation facilities was thoroughly evaluated through the Traffic Impact Study performed by Pond & Company (the "traffic study"). The results of the Traffic Study indicate that, while traffic in the area is expected to increase over time, the addition of traffic associated with the development is not the cause of any unacceptable levels of service. The Traffic Study also recommends certain modifications to improve traffic flow and safety. Enhancements to the pedestrian and bicycle network provided in connection with The Project will allow workers and visitors alike to walk or bike to and from nearby residential, office, and commercial developments. Utilities such as water, sewer, natural gas, electricity, and telecommunications are available in the area, currently serve the 105,000 sq. ft. office building, and are believed to have sufficient capacity to serve the development.

Regarding the anticipated impact on area schools, the Applicant has attached an analysis of the Project's expected impact on nearby public schools. Based on Grubb Properties experience elsewhere and previous studies, and because of the preponderance of one-bedroom units, the analysis indicates the Project is expected to have a net positive fiscal impact on the school system."

Staff Analysis:

The City Engineer has reviewed the Traffic Impact Study prepared by Pond. Based upon information from the Traffic Impact Study the proposed development will not add a significant amount of additional traffic to the Cobb Parkway and Lake Park Drive corridors. The development is planned to add approximately 286 new AM peak hour trips and 234 new PM peak hour trips. The applicant plans to make operational improvements to the private drive from 2400 Lake Park Drive to Cobb Parkway to improve efficiency and safety.

The mixed-use development could house approximately 39 children based on industry standard estimates. However, Grubb indicates that there are generally .003 children per unit among their existing multi-family property portfolio, which would estimate approximately one child for this development.

Based upon information provided by the Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Existing water and sewer taps will be used where appropriate.

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

Applicant Response:

“While the proposed rezoning will require the land use of the Subject Property to change from Office/Professional (OP) to Mixed-Use (MU), the Applicant respectfully submits both the requested land use and the requested rezoning of the Subject Property support numerous goals and policies of the City’s Plan and are, therefore, desirable. The Policy Map within the Plan indicates the Subject Property is located within a “Major Hub” wherein “Higher Density” development is appropriate. In addition, the proposed rezoning would support various Goals and Policies set forth in the Plan for Housing, Economic Development, Land Use, Transportation, and Public Services/Quality of Life including, but not limited to: providing infill housing development that is compatible with surrounding established neighborhoods (Housing Policy 1.2), encouraging housing types and densities to support mixed-use development (Housing Policy 2.5), encouraging a range of housing choices to meet market demand (Housing Goal 3), encouraging opportunities for mixed-use, live/work housing (Housing Goal 3.5), promoting continued economic development within...activity centers as vibrant mixed-use centers... (Economic Development Goal 6), continuing development of a bicycle/pedestrian trail network...with linkages to parks, schools, and residential areas (Land Use Policy 9.1), supporting a broad range of land uses within the City (Land Use Policy 13.1), providing a safe, efficient, financially supportable transportation system (Transportation Goal 16), promoting the further development of a multi-modal transportation network to maximize access and connectivity for all residents (Transportation Goal 18), promoting transportation alternatives such as transit, bicycle facilities, [and] pedestrian infrastructure...(Transportation Policy 18.3), and encouraging infill development in areas with existing infrastructure capacity (Public Services/Quality of Life Policy 19.2).”

Staff Analysis:

The City’s Future Land Use Plan indicates the subject parcel has a future land use designation of Office/Professional (OP). The MU zoning district will require a land use change to MU (Mixed Use). The proposed development meets many policies and goals of the 2040 Comprehensive Plan. The surrounding area and infrastructure are capable of supporting a change in land use to Mixed Use. The proposed development will create a range of housing options and continued economic development of the area.

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.

Applicant Response:

“The Cobb Parkway corridor has continued to evolve in recent years, with change accelerated by the ongoing pandemic as retail uses have struggled. At the same time, the inefficient land use pattern associated with traditional suburban office development has become more and more obvious, with large portions of such properties paved solely for parking. As the corridor has evolved, the desire for a more urban development in appropriate locations has increased and a more urban development form has emerged, both through the natural progression of development and through the guiding hand of a regulatory environment that encourages mixed-use development, provides for housing options, supports the retail environment, and allows for greater pedestrian and bicycle connectivity. All these factors give supporting grounds for the approval of the requested zoning proposal.”

Staff Analysis:

The subject property is located within a walkable distance to the Battery. The Battery has been a successful catalyst as a mixed-use development and is changing the land use patterns of the area. The proposed development will be consistent with the density and mix of uses already occupied at the Battery. Furthermore, the pandemic has reduced demand for office parking as workers shift to home offices. Thus, large office developments will likely convert areas reserved solely for parking to more economically efficient uses.

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.

Applicant Response:

“As illustrated by the Elevation Drawings submitted in support of this application, the Applicant respectfully submits the redevelopment of the property as proposed will enhance the architectural aesthetics of the general neighborhood by providing an attractive, well-designed residential development to complement the recently renovated office building on site.”

Staff Analysis:

The proposed development of the subject 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 rezoning application.

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

Applicant Response:

“The Applicant and Owner respectfully suggest the proposed zoning classification and redevelopment will not cause a nuisance or be incompatible with the existing office use on the Subject Property or on adjacent or nearby properties. In fact, the proposed uses are complimentary and compatible with each other as part of a vibrant, mixed-use development.”

Staff Analysis:

The zoning proposal will not create a nuisance or be incompatible with existing uses in the area. The zoning proposal is a mixed use development community in an area that is already developed with residential and commercial development patterns. These uses are compatible with existing uses in the area.

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.

Applicant Response:

"The Applicant and Owner respectfully submit that neither the land area or height of the proposed residential structures on the Subject Property would be anticipated to have a negative impact on any adjoining property, the general area, or other uses in the area. The land area of the proposed redevelopment would not change as the result of the requested rezoning and the building height is compatible with existing building heights both on the Subject Property and on surrounding and nearby properties."

Staff Analysis:

The zoning proposal may will positively 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 most of the zoning requirements of the MU zoning district, but not all of them. The applicant is seeking the following variance from the Zoning Ordinance:

1. Increase in the maximum allowable density from 25 units per acre to 28.5 units per acre for the MU zoning district (Section 720.9) (**Staff Supports**).
2. Reduce the average minimum floor area from 900 sq. ft. to 765 sq. ft. (**Staff Supports**)
3. Reduction in the minimum parking space requirement from 1,005 to 515 spaces (Section 906) (**Staff Supports**).

PROJECT ANALYSIS

Zoning Review

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 and building separations. The zoning proposal meets a majority of the zoning requirements of the MU zoning district. The applicant is seeking the following variance from Section 720 of the Zoning Ordinance:

1. Increase in the maximum allowable density from 25 units per acre to 28.5 units per acre for the MU zoning district (Section 720.9) (**Staff Supports**).
2. Reduce the average minimum floor area from 900 sq. ft. to 653 sq. ft. (Section 720.9) (**Staff Supports**)

Community Development has also reviewed the proposed plan against the parking requirements (Section 906 of the Zoning Ordinance). The applicant is seeking the following variance from Section 906 of the Zoning Ordinance:

1. Reduction of the minimum parking requirements from 1,005 spaces to 515 spaces (Section 906) (**Staff Support**).

Community Development is **supportive** of the requested variances because the proposed development plan is consistent with many goals and policies within the 2040 Comprehensive Plan. The applicant has provided rationale for the parking reduction and has concluded that the spaces provided will be sufficient for the mixed use development. The parking minimums included in Section 906 contemplate parking for separate uses without a shared parking model. The proposed development, however, will have complimentary uses that allow for shared parking; as the office parking demand is in the AM and the multi-family parking demand is primarily in the PM. The 515 parking spaces are based on the applicant's internal parking demand model and the parking requirements for the Central Business District (CBD) where shared parking is prevalent. The parking demand model shows the greatest demand between 8am to 12pm with 505 spaces required. The applicant's model also considers the majority of units are one-bedroom units, significantly reducing the number of vehicles per unit. Additionally, the recent increase in remote working support a reduction in vehicle parking spaces for office use within the development. Community Development has reviewed the parking demand model provided by the applicant based on other properties in the applicant's portfolio and the parking ratio required for the CBD and believe the reduction in parking is justified.

The applicant has requested a variance in the average unit size from 900 sq. ft. to 653 sq. ft. and an increase in density from 25% to 28.5%. Many of the units in the multi-family building will be one-bedroom units, 213 units (77%), while 64 units will be two-bedroom (23%). There will be no three-bedroom units in the proposed development. Thus, the preponderance of one-bedroom/studio units in the development result in an average unit size less than 900 sq. ft. The targeted demographic for the multi-family development are between the ages of 25 to 34 years old. Therefore, the proposed unit sizes are reflective of the targeted demographic. Additionally, the targeted demographic and unit size will have limited impact on local schools, as demonstrated in the applicant's school impact analysis. Community Development supports the reduction in average unit size and increase in density.

Traffic Study Review

Based upon information from the Traffic Impact Study completed by the applicant's traffic engineer, the proposed development will not add a significant amount of additional traffic to Cobb Parkway and Lake Park Drive. The study indicates that traffic will increase over time, however the proposed development is not the cause of any unacceptable levels of service. The applicant will make operational and safety enhancements to the private drive on Cobb Parkway. Additionally, the applicant will make enhancements to the pedestrian and bicycle network to allow for additional modes of travel to and from the development.

Stormwater Management Review

The applicant is proposing to use the existing above-ground stormwater management facility at the corner of Cobb Pkwy and Lake Park Drive. The City Engineer takes no exception to the stormwater management concept as shown. Based upon visual observations, portions of the pond have significant silt deposits. Prior to issuance of a Certificate of Occupancy, the owner

shall have the pond maintained per the Blue Book Operations and Maintenance Guidance Document.

Environmental Review

The proposed site plan does depict stream buffers impacting the subject property. However, the proposed new development will be outside of the stream buffers and have no impact on the existing stream.

Water and Sewer Review

Adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Any required improvements are the responsibility of the developer.

Fire Marshal Review

The Fire Marshal's office has reviewed the current site plan and in general believes that it meets the Fire Code requirements for fire truck access and building separation requirements. The applicant will provide a fire truck turn analysis process that verifies maneuverability through the site. The Fire Marshal's office will also require the buildings to have a fire sprinkler system.

Planning Review

The proposed development plan includes a mixed use development with multi-family residential, retail, and office/co-working space in addition to an existing 105,000 sq. ft. office building. The proposed development will consist of 277 multi-family units spread across 1 building. Among the 277 multi-family units, 77% (213 units) will be one-bedroom or studio units, and 23% (64 units) will be two-bedroom units. The new multi-family building will incorporate 10,000 sq. ft. of active/retail uses and 11,000 sq. ft. of office/co-working space to accommodate the community's residents. The proposed development will be accessed by a full access drive at Cobb Parkway and at Lake Park Drive. The development will have sidewalks that connect from Cobb Parkway and Lake Park Drive to the new building, as well as other pedestrian and bicycle network improvements such as a the initial segment of a multi-use path (Mountain to River Trail) that could eventually extend to The Battery. The proposed development will have a total of 515 total parking spaces. There will be 133 surface spaces for guest and retail parking spread throughout the community. The multi-family will also include a parking deck with 382 spaces.

The City's 2040 Future Land Use Map designates the subject property as OP (Office/Professional). The applicant proposes to change the land use to MU (Mixed Use) to accommodate the MU zoning. The properties along Lake Park Drive are currently designated OP (Office/Professional) and HDR (High Density Residential). Wyndcliff Galleria, the adjacent development to the south has a land use of HDR (High Density Residential). The properties to the south of Wyndcliff Galleria between Cobb Parkway and Spring Road have a land use of RAC (Regional Activity Center). The proposed land use change is compatible with the surrounding OP, HDR, and RAC future land use designations. In addition, the proposed zoning meets the following goals and policies laid out in the City's Comprehensive Plan:

Housing

- Goal 1 – Protect and preserve established residential neighborhoods.
 - Policy 1.1 Ensure adequate buffering and screening in order to protect residential neighborhoods from negative impacts of adjacent incompatible development.

- Policy 1.2 Ensure that infill housing development is compatible with surrounding established neighborhoods.
- Goal 2- Encourage redevelopment of older declining neighborhoods and apartment communities.
 - Policy 2.1 Identify declining neighborhoods within planning studies and target these areas for revitalization efforts.
 - Policy 2.5 Encourage adequate amounts, types and densities of housing needed to support desired mixed use redevelopment.
- Goal 3 – Encourage the development of 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 Encourage housing opportunities for young families, as well as “empty nester” households.
 - Policy 3.3 Encourage housing opportunities to ensure those who work in Smyrna have the option of living within the City.
 - Policy 3.5 Encourage opportunities for mixed use, live/work housing.

Economic Development

- Goal 5 – Promote revitalization of declining commercial & industrial areas.
 - Policy 5.1 – Promote adaptive reuse and mixed use redevelopment of declining strip commercial centers.
- Goal 6 – Promote continued economic development within downtown and other activity centers as vibrant mixed use center for residential, government, office, retail and entertainment activities.
 - Policy 6.1 Support higher-intensity housing within and adjacent to activity centers in conformity with the Future land Use Map.

Land Use

- Goal 13 – Encourage an efficient, equitable, and compatible distribution of land uses.
 - Policy 13.2 Encourage an appropriate transition of type and scale between established neighborhoods and activity centers.
- Goal 15 – Encourage infill development and redevelopment that has a positive impact on existing neighborhoods and activity centers.
 - Policy 15.1 Prioritize redevelopment and revitalization of existing underutilized commercial and industrial areas over development of new land for commercial purposes.
 - Policy 15.2 Ensure that infill development is compatible with surrounding neighborhoods and activity centers.

Quality of Life

- Goal 20 – Provide lifestyle amenities that improve the “quality of life” in Smyrna.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from GC and RM-12 to MU-Conditional on 9.73 acres for a mixed use community, with 277 units, 10,148 sq. ft. of retail, and 10,897 sq. ft. of co-work space, at a density of 28.5 units per acre, including those variances supported by staff as shown above, **with the following conditions:**

Standard Conditions

Requirements # 2, 3, 4, 8, 16 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.

1. The composition of the buildings in the development shall include a mixture of elements including; but not limited to: brick, stone, shake, Hardie Plank and stucco. No elevation shall be comprised of 100 percent Hardie Plank siding.
2. The retention 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 reduction in a 100-year storm event. The city engineer shall approve all plans.
3. All utilities within the development shall be underground.
4. 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. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.
5. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.
6. No debris may be buried on any lot or common area.
7. The developer will install decorative streetlights within the development, 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".
8. 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.
9. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
10. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

11. The development shall maintain the following minimum building setbacks from the Mixed Use District:
 - Front – 0'
 - Side – 0'
 - Rear – 20'
12. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
13. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
14. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
15. Prior to issuance of a Certificate of Occupancy, the applicant shall have the stormwater detention pond maintained per the Blue Book Operations and Maintenance Guidance Document.
16. The developer shall provide a sidewalk connection from the development to Cobb Parkway and Lake Park Drive.
17. Prior to the issuance of a Land Disturbance Permit the traffic study and site plan shall be reviewed by Georgia Department of Transportation (GDOT).
18. The development shall not be gated. The parking deck may use gates to control access.
19. The minimum floor area for attached dwelling units, condominium units and other multi-family units may not be less than an average of 653 square feet. (Section 720.9(2) of the Zoning Ordinance).
20. The development will include a minimum of 515 parking spaces per the current density shown. A reduction in the residential units caused by unforeseen site constraints would cause a commensurate reduction in parking to be reviewed by the Director of Community Development.
21. Parking for the office, 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.
22. The parking deck will provide a decorative brick exterior substantially similar to that shown on the elevations provided on April 2, 2021. Approval of any change to the parking deck exterior must be obtained from the Director of Community Development.

23. The applicant shall construct the initial segment of the Mountain to River Trail for pedestrian and bicycle connectivity.
24. The applicant will re-stripe the private drive for safety and operational improvements at Cobb Parkway.
25. 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.
26. 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.
27. The maximum number of residential units shall not exceed 277 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.
28. All apartment units shall be maintained in a Class A/First Class manner.
29. 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. Pendant lighting shall be utilized in the in the kitchen area of the units and flush-mount LED can lighting shall be used in both the kitchen and dining areas of the units;
 - iv. Bathroom cabinets need to be of equal or similar quality as kitchen cabinets;
 - v. Sheet vinyl flooring and VCT vinyl flooring shall be prohibited;
 - vi. Tile flooring shall be required in both the kitchen and bathrooms including luxury vinyl tile (i.e. not sheet vinyl or VCT);
 - vii. All bathrooms shall have tub/shower surrounds with an aesthetic similar to tile;
 - viii. All kitchen and bathroom counter and cabinet tops shall be solid surface granite or similar material. Laminate counter tops are prohibited;
 - ix. All kitchen counter tops shall be horizon style counter tops; and
 - x. All kitchen sinks shall be under-mounted stainless-steel sinks.
30. The approximate mixture of unit types shall consist of the following: seventy-seven percent (77%) one bedrooms and twenty-three percent (23%) two bedrooms.

31. Approval of the subject property for the MU-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted April 2, 2021 and created by Pond and all zoning stipulations above.
32. The applicant shall be bound to the conceptual elevations submitted on April 2, 2021. Approval of any change to the elevations must be obtained from the Director of Community Development.

Subject Property





Adjacent Properties



