



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** September 9, 2010

FROM: John McDonough, City Manager

AGENDA ITEM: **RZ10-007/CV10-008** - 5600 Roswell Road (SR 9), *Applicant:*
Prado LLC, To rezone the subject property from C-1 conditional to
C-1 to add 15,000 square feet to the existing approved square
footage for the shopping center, with concurrent variances

MEETING DATE: For Submission onto the September 21, 2010, City Council Regular
Meeting Agenda

BACKGROUND INFORMATION: *(Attach additional pages if necessary)*

See attached:

Memorandum
Petition for Rezoning

APPROVAL BY CITY MANAGER:  APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 9/21/2010

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: 

REMARKS:

To: John McDonough, City Manager

From: Nancy J. Leathers, AICP, Director of Community Development 

Date: August 31, 2010 for submission onto the September 21, 2010 City Council meeting

Agenda Item: **RZ10-007/CV10-010 5600 Roswell Road**, Request to rezone from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional, with concurrent variances, to add 15,000 square feet to the existing approved square footage for the shopping center.

CMO (City Manager's Office) Recommendation:

APPROVAL CONDITIONAL of the request to rezone from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional, with concurrent variances, to add 15,000 square feet to the existing approved square footage for the shopping center.

Background:

The site is located at 5600 Roswell Road (SR 9) on the west side of the road at the intersection with Lake Placid Drive. The property is zoned C-1 (Community Business District) conditional under Fulton County zoning case Z05-0050, and Sandy Springs modification cases ZM06-010, ZM07-005, and ZM08-017. The property is located within the Main Street District of the Sandy Springs Overlay District.

Discussion:

The applicant is requesting to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional to add 15,000 square feet to the existing approved square footage for the shopping center.

In addition to the previously approved variances, the applicant is requesting seven (7) new concurrent variances as follows:

1. Variance from Section 12B.5.C.1. of the Zoning Ordinance to allow accessory structures to be located in a yard adjacent to a public street,
2. Variance from Section 12B.5.D.4. of the Zoning Ordinance to allow a fence to be non-opaque when the back of the building is visible to a public street,
3. Variance from Section 12B.5.H. of the Zoning Ordinance to allow opaque glass on the first floor of the building to be built upon Anchor B Pad as shown on the Site Plan for screening of the interior uses of massage treatment, kitchen and pool storage areas,
4. Variance from Section 4.23.2 of the Zoning Ordinance to delete the parking lot landscaping requirements,

5. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots,
6. Variance from Section 18.2.1. of the Zoning Ordinance to allow no less than 1,793 parking spaces where 2,051 parking spaces are required, and
7. Variance from Section 33.26.H.2.a. of the Zoning Ordinance to allow two (2) wall signs to be located on a non-street facing wall which is the east elevation of the building to be built upon Anchor B Pad.

Concurrent Review:

The staff held a Focus Meeting on July 7, 2010 at which the following city departments provided comments:

- Building and Development Division
- Fire Department
- Transportation Division

In addition, the following external departments were contacted for comment:

- Atlanta Regional Commission
- Fulton County Board of Education
- Fulton County Department of Environment and Community Development
- Fulton County Department of Public Works
- Fulton County Environmental Health Services (*comments received*)
- Sandy Springs Council of Neighborhoods
- Sandy Springs Revitalization Inc.
- Georgia Department of Transportation
- City of Atlanta Department of Watershed Management (*comments received*)
- U.S. Postal Service Address Management Systems
- MARTA
- Fulton County Emergency Management



Rezoning Petition No. RZ10-007/CV10-010

HEARING & MEETING DATES

Community Zoning Information Meeting	Design Review Board Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
June 22, 2010	June 22, 2010 August 10, 2010	July 29, 2010	August 19, 2010	September 21, 2010

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Prado, LLC	LIFETIME FITNESS	Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land Lot, and District	5600 Roswell Road (SR 9) Land Lot 91, District 17
Council District	6
Frontage and Area	1,415 feet of frontage along the west side of Roswell Road (SR 9) and 1,460 feet of frontage along the south side of Lake Placid Drive. The subject property has a total area of 24.3 acres (1,058,508 SF).
Existing Zoning and Use	C-1 (Community Business District) conditional under Z05-050, ZM06-010, ZM07-005, and ZM08-017 currently developed with a retail shopping center.
Overlay District	Main Street District
2027 Comprehensive Future Land Use Map Designation	Live-Work Community (LWC), Node 4: Roswell Road from Lake Placid to Glenridge Drive.
Proposed Zoning	C-1 (Community Business District) conditional to add 15,000 square feet to the existing approved square footage for the shopping center.

INTENT

TO REZONE THE SUBJECT PROPERTY FROM C-1 (COMMUNITY BUSINESS DISTRICT) CONDITIONAL TO C-1 (COMMUNITY BUSINESS DISTRICT) CONDITIONAL TO ADD 15,000 SQUARE FEET TO THE EXISTING APPROVED SQUARE FOOTAGE FOR THE SHOPPING CENTER, WITH CONCURRENT VARIANCES.

To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional to add 15,000 square feet to the existing approved square footage for the shopping center.

In addition to the previously approved variances, the applicant is requesting eight (8) new concurrent variances as follows:

1. Variance from Section 12B.5.C.1. of the Zoning Ordinance to allow accessory structures to be located in a yard adjacent to a public street,
2. Variance from Section 12B.5.D.4. of the Zoning Ordinance to allow a fence to be non-opaque when the back of the building is visible to a public street,

3. Variance from Section 12B.5.H. of the Zoning Ordinance to allow opaque glass on the first floor of the building to be built upon Anchor B Pad as shown on the Site Plan for screening of the interior uses of massage treatment, kitchen and pool storage areas,
4. Variance from Section 4.23.2 of the Zoning Ordinance to delete the parking lot landscaping requirements,
5. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots,
6. Variance from Section 18.2.1. of the Zoning Ordinance to allow no less than 1,793 parking spaces where 2,051 parking spaces are required,
7. Variance from Section 33.26.H.2.a. of the Zoning Ordinance to allow two (2) wall signs to be located on a non-street facing wall which is the east elevation of the building to be built upon Anchor B Pad, and
8. Variance from Section 33.26.H.1.c. of the Zoning Ordinance to allow an additional monument sign (located internal to the development) having a sign area of 72 square feet and a height of 54 feet.
ADMINISTRATIVELY WITHDRAWN

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

- RZ10-007 - APPROVAL CONDITIONAL**
- CV10-010 #1 - APPROVAL CONDITIONAL**
- CV10-010 #2 - APPROVAL CONDITIONAL**
- CV10-010 #3 - APPROVAL CONDITIONAL**
- CV10-010 #4 - APPROVAL CONDITIONAL**
- CV10-010 #5 - APPROVAL CONDITIONAL**
- CV10-010 #6 - APPROVAL CONDITIONAL**
- CV10-010 #7 - APPROVAL CONDITIONAL**
- CV10-010 #8 - ADMINISTRATIVELY WITHDRAWN**

DESIGN REVIEW BOARD ENDORSEMENT

At the June 22, 2010 Design Review Board Meeting, the application was deferred (4-0), Mobley, Landeck, Gregory and Richard for; Porter and Westmoreland Absent; Lichtenstein not voting. The deferral was to allow the applicant to meet with neighbors regarding project design details.

As follows, the overall application was endorsed at the August 10, 2010 Design Review Board Meeting (5-0), Porter, Westmoreland, Landek, Mobley, Richard for; Gregory absent; Lichtenstein not voting:

- #1 Variance from Section 12B.5.C.1. of the Zoning Ordinance to allow accessory structures to be located in a yard adjacent to a public street.

The Board endorsed the variance as presented.

- #2 Variance from Section 12B.5.D.4. of the Zoning Ordinance to allow a fence to be non-opaque when the back of the building is visible to a public street.

The Board endorsed the variance as presented.

- #3 Variance from Section 12B.5.H. of the Zoning Ordinance to allow opaque glass on the first floor of the building to be built upon Anchor B Pad as shown on the Site Plan for screening of the interior uses of massage treatment, kitchen and pool storage areas.

The Board endorsed the variance as presented.

- #4 Variance from Section 33.26.H.2.a. of the Zoning Ordinance to allow the wall sign(s) located on a non-street facing wall on the east elevation of the building to be built upon Anchor B Pad.

The Board endorsed the variance as presented.

- #5 Variance from Section 33.26.H.1.c. of the Zoning Ordinance to allow an additional monument sign (located internal to the development) having a sign area of 72 square feet and a height of 54 feet.

The Board endorsed the variance subject to no impact to the gazebo at the end on Prado Place.

- #6 Variance from Section 4.23.2 of the Zoning Ordinance to delete the parking lot landscaping requirements.

The Board endorsed the variance with the following stipulation(s): The variance shall apply to the approximate 100 parking spaces in front of the building and to the area along the south side of the building adjacent to Target. The developer shall reduce the number of parking spaces on the south side to expand the landscape area to add trees and screen the building, subject to arborist approval.

- #7 Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots.

The Board endorsed the variance with the following stipulation(s): The variance shall apply to the approximate 100 parking spaces in front of the building and to the area along the south side of the building adjacent to Target. The developer shall reduce the number of parking spaces on the south side to expand the landscape area to add trees and screen the building, subject to arborist approval.

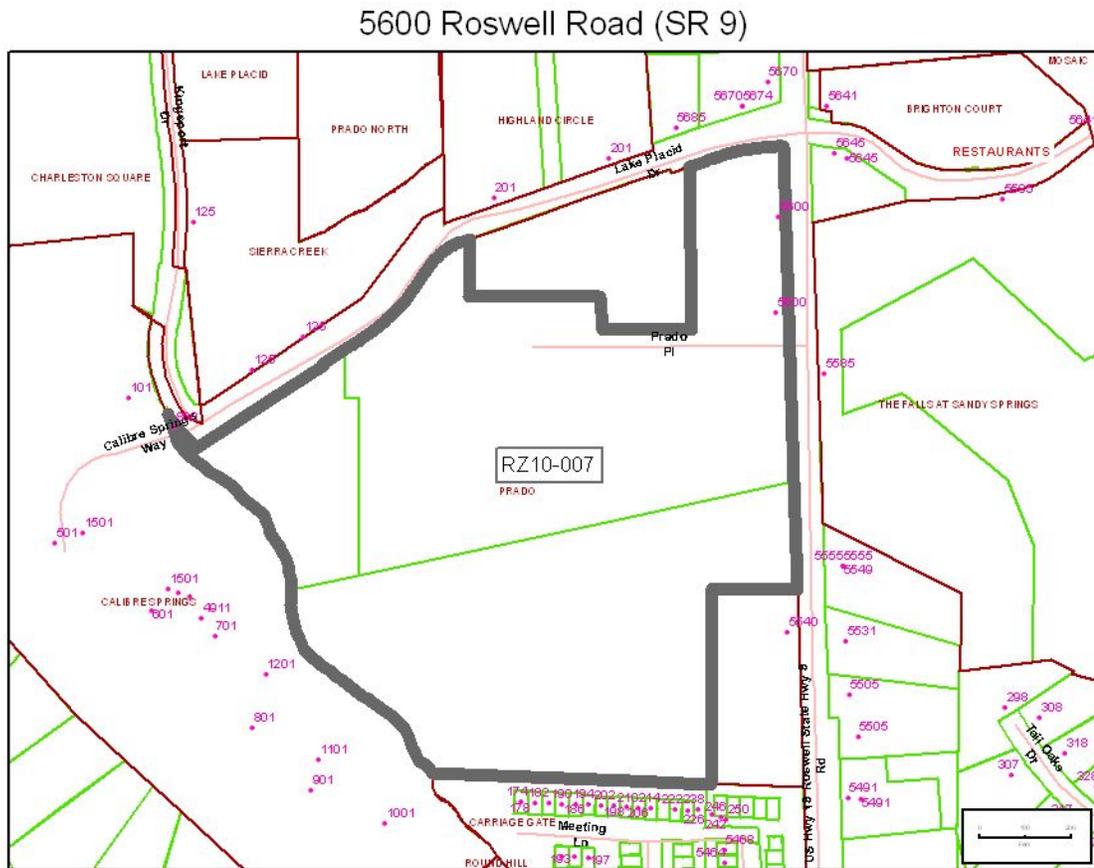
- #8 Variance from Section 18.2.1. of the Zoning Ordinance to allow less parking than normally required.

The Board endorsed the variance as presented. **ADMINISTRATIVELY WITHDRAWN**

PLANNING COMMISSION RECOMMENDATION

The petition was heard at the August 19, 2010 Planning Commission meeting. The Commission recommended approval subject to staff conditions amended as follows: 1) If so inclined, the applicant should request signage that would be an alternative to the variance request for allowing an additional monument sign having a sign area of 72 square feet and a height of 54 feet which was recommended for denial **ADMINISTRATIVELY WITHDRAWN**; 2) The internal lighting serving the proposed building shall comply with all required regulations prior to issuance of a Certificate of Occupancy subject to the approval of the Director of Community Development. Approved (5-0, Thatcher, Pond, Maziar, Rubenstein, and Tart for; Duncan not voting; Rupnow absent).

Location Map



BACKGROUND

The site is located at 5600 Roswell Road (SR 9) on the west side of the road at the intersection with Lake Placid Drive. The property is zoned C-1 (Community Business District) conditional under Fulton County zoning case Z05-0050, and Sandy Springs modification cases ZM06-010, ZM07-005, and ZM08-017. The property is located within the Main Street District of the Sandy Springs Overlay District.

The 2007 zoning modification (ZM07-005) was approved with Condition 2.a, an agreement to abide by the following:

“To the site plan received by the Department of Community Development on August 1, 2007...In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the site plan review procedure prior to application for a Land Disturbance Permit...”

Condition 3.m of the same set of conditions granted a second freestanding sign on Roswell Road and on Lake Placid Drive:

“To allow for an additional monument sign along the Roswell Road (SR9) frontage of the property and to allow for an additional monument sign along the Lake Placid Drive frontage of the property as shown on the site plan received by the Department of Community Development dated August 11, 2006 (CV06-027).”

The 2009 zoning modification (ZM08-017) was approved with Condition 2.a, an agreement to abide by the following:

“To the site plan received by the Department of Community Development on December 2, 2008. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit...”

Condition 3.m of the same set of conditions granted a second freestanding sign on Roswell Road and on Lake Placid Drive:

“To allow for two additional monument signs along the Roswell Road (SR 9) frontage of the property and to allow for an additional monument sign along the Lake Placid Drive frontage of the property as shown on the site plan received by the Department of Community Development dated December 2, 2008.(CV08-032).”

Condition 3.y & 3.z of the same set of conditions were added respectively as follows:

“To reduce the required forty foot (40’) front yard setback to vary according to the site plan for existing buildings submitted on December 2, 2008 on the main entry drive to the development which shall be designated a private road for the purpose of individual addressing for businesses located on that road (CV08-032).”

“To submit to the City of Sandy Springs a plat showing all property divisions, incorporating the new private road, and existing structures on the site, which shall be filed with the Fulton County Tax Assessor’s Office and recorded with the Clerk’s Office of the Superior Court of Fulton County.”

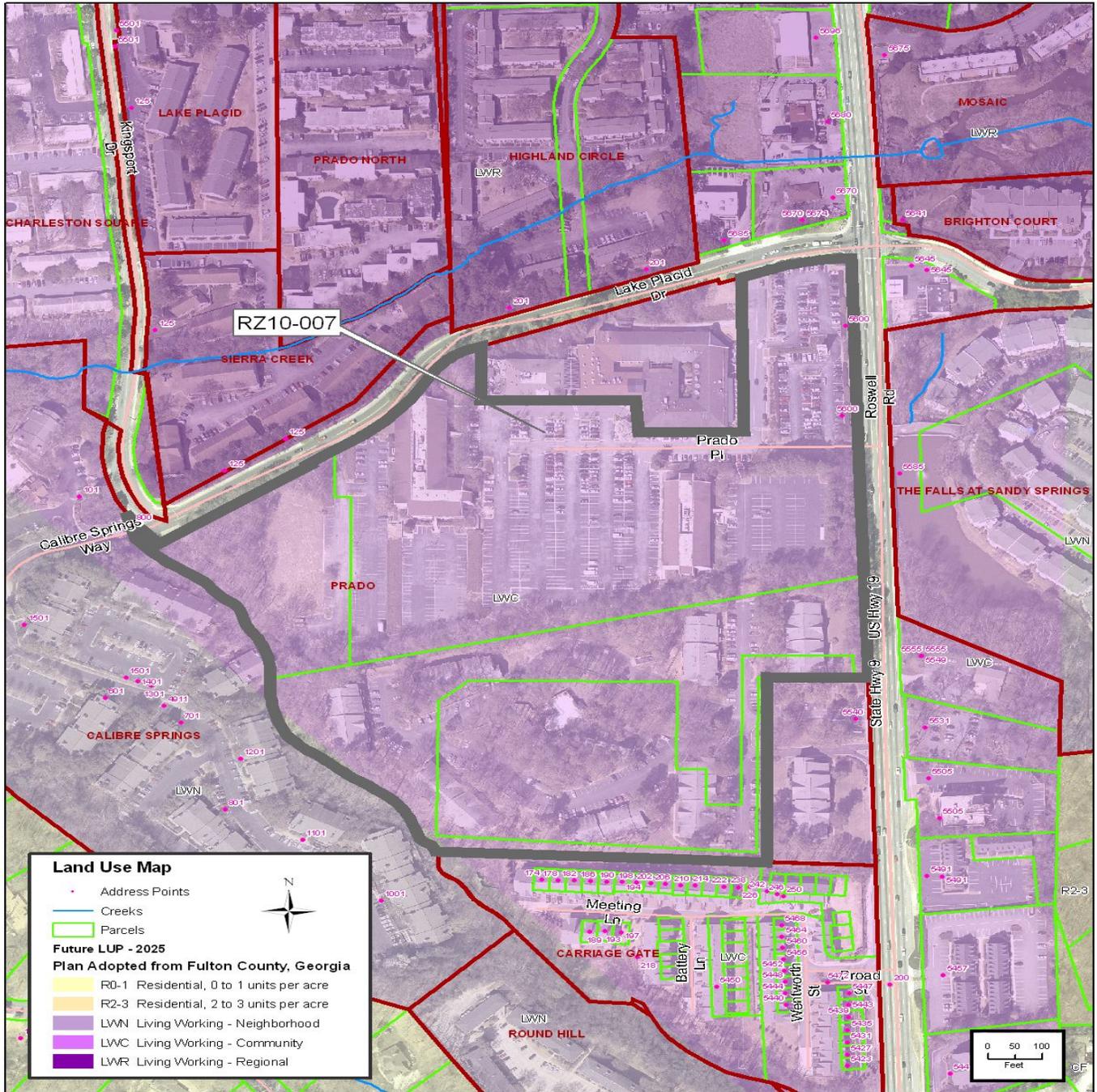
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION RZ10-007/CV10-010	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage	Density (Square Footage per Acre)
	C-1	Shopping Center	24.29	356,485 s.f.	14,676.20 s.f./acre

Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	C-1 1964Z-0025	International Skin & Haircare 5696 Roswell Rd.(SR 9)	.86	7,416 s.f. ±	8,623.25± s.f./ac
North	C-1 1964Z-0025	El Taco Veloz 5670 Roswell Road (SR 9)	.56	2,085 s.f. ±	3,723.21± s.f./ac
North	C-1 1964Z-0025	Il Forno's Pizza & Pasta 5680 Roswell Rd. (SR9)	1.46	8,036.8± s.f.	5,504.65± s.f./ac ±
North	C-1 1964Z-0025	Shell Foodmart 5700 Roswell Road (SR 9)	.52	1,431± s.f.	2,751.92± s.f./ac ±
Northeast	A-1 Z59-008	Mosaic Apartment Complex 5675 Roswell Road	39.74	504 Units	12.68 units/acre
East	A-1 1965Z-0070	The Falls at Sandy Springs 5555 Roswell Rd. (SR9)	8.05	308	38.26 du/ac
East	A-1 1959Z-0008	Brighton Court Condominiums 5641 Roswell Rd. (SR9)	2.46	47 units	19.1 du/ac
East	C-1 2003Z-0044	Roswell Food Mart 5645 Roswell Rd (SR9)	.53	2,800± s.f.	5,283± s.f./ac
South	T-R 1998Z-0086	Carriage Gate Townhomes	6.84	62 units	9.06 units/acre
Southwest	A 1986Z-0194	Calibre Springs Apartments	23.81	336 units	14.11 units/acre
Northwest	1964Z-0061	Sierra Creek Apartments 125 Kingsport Drive	4.05	35,100 s.f.	8,666 s.f./ac

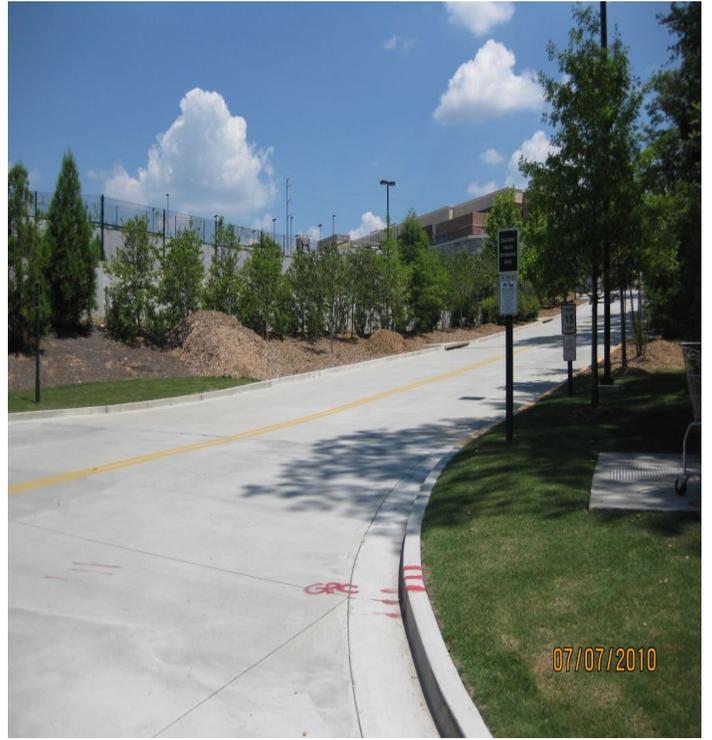
Future Land Use Map

5600 Roswell Road (SR9)





Lake Placid Rd. looking southwest



Target from Lake Placid Rd.



Target from Lake Placid Rd.



The subject property looking east



Lake Placid Rd. looking northeast



Lake Placid Rd. looking northeast



The subject property looking southeast



Building site looking south toward Target



Building site looking southwest



Building site looking southwest



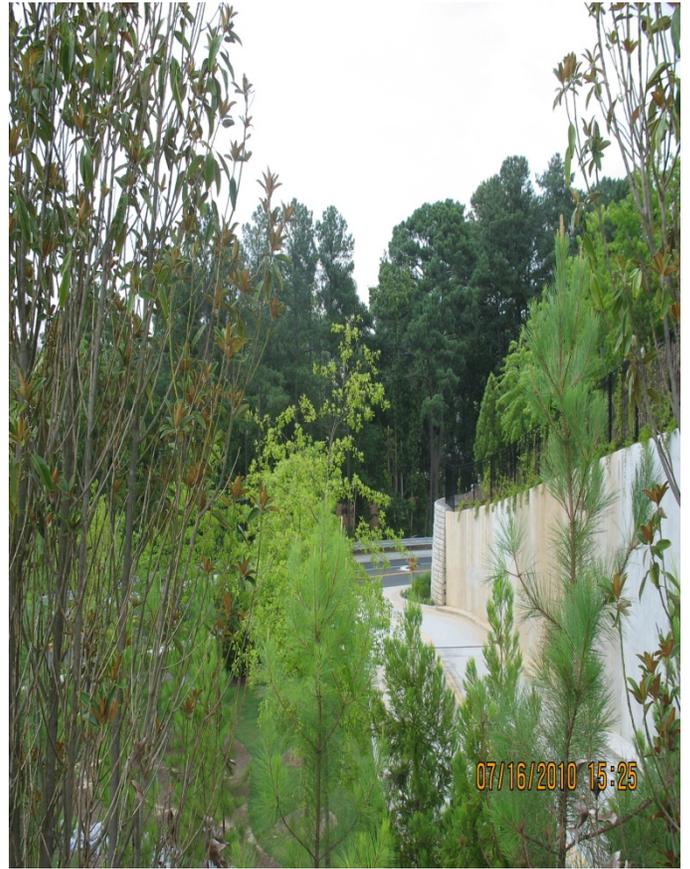
Building site looking west



Building site looking west



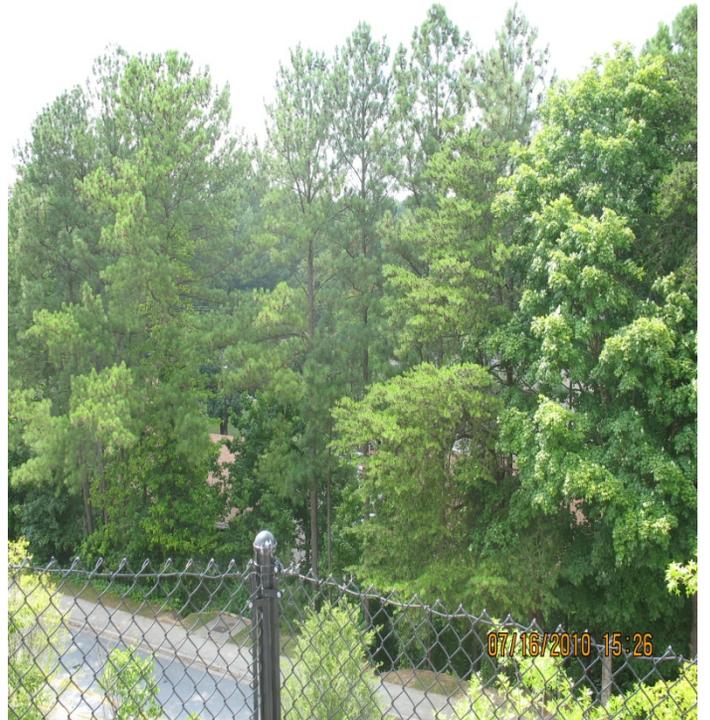
Building site looking northwest



Building site looking northwest



Highland Circle (Multi-family subdivision, looking north)



Sierra Creek (Multi-family subdivision, looking northwest)



Calibre Springs (Multi-family subdivision, looking west)

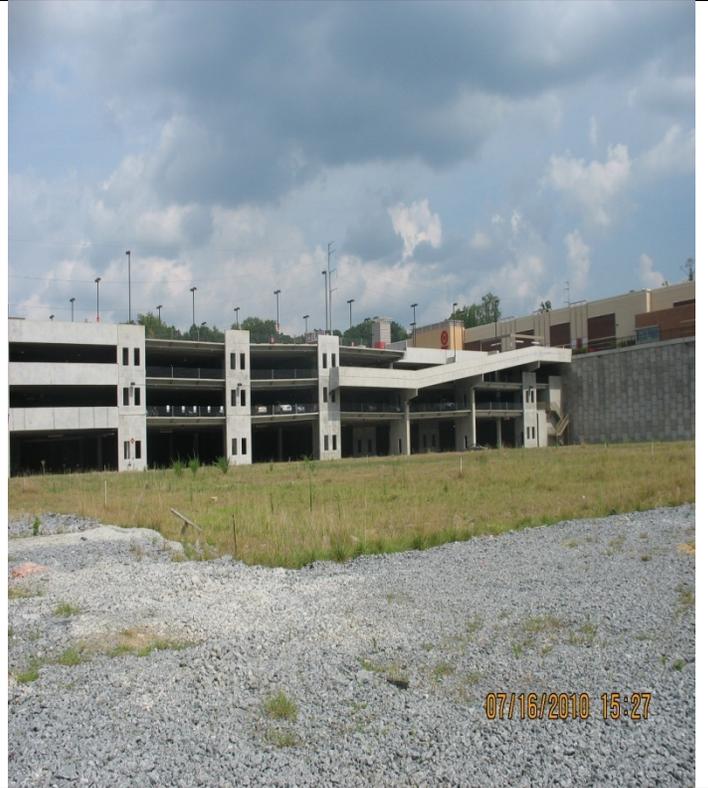


Calibre Springs (Multi-family subdivision, looking southwest)

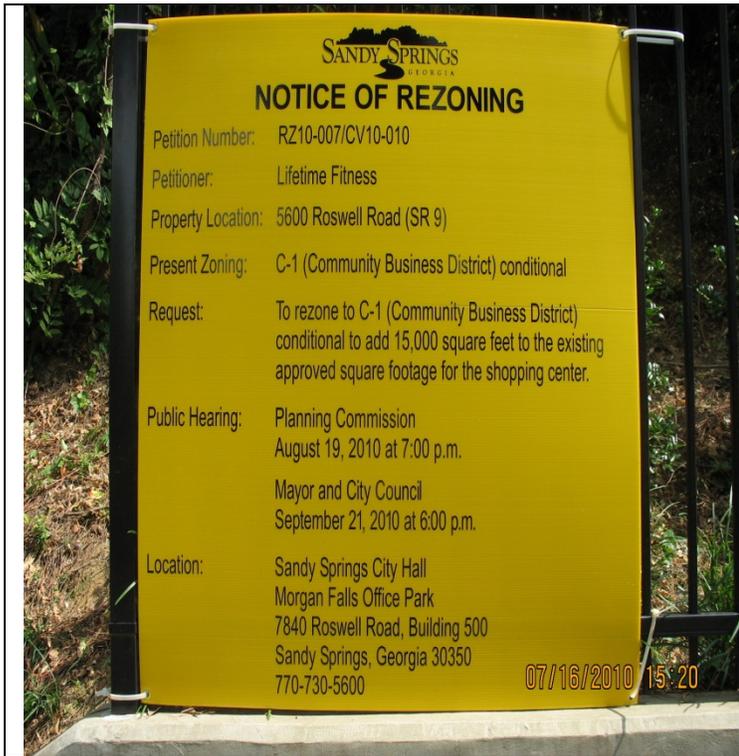


Sign

Calibre Springs (Multi-family subdivision, looking southwest)



Building site looking southeast, toward Target



Sign



Sign

SITE PLAN ANALYSIS

The site plan submitted shows the existing Prado Shopping Center and the proposed Lifetime Fitness. The site plan indicates a previously approved gross square footage of 341,485 s.f., and shows the proposed increased gross square footage (with the inclusion of Lifetime Fitness) to 356,485 s.f. Additionally, it shows a previously approved open space of 167,270 square feet (3.84 acres or 15.8%), and it shows the proposed increase in open space, as Lifetime Fitness is designed, to 171,191 square feet (3.93 acres or 16.2%).

PARKING

After utilizing the Shared Parking regulation, Section 18.2.1, *Basic Off-street Parking Requirements*, requires a minimum amount of 2,051 parking spaces for overall project where a minimum of 1,793 spaces are provided.

LANDSCAPE PLAN ANALYSIS

The applicant has provided Development Statistics as follows:

- Under ZM08-017, the intended overall Open Space was 167,270 square feet (3.84 acres/15.8%)
- The proposed overall Open Space with Lifetime Fitness is 171,191 square feet (3.93 acres/16.2%)

ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The reporting on all items of the analysis stated either positive, minimal, or no environmental issues, with the exception of the following: There are slopes exceeding 25% and there is a stream located along the southwest property line. The report, in its entirety, is within the case file as a matter of record.

DEPARTMENT COMMENTS

The staff held a Focus Meeting on July 7, 2010 at which the following departmental comments were provided:

BUILDING & DEVELOPMENT DIVISION	Sandy Springs Building Officer and/or ADA Compliance Officer	<ul style="list-style-type: none"> ▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Chief Engineer	<ul style="list-style-type: none"> ▪ There are no Site Development requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/Arborist	<ul style="list-style-type: none"> ▪ If the MCC chooses to approve the rezoning and concurrent variances a condition could be added that the deleted parking lot shade trees be planted in an alternate location that will shade the parking lot.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	<ul style="list-style-type: none"> ▪ No Fire Dept. comments need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	<ul style="list-style-type: none"> ▪ Please carry forward all previous Public Works and transportation related conditions.
	Georgia Department of Transportation	<ul style="list-style-type: none"> ▪ There are no GDOT requirements that need to be addressed at this time.

The staff has not received any additional comments from the Fulton County Board of Education.

PUBLIC INVOLVEMENT

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held June 22, 2010 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held July 29, 2010 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held August 12, 2010 at the Sandy Springs City Hall

Public Comments (no attached letters)

The applicant has met with the concerned neighbors on four separate occasions. The first meeting with Patty Berkovitz and Mark Sampl occurred on June 22, 2010. The second meeting with Patty Berkovitz, Mark Sampl and Susan Yeosock occurred on July 8, 2010 with Brian Snelling (Sembler), Pete Hendricks (Counsel) and Parham Javahari (Life Time Fitness) representing the applicant at those meetings. A Community/Developer Resolution Meeting held on July 29, 2010. And another Community/Developer Resolution Meeting held on August 12, 2010.

Community input includes the following:

1. Rework the architecture on the west (rear) building elevation. Request to add articulation to rear elevation. Request to limit the frosted glass or Kalwall panels.

Life Time Fitness has revised the west elevation to include additional pilasters, articulation, and limestone material. Other than what is shown on the elevation drawings, the applicant has proffered that no additional frosted glass or Kalwall panels will be added to the west and south facade. The aforementioned concern(s) have been addressed in the staff recommended condition(s) 2.e.

2. Concern regarding additional 18 parking spaces requested in the southwestern paved area that was to be utilized as the Home Depot truck turn radius. Concerned neighbors have requested this impervious area not be used for parking and that it be replaced with a landscape island having a large shade tree (perhaps a Live oak).

Life Time Fitness has confirmed that while they would like to have these spaces as an accommodation to its Members, they would leave the issue of these spaces open for final determination by the Mayor and City Council. The applicant has attempted to find common ground with the neighbors by adhering to the Design Review Board's recommendation and revising this proposed southwestern parking area with a focus on creating a substantial pervious area (landscape island) where trees would be planted to shade not only the proposed parking area but to screen the southern and southwestern elevations. In revising this proposed southwestern parking area, the applicant has reduced the amount of requested spaces from 18 to 12. The aforementioned concern(s) have been addressed in the staff recommended condition(s) 2.b.

3. For Anchor B, a request to have all exterior lighting, including security lighting, be compatible with what was previously agreed to for the balance of the development and that same will be downward with full cut off shields.

Life Time Fitness has confirmed that the exterior light fixtures will be compatible with previously approved fixtures and that lighting in the pool area will be at a security level at night as the pool is used in the daytime only (dawn to dusk). For Anchor B, exterior lighting (including security lighting) concerns for this project have been addressed in the staff recommended condition(s) 2.f. and 2.g.

4. Concern regarding water quality on the site, specifically as it relates to the additional parking spaces in the paved area that was to be utilized as front sidewalk and truck turn radius for the Home Depot.

Sembler has provided a letter from the Engineer of Record regarding water quality. This letter states that the proposed Life Time Fitness represents several benefits to the overall development that Home Depot did not offer from a water quality standpoint. Additionally, the City Chief Engineer has provided a report (see attached) for the overall shopping center's drainage and operation of the existing detention/retention facility with consideration to development of Anchor B with the proposed Lifetime Fitness or Home Depot.

5. Concern over interior lighting, and the request for shades or blinds on the south and west elevation windows to shield light at night.

Life Time Fitness has confirmed that it will be a 24/7 operation with, as a matter of policy, no blinds or shades being used. All interior lighting will meet or exceed the pertinent regulations. No light fixtures will be directed at windows. The visible light will be no different than any other building. The aforementioned concern(s) have been addressed in the staff recommended condition(s) 2.b. and 2.h.

6. Request was made to use pool pavers for the pool deck surface and that landscaping be used to shield the pool from public view.

Life Time Fitness prototypically uses pool pavers and is currently working with Staff and Fulton County Health Department for approval to use its prototype pool pavers which have been denied by Fulton County in the past. Life Time Fitness also provides landscaping and fencing around the pool area as part of their prototypical construction.

7. Concern over the stability of the two retaining walls between Pad B and the detention pond given the increase of the building square footage.

Sembler has provided a letter from the structural engineer stating that if the proposed structure remains 23' from the retaining wall it will not be located within the zone of influence of the wall and therefore will have no effect from a structural perspective. Life Time Fitness has confirmed that their structure is beyond the 23' limit and has also confirmed altering their typical construction methods to avoid the 23' zone of influence with cranes and heavy equipment during construction.

8. Concern over the proposed building's height (in relation to the finished floor elevation) being in accordance with the elevation drawings provided by the applicant.

The aforementioned concern(s) have been addressed in the staff recommended condition(s) 1.b.

9. Concern over shade trees being planted in the proposed parking lot landscape islands.

These trees are required by Ordinance and the concern(s) have been addressed in the staff recommended condition(s) 2.b. and 5.h.

10. Concern over delivery hours for Anchor B being limited to weekdays and Saturdays.

The aforementioned concern(s) have been addressed in the staff recommended condition(s) 3.g.

11. Concern over the quantity of proposed signage for the Lifetime Fitness.

The variance request to allow an additional monument sign (located internal to the development) having a sign area of 72 square feet and a height of 54 feet has been **ADMINISTRATIVELY WITHDRAWN**.

Notice Requirements

The petition was advertised in the Daily Report on August 12, 2010 and August 26, 2010. The applicant posted a sign issued by the Department of Community Development along the frontages Lake Placid Drive and Roswell Road on July 16, 2010.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant was required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on September 21, 2010. The Public Participation Report was submitted on or before September 14, 2010.

ZONING IMPACT ANALYSIS

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

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

Finding: The staff is of the opinion that the proposed uses are suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of: Multi-family (to the north, west, south, and east) and commercial (to the north and east). The proposal allows for a proper transition between these areas.

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

Finding: The staff is of the opinion that the proposal will not have an adverse impact on the use or usability of adjacent or nearby property.

C. *Whether the property to be affected by the zoning proposal may have reasonable economic use as currently zoned.*

Finding: The staff is of the opinion that the subject property has a reasonable economic use as currently zoned.

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

Finding: The staff is of the opinion that the proposal will not result in a use which will cause an excessive or burdensome use of the existing infrastructure.

E. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.*

Finding: The staff is of the opinion that the proposed use is consistent with the Future Land Use Map, which designates the property as Living-Working Community (LWC), Node 4: Roswell Road from Lake Placid to Glenridge Drive. The applicant is proposing to allow for a use consistent with C-1 zoning. The proposed density for the subject parcel is 14,676.20 square feet per acre. The LWC land use designation recommends: a density of up to 25,000 square feet per acre for commercial and office uses, a 100,000 square foot/tenant limitation, and a 15 % minimum of Open and Green Space Components (10% must be G.S. and 5% may be O.S.). The proposal lends itself to the overall intent of the LWC designated areas that are intended for medium density mixed land uses (residential and commercial) intended to serve a group of adjacent neighborhoods and to be compatible with low and medium density residential neighborhoods. The subject site is located in Living Working Node 4 at Roswell Road from Lake Placid to Glenridge Drive. The vision of Node 4 includes less intense commercial uses with limited access to Roswell Road. The guidelines and policies of Node 4 recommend: up to 20 residential units per acre and a four (4) story building height limitation.

F. *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.*

Finding: The staff is of the opinion that there are no existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant’s proposal.

G. *Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.*

Finding: The staff is of the opinion that the proposal will not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs.

VARIANCE CONSIDERATIONS

Article 22 of the Zoning Ordinance indicates the following are considerations in granting variances, of which only one has to be proven:

- A. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,*
- B. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,*
- C. *Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.*

The applicant is requesting eight (8) concurrent variances as follows:

- 1. Variance from Section 12B.5.C.1. of the Zoning Ordinance to allow accessory structures to be located in a yard adjacent to a public street.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

*The proposed pool and bistro structure would be completely buffered from Lake placid Drive. The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public. Therefore, based on these reasons, the staff recommends **APPROVAL** of the variance to allow accessory structures to be located in a yard adjacent to a public street.*

- 2. Variance from Section 12B.5.D.4. of the Zoning Ordinance to allow a fence to be non-opaque when the back of the building is visible to a public street.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

*The proposed pool fence will be landscaped to create a situation similar to opaqueness in that the fence and pool area will privacy screened. The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public. Therefore, based on these reasons, the staff recommends **APPROVAL** of the variance to delete the parking lot landscaping requirements.*

- 3. Variance from Section 12B.5.H. of the Zoning Ordinance to allow opaque glass on the first floor of the building to be built upon Anchor B Pad as shown on the Site Plan for screening of the interior uses of massage treatment, kitchen and pool storage areas.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

The proposed frosted glass will provide natural lighting and either create privacy for customers of Lifetime Fitness or prevent the public from seeing interior areas such as storage. The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public. Therefore, based on these reasons, the staff recommends APPROVAL of the variance to allow opaque glass on the first floor of the building to be built upon Anchor B Pad as shown on the Site Plan for screening of the interior uses of massage treatment, kitchen and pool storage areas.

4. Variance from Section 4.23.2 of the Zoning Ordinance to delete the parking lot landscaping requirements.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

The applicant intends to increase the Open Space originally approved and staff recommended condition 5.u. would provide for addition tree planting to serve the intent of parking lot landscaping. Additionally, Staff notes a previously granted concurrent variance under the original zoning case (Z05-050) allowed complete relief from the parking lot landscaping requirement. The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public. Therefore, based on these reasons, the staff recommends APPROVAL of the variance to delete the parking lot landscaping requirements.

5. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

The applicant intends to increase the Open Space originally approved and staff recommended condition 5.u. would provide for addition tree planting to serve the intent of parking lot landscaping. Additionally, Staff notes a previously granted concurrent variance under the original zoning case (Z05-050) allowed complete relief from the parking lot landscaping requirement. The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public. Therefore, based on these reasons, the staff recommends APPROVAL of the variance to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots.

6. Variance from Section 18.2.1. of the Zoning Ordinance to allow no less than 1,793 parking spaces where 2,051 parking spaces are required.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

As with the original Home Depot project (Retail Establishment parking use group), the Lifetime Fitness project (Indoor Recreational Facility parking use group) requires 5 spaces per 1000 square feet, and under zoning case Z05-005, a concurrent variance was granted to allow no less than 1,333 parking spaces.

Staff notes that Lifetime Fitness is requesting an additional 15,000 square feet over the building area approved for the originally anticipated Home Depot. At 5 spaces per 1000 square feet, the proposed Lifetime Fitness would technically require 75 more spaces than the Home Depot. The current proposed site plan indicates that 1,683 spaces are existing and it indicates that with the proposed Lifetime Fitness, the intent is to increase the parking by a maximum of 128, which is 53 spaces over the 75 spaces technically required for the additional 15,000 square feet over the building area approved for the originally anticipated Home Depot. The applicant is proposing a maximum total of 1,811 spaces.

In light of the previously approved parking variance and in light of the applicant's intent to increase parking to provide a quantity of spaces closer to the required amount of 2,051, the staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public. Therefore, based on these reasons, the staff recommends **APPROVAL** of the variance to allow no less than 1,793 parking spaces where 2,051 parking spaces are required.

- 7. Variance from Section 33.26.H.2.a. of the Zoning Ordinance to allow two (2) wall signs to be located on a non-street facing wall which is the east elevation of the building to be built upon Anchor B Pad.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

The applicant proposes to install two (2) wall signs on the east elevation of the building. The east elevation is not a street facing wall; therefore signs on this wall require a variance. The proposed wall signs on the East elevation of the building are intended to provide visibility to Anchor B from all levels of the parking deck. Anchor Pad B is located approximately 50 feet lower than the finished floor of the adjacent Target building and the parking deck and approximately 15 feet below the Prado Place finished grade which is the main Street to the development. One wall sign is to be placed over an entrance portal where it will be readily seen from the interior of the parking structure. In addition, the applicant proposes to locate an additional wall sign at the upper corner of the east elevation which will be seen from the upper deck of the parking structure. The total proposed wall sign area for both signs on the east elevation is approximately 172.4 square feet and the signs will be halo lit. The east elevation contains a total of approximately 17,390.3 square feet. The ordinance allows 5% of the total wall area, or 180 square feet maximum.

Standards for considerations

Zoning Ordinance

Section 33.12.D. The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

- 1) *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The unique site layout, quantity of new and existing businesses and the vertical nature of this project, as dictated by the topography and existing natural features, create many challenges for using signage

effectively to promote vehicular and pedestrian awareness. Therefore, based on these reasons the staff is of the opinion this standard has been satisfied

- 2) *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Finding:

Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional and commercially reasonable level of signage for the business and would be in harmony with the intent of the zoning ordinance. Because the design of the development, with an integrated orientation of multiple retail buildings the ability to capture visibility and identification of the business is limited. Therefore, based on these reasons the staff is of the opinion this standard has been satisfied.

Therefore, based on these reasons, the staff recommends APPROVAL of the variance to allow two (2) wall signs to be located on a non-street facing wall which is the east elevation of the building to be built upon Anchor B Pad.

8. Variance from Section 33.26.H.1.c. of the Zoning Ordinance to allow an additional monument sign (located internal to the development) having a sign area of 72 square feet and a height of 54 feet.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

The proposed Identification monument sign is intended to add visibility to Anchor B. The applicant justifies this request as follows:

“Relief under this section is necessary to overcome the hardship unique to the building to be built upon Anchor Pad B of the property being at a grade well below the main street area of the overall development upon which Anchor Pad B is located and which Main Street area is the principal view corridor from Roswell Road for the building to be built upon Anchor Pad B. On further note is the fact that the building original projected to be built upon Anchor Pad B extended further north on Anchor Pad B and covered more impervious area. Home Depot as the party originally intended to be located in the original building configuration upon Anchor Pad B obtained a variance allowing substantially the same sign as being requested hereunder but due to the fact that the original building configuration extended further north on Anchor Pad B the tower upon which it was approved to be located extended from the top of the northeast corner of the building as opposed to the free standing tower structure proposed hereunder. Similarities and differences between the Home Depot sign and the one requested: 1) Both are 54square feet in eight, 2) The Home Depot tower is 19.5 feet by 19.5feet where as the tower being requested is 19.5feet along the east and west elevations and only eight (8) feet along the north and south elevations and 3) the total sign area approved for the Home Depot sign along the east elevation is 144 square feet whereas the total square footage being requested for the same east elevation is 72 square feet being one-half the Home Depot sign area”

Standards for considerations

Zoning Ordinance

Section 33.12.D. The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

- 1) *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The unique site layout, quantity of new and existing businesses and the vertical nature of this project, as dictated by the topography, create many challenges for using signage effectively. However, this development has two (2) Identification monuments on Roswell Road and two (2) Identification monuments on Lake Placid Road in addition to the way findings signs throughout the development. Anchor B will be identified on an Identification monument sign at the entrance on Lake Placid and on an Identification monument sign at one of the entrances on Roswell Road. Staff is of the opinion that Anchor B will be identified where the public will be well served having the ability to reasonably identify the location of Anchor B without obtaining a variance. *Therefore, staff is of the opinion this condition has not been satisfied.*

- 2) *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Finding:

Because the design of the development, with an integrated orientation of multiple retail buildings the ability to capture visibility and identification of the business is limited but does not preclude the applicant from having exposure from the two streets frontages that the development has access from. Anchor B qualifies for a wall sign on the north elevation and proposes to be on two (2) of the identification monuments that serve the development. The applicant proposes to add two (2) wall signs to the east elevation of the building to capture visibility from the east side of the development in addition to the exposure obtained by the way findings signs throughout the development. The applicant has not demonstrated a hardship to justify approval of this request. *Therefore, staff is of the opinion this condition has not been satisfied.*

*Therefore, based on these reasons, the staff recommends **DENIAL** of the variance to allow an additional monument sign (located internal to the development) having a sign area of 72 square feet and a height of 54 feet. **ADMINISTRATIVELY WITHDRAWN***

CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposal is in conformity with the intent of the Comprehensive Plan Policies, as the proposal involves a use and density that is consistent with abutting and nearby properties and provides appropriate transition. Therefore, based on these reasons, the staff recommends **APPROVAL** **CONDITIONAL** of this petition. The staff recommends DENIAL of the associated concurrent variance 8 **ADMINISTRATIVELY WITHDRAWN** and APPROVAL of the associated concurrent variances numbered 1, 2, 3, 4, 5, 6, and 7.

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional to add 15,000 square feet to the existing approved square footage for the shopping center, the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a total of 356,485 square feet over the 24.29 acre site, and including no more than one freestanding fast food restaurant with or without drive thru, a financial institution with a drive-thru and a drug store with a drive-thru. Convenience stores with gas pumps and commercial amusements are excluded.
 - b. Limit the height of the buildings to no more than 3 stories with structured parking up to 5 levels. From the finished floor elevation of approximately 946 feet, limit the proposed building for Anchor B to a maximum height of 70 feet, for a total elevation of no greater than 1,016 feet.

2. To the owner's agreement to abide by the following:
 - a. To the site plans received by the Department of Community Development on August 11, 2010 and June 7, 2010. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
 - b. To be in accordance with the screening/southwestern parking plan received by the Department of Community Development on August 17, 2010. Subject to the City Arborist's and to the Applicant's Landscape Architect's field approval, said screening/southwestern parking plan shall indicate the following: 1) Landscape material planted adjacent to the proposed Anchor B building and at the perimeter of the subject property to screen the proposed building's elevations and interior lighting from the adjacent residential properties to the west and south; 2) Substantial pervious areas (parking landscape islands) in the proposed southwestern parking area for the installation of trees to shade the twelve (12) spaces and to screen the southern and southwestern elevations of the proposed building; 3) Two (2) levels of landscape screening where the 1st tier shall consist of an appropriate quantity of evergreens (*Loblolly Pine, Pinus taeda*) planted at the largest available size suitable for the conditions.
 - c. To be substantially in accordance with the Landscape Plan known as (Exhibit B) along the south property line adjacent to Carriage Gate submitted the Department of Community Development on August 11, 2006.

- d. The proposed construction on “Anchor B” shall be substantially in accordance with the material board, sign plan package, building elevation drawings, and renderings received by the Department of Community Development on August 10, 2010.
 - e. Subject to the approval of the Director of Community Development and where feasible and aesthetically pleasing for the Lifetime Fitness concept, to be in accordance with the revised western (rear) elevation drawing, received by the Department of Community Development on August 10, 2010, for Anchor B showing additional pilasters and articulation along the rear of the building having the extension of limestone material vertically along the pilasters. Additionally, the top band of glass block on the west and south elevations shall be in accordance with the building elevation drawings and renderings received by the Department of Community Development on August 10, 2010 and shall be frosted glass having a translucent wall panel (Kalwall - as seen on material board received by the Department of Community Development on August 10, 2010.). No additional frosted glass or Kalwall panels shall be added to the west and south facade.
 - f. The daily operation of the proposed pool for Anchor B shall be limited to the hours between dawn to dusk. The exterior lighting of the proposed pool shall be limited to **first floor level** security lighting in accordance and compatible with previously proffered and approved lighting for the overall shopping center having downward facing fixtures and full cut off shields subject to the approval of the Director of Community Development. The owner shall install landscape plantings around the pool area to screen it from neighboring properties as approved by the City Arborist.
 - g. The proposed project for “Anchor B” shall have exterior lighting in accordance and compatible with previously proffered and approved lighting for the overall shopping center having downward facing fixtures and full cut off shields as approved by the Director of Community Development. **All security lighting serving the proposed Anchor B development shall be restricted to the first floor level(s) and shall be shielded subject to the approval of the Director of Community Development.**
 - h. **Subject to the approval of the Director of Community Development, all** interior lighting of the proposed building for Anchor B shall **meet or exceed** the applicable regulations and will result in zero (0) foot candles at the perimeter property line(s).
3. To the owner's agreement to the following site development considerations:
- a. No more than two (2) exits/entrances on Roswell Road (SR 9). Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
 - b. No more than three (3) exits/entrances on Lake Placid Drive. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
 - c. Allow shared parking pursuant to Article 18.2.2.
 - d. Provide streetscape standards consistent with the Main Street district in the Sandy Springs Overlay District along Roswell Road (SR 9) and along the main boulevard of the project as shown on the site plan received by the Department of Community Development dated August 11, 2006.
 - e. Provide a 10-foot front yard along Lake Placid Drive. (2005VC-0105 NFC, Part 1)

- f. Provide a forty-five (45) foot landscape strip planted to buffer standards along the south property line of the overall Prado development adjacent to the Carriage Gate townhomes. (2005VC- 0105 NFC, Part 2) Prior to the issuance of a Land Disturbance Permit the owner/developer shall submit a landscape plan to the Department of Community Development. Said landscape plan shall be subject to the approval of the Sandy Springs Arborist.
- g. Delivery hours for Anchor A as shown on the site plan referenced in condition 2.a. shall be 7:00 a.m. to 10:00 p.m. Monday through Friday and 9:00 a.m. to 8:00 p.m. Saturday and Sunday. **For Anchor B, there shall be no delivery hours on Sundays.**
- h. No dumpsters shall be allowed within the area between the southern property line and rear wall of Anchor A and Anchor B retail stores as shown on the site plan referenced in condition 2.a.
- i. The south wall of Anchor A retail store as shown on the site plan referenced in condition 2.a. shall be comprised of masonry material.
- j. The exterior lighting for the Anchor A and Anchor B retail stores as shown on the site plan referenced in condition 2.a. adjacent to Carriage Gate along the south property line shall be placed on the retaining wall to the south of the building facing the Anchor A and Anchor B buildings and not on the roof of the Anchor A building.
- k. To allow for two additional monument signs along the Roswell Road (SR 9) frontage of the property and to allow for an additional monument sign along the Lake Placid Drive frontage of the property as shown on the site plan received by the Department of Community Development dated December 2, 2008.(CV08-032).
- l. To allow for an encroachment into the twenty-five (25) foot impervious setback of the required stream buffer along the west side of the property as shown on the site plan received by the Department of Community Development dated August 11, 2006 (CV06-027).
- m. To delete the required five (5) foot landscape strip along all property lines between the "Anchor A Tract" and the remainder of the subject site as shown on the site plan received by the Department of Community Development dated August 11, 2006 (CV06-027).
- n. To delete the required twenty-five (25) foot building setback along the south property line for the "Anchor A Tract" as shown on the site plan received by the Department of Community Development dated August 11, 2006 (CV06-027).
- o. Variance from Section 12B.5.C.1. of the Zoning Ordinance to allow accessory structures to be located in a yard adjacent to a public street (CV10-010).
- p. Variance from Section 12B.5.D.4. of the Zoning Ordinance to allow a fence to be non-opaque when the back of the building is visible to a public street (CV10-010).
- q. Variance from Section 12B.5.H. of the Zoning Ordinance to allow opaque glass on the first floor of the building to be built upon Anchor B Pad as shown on the Site Plan for screening of the interior uses of massage treatment, kitchen and pool storage areas (CV10-010).

- r. Variance from Section 4.23.2 of the Zoning Ordinance to reduce the parking lot landscaping requirements between the front of the proposed Anchor B building and the existing parking deck. (CV10-010).
 - s. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots between the front of the proposed Anchor B building and the existing parking deck. (CV10-010).
 - t. Variance from Section 18.2.1. of the Zoning Ordinance to allow no less than 1,793 parking spaces where 2,051 parking spaces are required (CV10-010).
 - u. Variance from Section 33.26.H.2.a. of the Zoning Ordinance to allow two (2) wall signs to be located on a non-street facing wall which is the east elevation of the building to be built upon Anchor B Pad. All signs shall be installed substantially in accordance with signs shown in the sign plan package, building elevation drawings, and renderings received by the Department of Community Development on August 10, 2010. (CV10-010).
 - v. The owner/developer shall implement a program to ensure that all shopping carts for the businesses at the shopping center remain on the subject property at all times. Documentation of said program shall be submitted to the Department of Community Development prior to the issuance of the first Certificate of Occupancy and shall be subject to the approval of the Director of Community Development.
 - w. To reduce the required forty foot (40') front yard setback to vary according to the site plan for existing buildings submitted on December 2, 2008 on the main entry drive to the development which shall be designated a private road for the purpose of individual addressing for businesses located on that road (CV08-032).
 - x. To submit to the City of Sandy Springs a plat showing all property divisions, incorporating the new private road, and existing structures on the site, which shall be filed with the Fulton County Tax Assessor's Office and recorded with the Clerk's Office of the Superior Court of Fulton County.
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
- a. Dedicate at no cost to Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:
 - 50 feet from the centerline of Roswell Road (SR 9) or as may be required by the Georgia Department of Transportation.
 - 30 feet from the centerline of Lake Placid Drive
 - b. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development at the Land Disturbance permit phase.

- c. The developer shall be responsible for complying with the requirements of the document entitled "Fulton County Driveway Manual" adopted by the Fulton County Board of Commissioners on May 18, 2005.
5. To the owner's agreement to abide by the following:
- a. Prior to submitting the application for a (LDP) with the Department of Community Development, Development Review Division, arrange to meet with the Sandy Springs Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - b. Where paved parking areas (including access aisles) are proposed to exceed 5,000 square feet, the storm water management facilities shall be designed to reduce pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A general description, or concept, of the storm water management facilities proposed to achieve the removal of such pollutants shall be submitted with the Storm Water Concept Plan. A detailed design of such facilities shall be included in applicable documents for a land disturbance permit.
 - c. The owner/developer shall develop the property in accordance with the detailed streetscape amenities plan as submitted at the October 3, 2006 Mayor and City Council hearing.
 - d. The filtering system installed at the outfall from the detention pond shall be selected on its ability to concentrate the removal of oils and petrochemical pollutants. Said system shall be maintained two (2) times yearly with records available for inspection.
 - e. The filtering system shall be selected for its sensitivity to nitrates, phosphates, and other chemicals that might be used in a gardening or agricultural environment and shall be placed specific to the possible gardening center.
 - f. The owner/developer shall provide trench drains with grates to be installed across the roadways at every other catch basin on all interior roads with downhill slopes. The interior roads with downhill slopes, as identified on the site plan received by the Department of Community Development received August 11, 2006, are as follows:

Road A (Service Drive)
Road B (Internal Road Parallel to Roswell Road [SR 9])
 - g. To allow the proposed "Anchor C" building to encroach into the required ten (10) foot landscape strip along the east property line as shown on the site plan received by the Department of Community Development on August 1, 2007 (CV07-018).
 - h. For Anchor B, all the parking lot landscape islands indicated on the proposed site plan(s) shall meet or exceed the requirements of the Tree Conservation Ordinance, subject to the approval of the City Arborist.

Attachments

Site Plans, Date Received August 11, 2010 and June 7, 2010

Material board, sign plan package, building elevation drawings, and renderings received by the Department of Community Development on August 10, 2010.

Screening/Southwestern Parking Plan received by the Department of Community Development on August 17, 2010.

Letter of Intent, Date Received June 1, 2010

First Amendment to Application received July 23, 2010

Supporting Documents received July 23, 2010

Letter Fulton County Dept. of Health Services received July 14, 2010

Letters of Support received August, 19, 2010 and August 25, 2010

City of Atlanta Dept. of Water Shed Management received August 18, 2010

City of Sandy Springs Engineer Report dated August 30, 2010

Watershed Alliance Letter received September 7, 2010

Attachments

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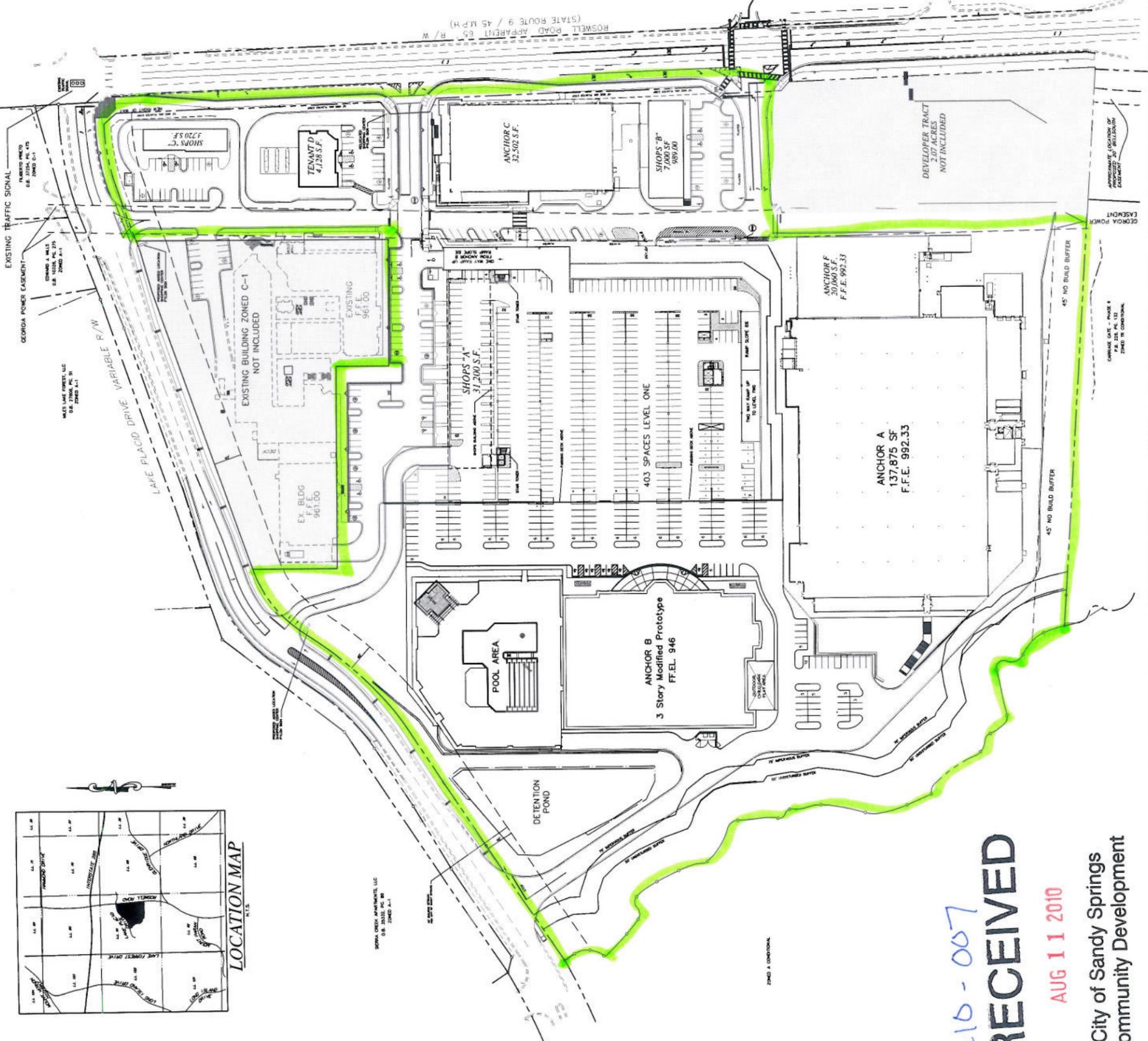
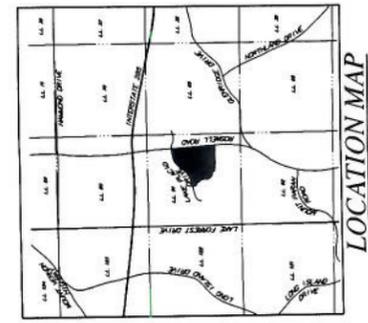
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SITE ANALYSIS AND PARKING DATA

EXISTING ZONING PLAN		PROPOSED ZONING PLAN	
ANCHOR A	137,875	ANCHOR A	137,875
ANCHOR B	105,000	ANCHOR B	120,000
ANCHOR C W/MEZZ.	32,502	ANCHOR C W/MEZZ.	32,502
ANCHOR F	20,060	ANCHOR F	20,060
SHOPS BUILDING A	31,200	SHOPS BUILDING A	31,200
SHOPS BUILDING B	7,000	SHOPS BUILDING B	7,000
SHOPS BUILDING C	3,720	SHOPS BUILDING C	3,720
BANK	4,128	BANK	4,128
TOTAL	341,485	TOTAL	356,485

EXISTING ZONING PARKING PLAN	
RETAIL SPACE (S.F.) ESTIMATED	331,683
OFFICE SPACE (S.F.) ESTIMATED	16,402
RESTAURANT SPACE (S.F.) ESTIMATED	25,900
TOTAL S.F. PERMITTED THRU PREVIOUS ZONING	373,985
PARKING PROVIDED PER PREVIOUS PARKING VARIANCE	1683 SPACES

PROPOSED ZONING PARKING PLAN	
RETAIL SPACE (S.F.)	197,555
OFFICE SPACE (S.F.) ESTIMATED	15,740
RESTAURANT SPACE (S.F.) ESTIMATED	25,900
ENTERTAINMENT/RECREATIONAL	117,162
BANK	4,128
TOTAL S.F. PROPOSED PER MODIFICATION	360,485
TOTAL GROSS PARKING PROVIDED	1793 SPACES
SPACES REQUIRED (SHARED PARKING EASEMENT)	2051 SPACES
PARKING VARIANCE IS REQUIRED	258 SPACES

SHARED PARKING REQUIREMENT			
WEEKDAYS 6AM - 5PM	% VOL	WEEKENDS 5PM - 1AM	% VOL
RETAIL	592.67	60%	889
OFFICE	47.22	100%	4.72
RESTAURANT	29.50	50%	259
ENTERTAIN/RECRE	234.32	40%	585.81
EXISTING EASEMENT	292	100%	292
TOTAL	1,295.71		2,030.53

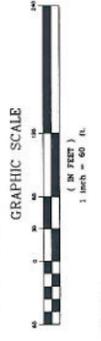
SHARED PARKING REQUIREMENT			
WEEKDAYS 6AM - 5PM	% VOL	WEEKENDS 5PM - 1AM	% VOL
RETAIL	987.78	100%	987.78
OFFICE	4.72	10%	2.36
RESTAURANT	259	100%	259
ENTERTAIN/RECRE	468.65	80%	374.92
EXISTING EASEMENT	292	100%	292
TOTAL	2,012.15		1,830.61

SHARED PARKING REQUIREMENT CALCULATION
 197,555 S.F. RETAIL @ 5/1000 = 987.78 SPACES
 15,740 S.F. OFFICE @ 3/1000 = 47.22 SPACES
 25,900 RESTAURANT @ 10/1000 = 259 SPACES
 117,162 S.F. ENTERTAINMENT/RECREATIONAL @ 5/1000 = 585.81 SPACES
 4,128 S.F. BANK @ 5/1000 = 20.5 SPACES
REQUIRED PARKING 2,030.53 SPACES + BANK 20.5 SPACES = 2,051.03 SPACES

OTHER		OFFICE	
S.F.	% VOL	S.F.	% VOL
BANK	4,128	ANCHOR A	5,200
ENTERTAINMENT/RECREATION	117,162	ANCHOR B	2,838
ANCHOR B	117,162	ANCHOR C	3,702
RETAIL	132,675	SHOPS BUILDING A	1,000
ANCHOR A	132,675	RESTAURANT	15,740
ANCHOR C W/O MEZZ.	28,800	SHOPS BUILDING A	15,000
ANCHOR F	20,060	SHOPS BUILDING B	5,100
SHOPS BUILDING A	20,060	SHOPS BUILDING C	1,800
SHOPS BUILDING B	12,200	OUTDOOR SEATING	4,000
SHOPS BUILDING C	1,920	TOTAL RESTAURANT	25,900
TOTAL RETAIL	197,555	GROSS TOTAL	360,485

SITE ANALYSIS DATA	
TOTAL SQUARE FOOTAGE PREVIOUS ZONING MODIFICATION 24.29 AC. SITE	341,485 S.F.
TOTAL SQUARE FOOTAGE PROPOSED ZONING 24.29 AC. SITE	356,485 S.F.
TOTAL OPEN SPACE PREVIOUS ZONING MODIFICATION (24.29 AC. SITE)	3.84 AC. / 15.8%
TOTAL OPEN SPACE PROPOSED ZONING (24.29 AC. SITE)	3.93 AC. / 16.2%

ZONING EXHIBIT



Z-1
SHEET NUMBER

THE PRADO REDEVELOPMENT

HAINES, GIPSON & ASSOCIATES, INC.
 CONSULTING ENGINEERS
 1550 NORTH BROWN ROAD, SUITE 100
 LAWRENCEVILLE, GEORGIA 30043
 770-491-7550 FAX 770-491-7750

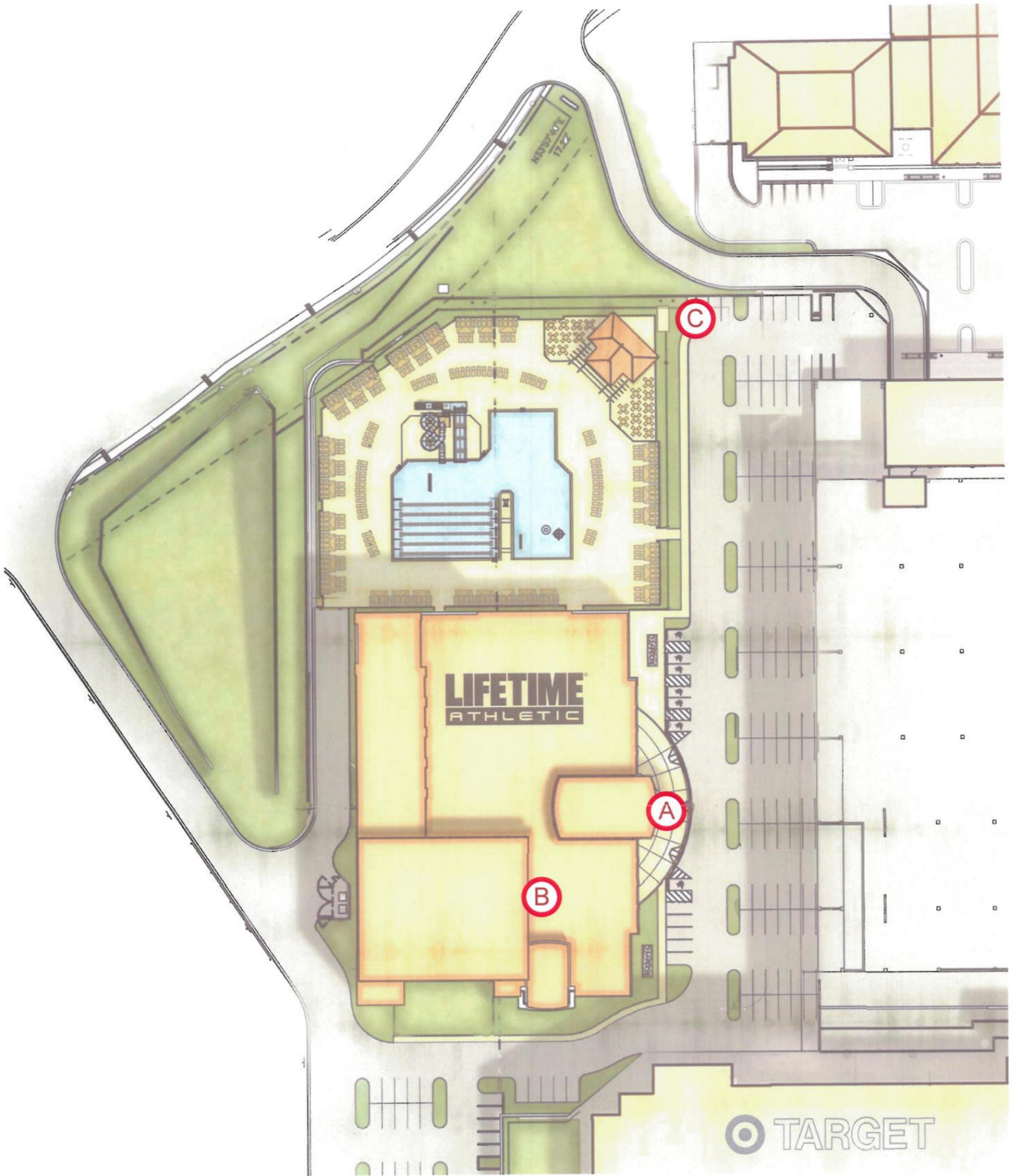
5600 ROSWELL ROAD, SANDY SPRINGS, GEORGIA 30342
 LAND LOT 91, DISTRICT 12
 DEVELOPER: SEMBLER COMMUNITY DEVELOPMENT
 6100 ROSWELL ROAD, SANDY SPRINGS, GEORGIA 30342
 CONTACT: SCOTT MCLEANE (404) 847-1800

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210-007



Sign Plan n.t.s.

- A** 86.2 square foot halo lit aluminum finish sign
- B** 86.2 square foot halo lit aluminum finish sign
- C** Monument sign 53'-8" above grade

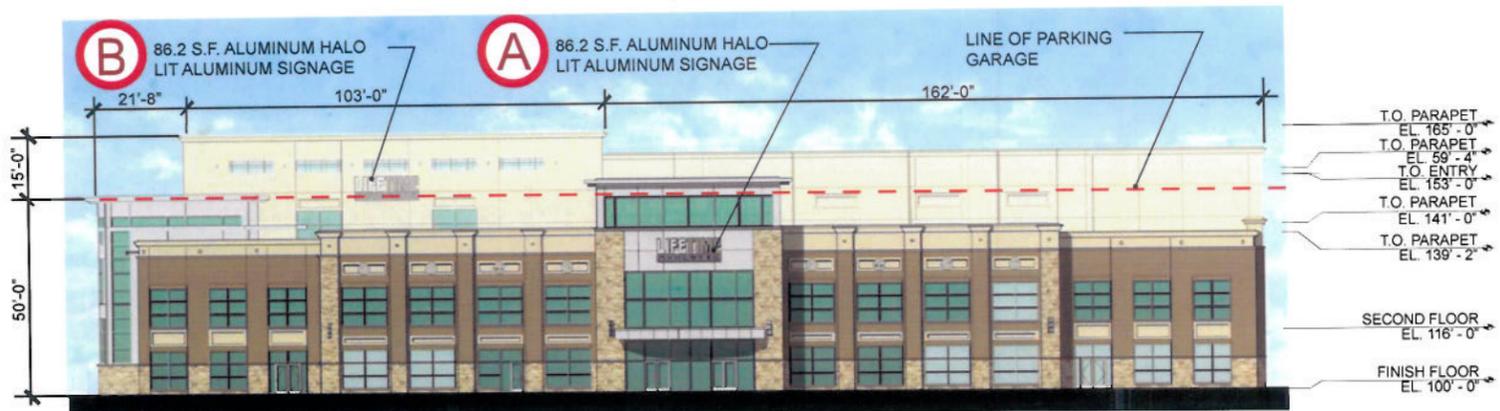
RZ10-007

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Front Elevation (east)

Total Building East Elevation Area= 17,390.3 sf
 Total Copy Area East Elevation= 172.4 sf



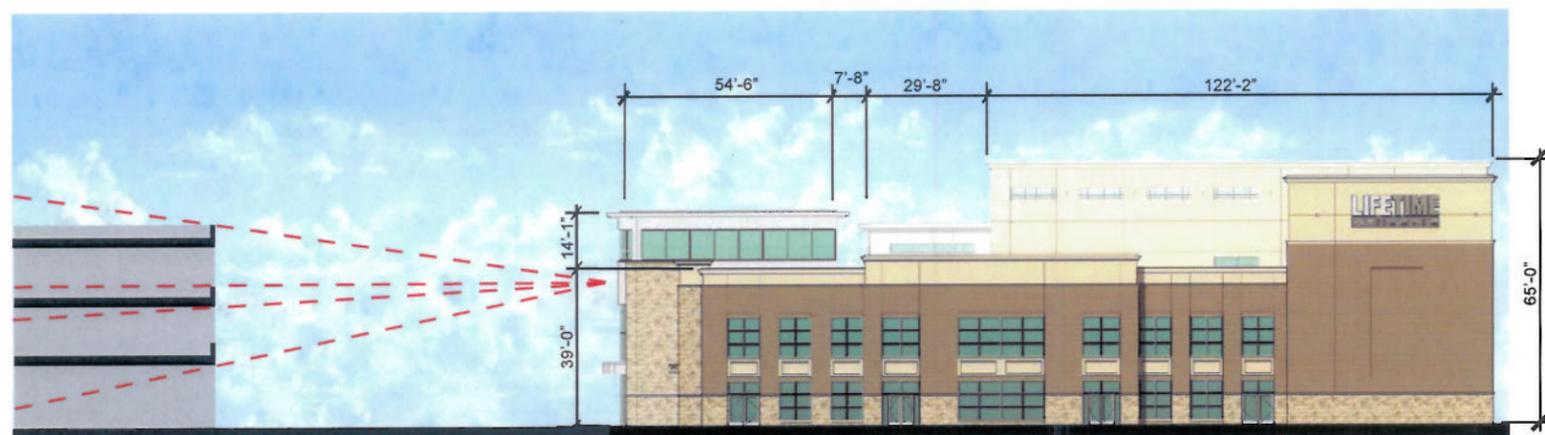
Back Elevation (west)

Total Building West Elevation Area= 17,077.7 sf
 Total Copy Area West Elevation= 0 sf



Elevation (south)

Total Building South Elevation Area= 12,554 sf
 Total Copy Area South Elevation= 0 sf



Pool Elevation (north)

Total Building North Elevation Area= 10,980.3 sf
 Total Copy Area North Elevation= 172.4 sf

Sign Elevations n.t.s.

- (A)** 90 square foot halo lit aluminum finish sign
- (B)** 90 square foot halo lit aluminum finish sign
- (C)** Monument sign 53'-8" above grade

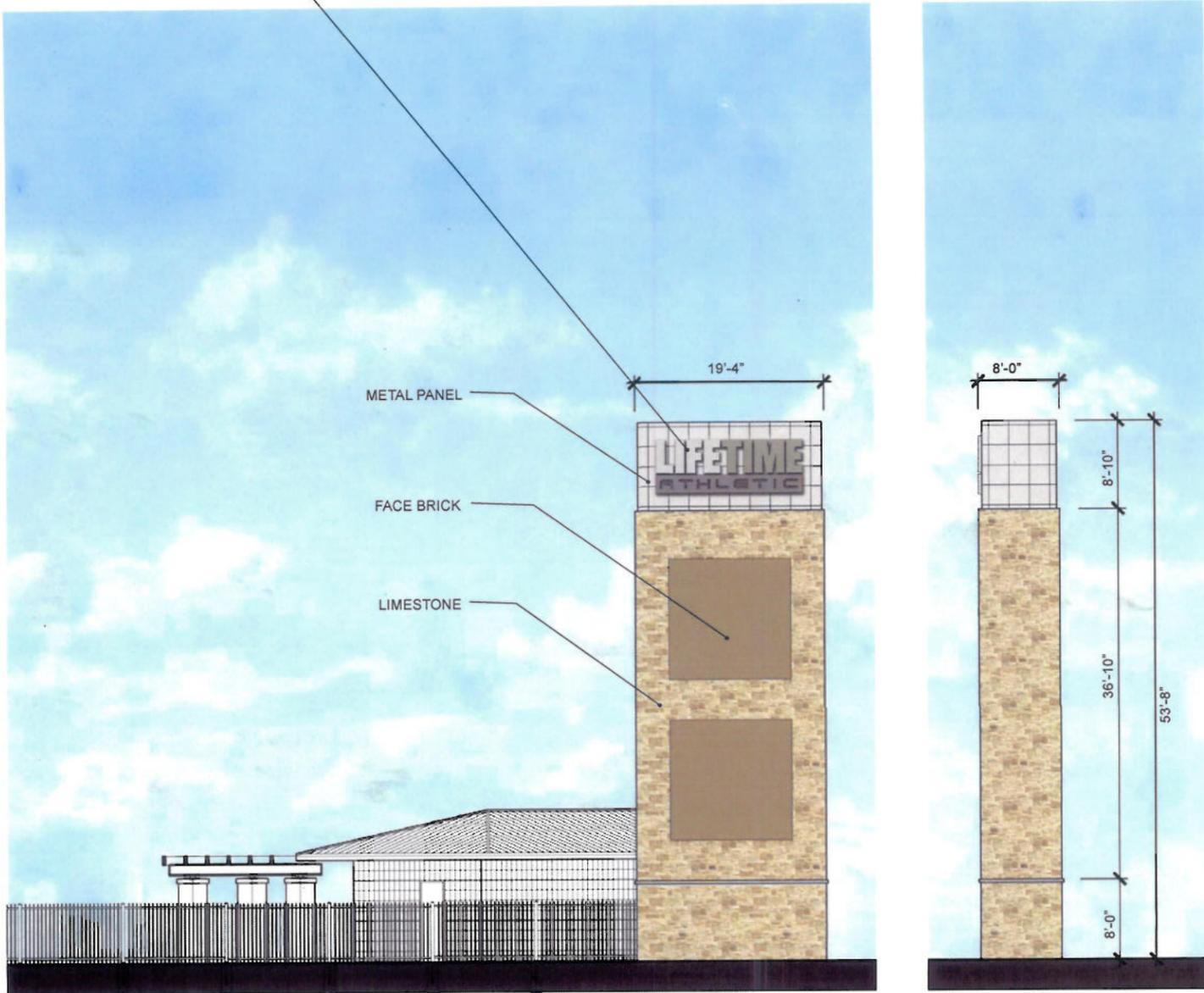
12710-007
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71.7 S.F. ALUMINUM HALO
LIT ALUMINUM SIGNAGE

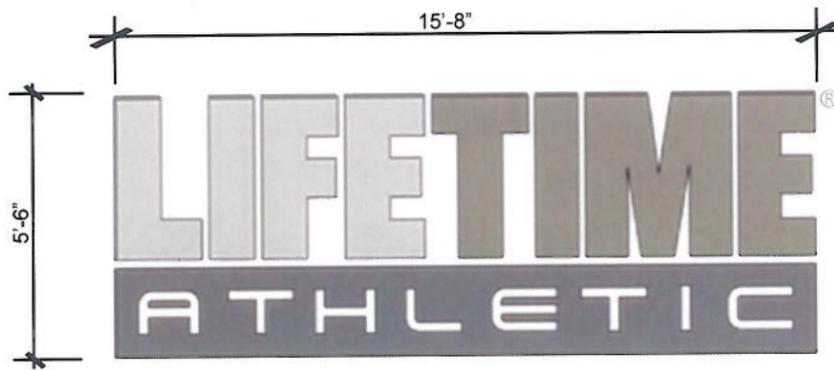


Monument Sign 53'-8"

Total Sign Area= 1,038 sf
Total Copy Area= 71.7 sf

RZ 10-007
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Community Development



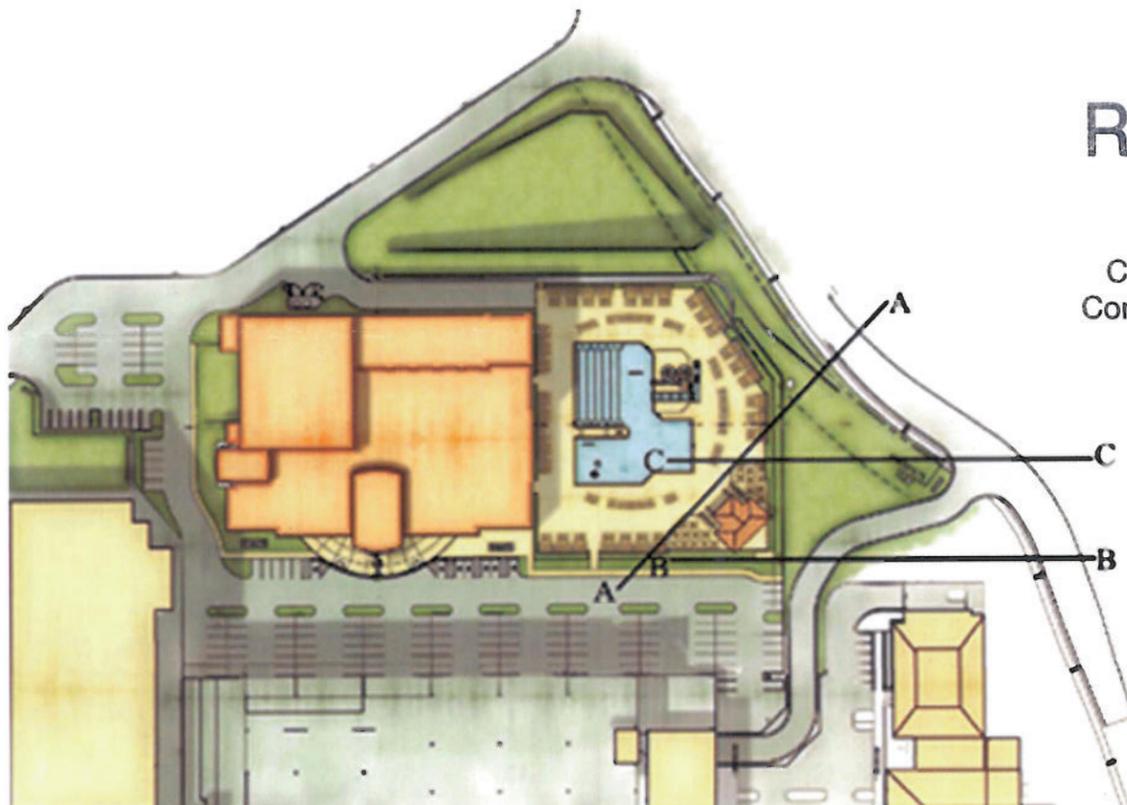
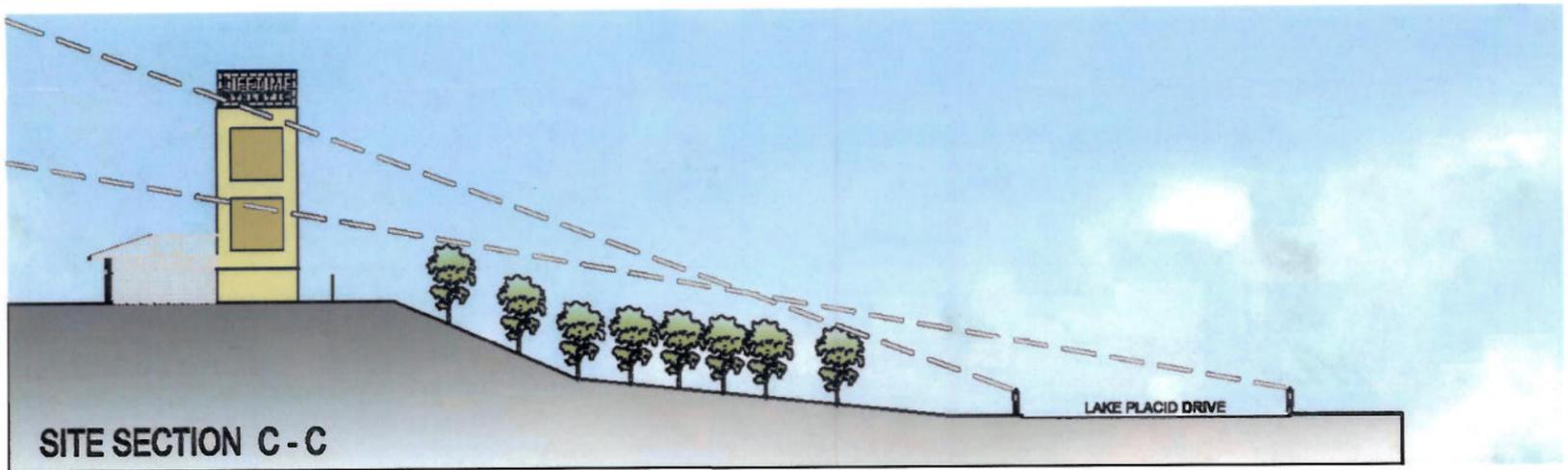
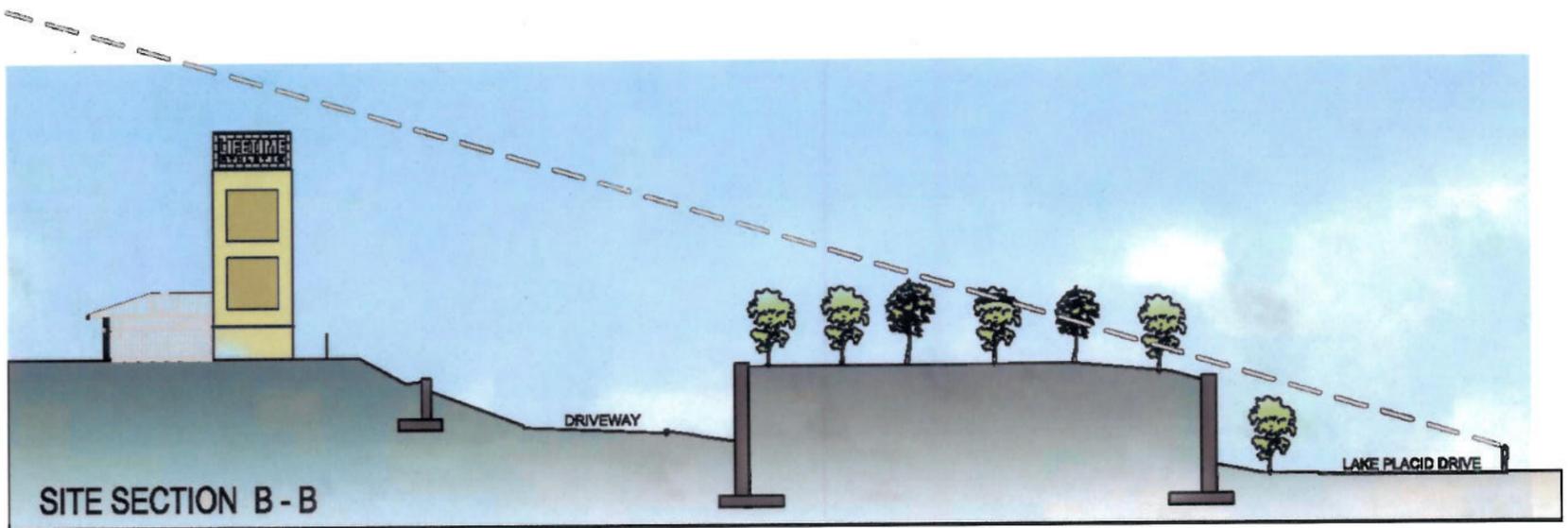
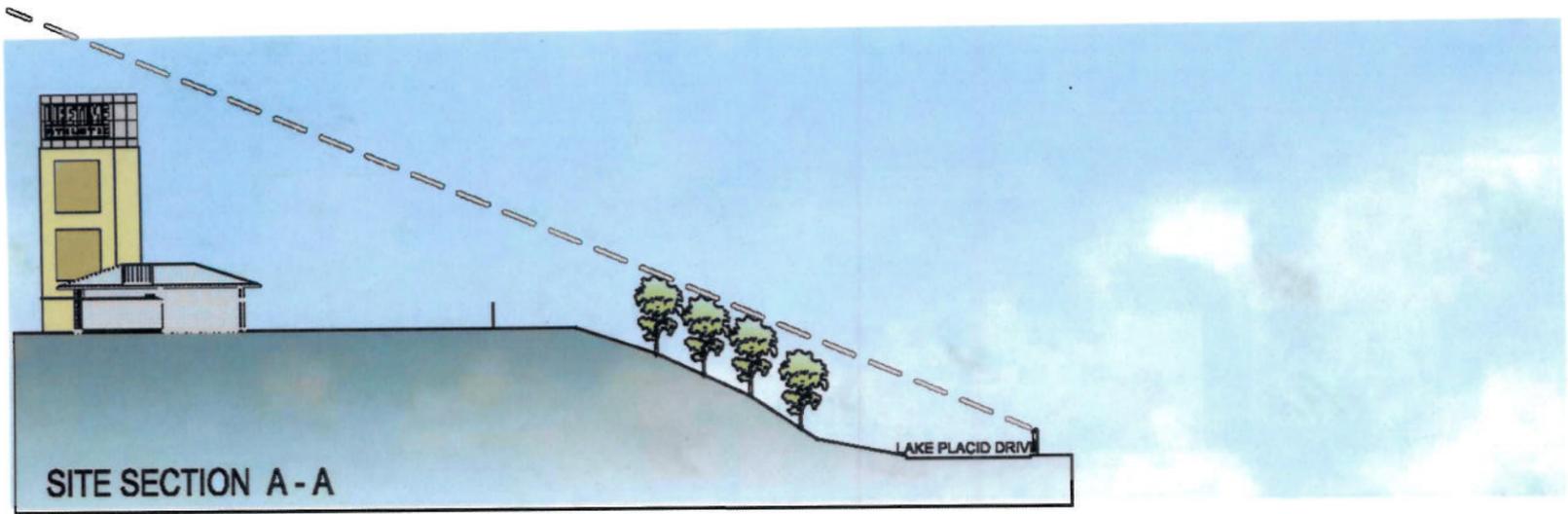


Sign Elev. scale: 1/4" = 1'-0"

- (A) 86.2 square foot halo lit aluminum finish sign
- (B) 86.2 square foot halo lit aluminum finish sign
- (C) Monument sign 53'-8" above grade (5'-0" x 14'-4" for 71.1 square feet)

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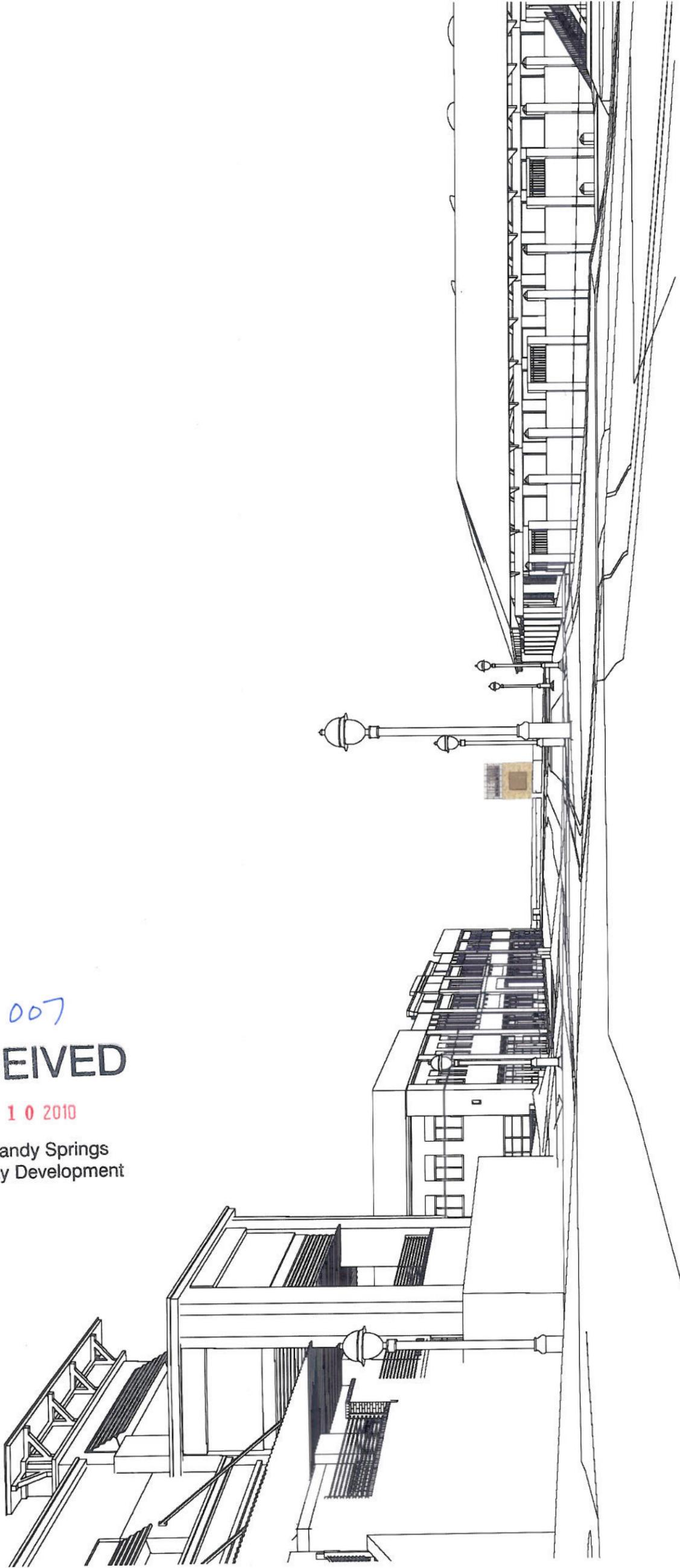
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**Sandy Springs, GA
May 28, 2010**



**LIFETIME
FITNESS**

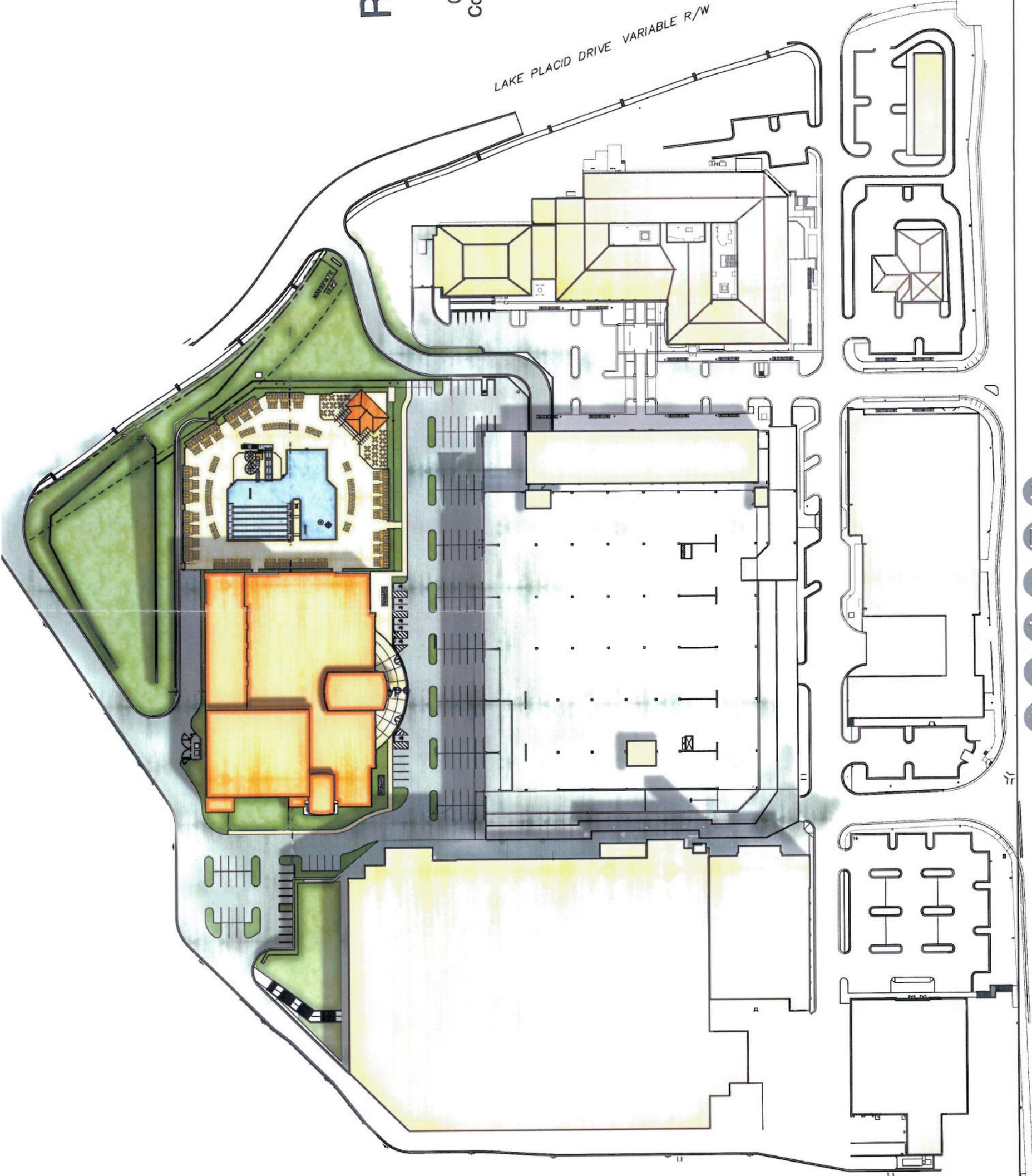
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Community Development

1210-057

LAKE PLACID DRIVE VARIABLE R/W





Front Elevation (east)



Elevation (south)

2710-007

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City of Sandy Springs
Community Development

Sandy Springs, GA
August 10, 2010



LIFETIME
FITNESS



Front Elevation (east)

T.O. PARAPET
 EL. 185'-0"
 T.O. ENTRY PARAPET
 EL. 133'-11"
 T.O. PARAPET
 EL. 141'-0"
 T.O. PARAPET
 EL. 138'-0"
 SECOND FLOOR
 EL. 116'-0"
 FINISH FLOOR
 EL. 100'-0"



Elevation (south)

T.O. PARAPET
 EL. 165'-0"
 T.O. ENTRY PARAPET
 EL. 151'-11"
 T.O. PARAPET
 EL. 141'-0"
 T.O. PARAPET
 EL. 138'-0"
 SECOND FLOOR
 EL. 116'-0"
 FINISH FLOOR
 EL. 100'-0"

1210-007

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City of Sandy Springs
Community Development

Sandy Springs, GA
August 10, 2010



LIFETIME
FITNESS



Sandy Springs, GA
August 10, 2010



Back Elevation (west)



Pool Elevation (north)

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1210-057

L20-9721

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City of Sandy Springs
Community Development



Imagery Date: Apr 9, 2010

© 2010 Google 33°54'22.57" N 84°22'53.77" W elev 289 m

Eye alt: 1.04 km



Front Elevation (east)

T.O. PARAPET
 EL. 185'-0"
 T.O. ENTRY PARAPET
 EL. 133'-11"
 T.O. PARAPET
 EL. 141'-0"
 T.O. PARAPET
 EL. 138'-0"
 SECOND FLOOR
 EL. 116'-0"
 FINISH FLOOR
 EL. 100'-0"



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 SECOND FLOOR
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 FINISH FLOOR
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City of Sandy Springs
Community Development

Sandy Springs, GA
August 10, 2010



LIFETIME
FITNESS



Sandy Springs, GA
August 10, 2010



Back Elevation (west)



Pool Elevation (north)

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1210-057

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Eye alt: 1.04 km

© 2010 Google 33°54'22.57" N 84°22'53.77" W elev 289 m

Imagery Date: Apr 9, 2010

210-057

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Community Development



Google

Eye alt: 1.04 km

elev 289 m

33°54'22.57" N 84°22'53.77" W

Imagery Date: Apr 9, 2010

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City of Sandy Springs
Community Development

L210-057



© 2010 Google

Imagey Date: Apr 9, 2010

33°54'22.57" N 84°22'53.77" W elev 289 m

Eye alt 1.04 km

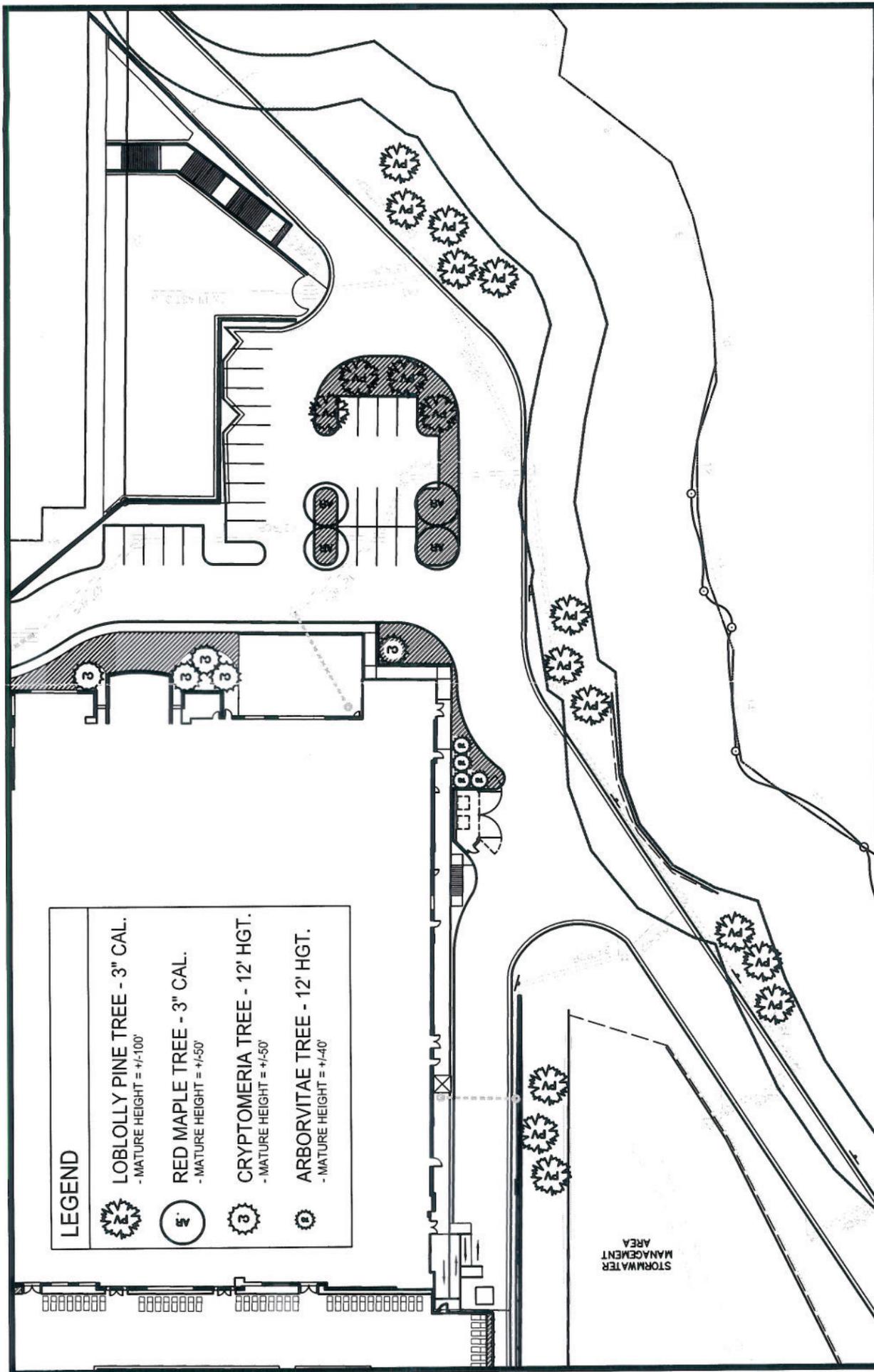
Google

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AUG 17 2010

City of Sandy Springs
Community Development

RZ10-007



PROJECT NO: 10012

PROJECT NAME: LIFETIME FITNESS - SANDY SPRINGS

TO: LIFETIME FITNESS BY: EHS
 SKETCH NO: SK-2 SCALE: 1" = 60'-0"
 SUBJECT: SCREENING PLAN
 DATE: 08.18.10 SHEET 2 OF 2

3715 Northside Parkway
 Northcreek 300, Suite 720
 Atlanta, GA 30327
 Telephone: 404-705-9411
 Facsimile: 404-705-9491

SITE
solutions

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AUG 17 2010

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RZ10-007

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Community Development

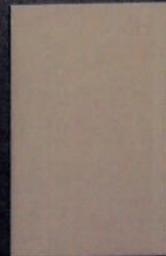
LIFE TIME FITNESS



KALWALL - AQUA TRANSLUCENT WALL PANEL



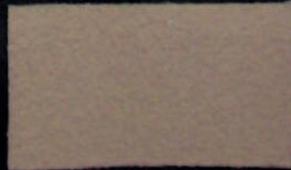
BROWN FIELD BRICK



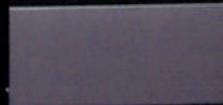
TAN METAL CAP FLASHING



NATURAL LIMESTONE



TAN E.I.F.S.



CLEAR FINISH ANODIZED
ALUMINUM WINDOW MULLIONS

Z10-007 MATERIAL BOARD
Z10-007 MATERIAL BOARD

FCA
CONSTRUCTION
LIFE TIME FITNESS

08/11/2010 08:22

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JUN 01 2010

LETTER OF INTENT

The subject property contains approximately 24.29 acres and is located at the southwest corner of the intersection of Roswell Road and Lake Placid Drive (the "Property"). The Property is zoned to the C-1 Classification pursuant to 2005Z-0050 NFC/2005VC-0105 NFC, ZM06-027/CV06-027, ZM07-005/CV07-018, ZM08-017/CV08-032, V06-064, V08-016 and V10-008 (collectively the "Prior Approvals").

The Applicant has Lifetime Fitness as a proposed tenant for what is shown on the Site Plan filed simultaneously herewith as Anchor B. Anchor B had originally been intended for a different tenant and the building and construction requirements of Lifetime Fitness are different from what was originally planned. Specifically, an additional 15,000 square feet is needed for the prototype building of Lifetime Fitness resulting in a rezoning request for the Property of 356,485 square feet and being 15,000 square feet more than the 341,485 square feet to which the Property is presently zoned. Additionally, a five (5) part Concurrent Variance is requested as more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof for the purpose of overcoming the hardship burdening the Property applicable to the Concurrent Variances and which burdening conditions are unique to the Property and are more particularly stated as follows: as to Concurrent Variance (1) the prohibition against opaque glass on the first floor of a building does not serve the health and safety of the general public as the request of the Applicant to use spandrel glass on the first floor of the building to be located on Anchor B pad to screen the interior areas for uses of message treatment, kitchen and pool storage would best serve the general public and create architectural interest, as to Concurrent Variance (2) the need for the wall sign on a non-street facing wall on the East elevation overcomes the impaired visibility of the sign due to the closeness of the buildings immediately adjacent to the Anchor B pad, as to Concurrent Variance (3) the need for the second wall sign above the roofline on the building to be built on Anchor B pad is due to the fact that the Anchor B pad is sited at the lowest finished floor level of the development and being approximately 50 feet lower than the finished floor of the adjacent Target Building and the parking deck in front of it and approximately 15 feet below the finished floor grade of "Main Street" at the Roswell Road entrance, as to Concurrent Variance (4) the requirement to place a tree island every sixth parking space is simply not needed due to the volume of structured deck parking within the development and the utilization of planter areas on

RZ10-007 / CV10-008 / DRB10-014

upper deck levels and as to Concurrent Variance (5) due to the mix of uses within the overall development resulting in a spread out and balanced need for parking spaces, the reduction of 37 spaces from the total of 1,831 spaces required is reasonable with the 1,794 spaces requested being entirely adequate for the parking demands of the development. The approval of these Concurrent Variances would not result in any harm to the health and safety of the general public and would be in harmony with the policy and intent of the Zoning Ordinance while requiring the Applicant to strictly comply with each of the referenced standards would place an unnecessary hardship on the Applicant.

The Property is located in the Urban District of the Sandy Springs Overlay District and is designated on the Comprehensive Land Use Plan Map as being within a Living-Working Community development node. The Applicant requests a rezoning to the C-1 Classification to allow for a full diversification of service/commercial/retail/office and accessory uses as is intended and suggested for the Living-Working Community node. Therefore, this Application for Rezoning and Concurrent Variances is entirely appropriate and the appropriateness of the Application and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "B" attached hereto and by reference thereto made a part hereof. The Applicant does hereby further include and make a part of this Application all of the Concurrent Variances and Primary Variances associated with the above referenced Prior Approvals by reference thereto.

Now, therefore, the Applicant requests approval of this Application for Rezoning and Concurrent Variances as submitted in order that the Applicant be able to proceed with the lawful use and development of the Property.

APPLICANT:

Prado, LLC

By: 
Jeffrey S. Fuqua
Its: Manager


Nathan V. Hendricks III
Attorney for the Applicant

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City of Sandy Springs
Community Development

6085 Lake Forrest Drive
Suite 200
Atlanta, Georgia 30328
(404) 255-5161

Exhibit "B"

APPROPRIATENESS OF APPLICATION
AND
CONSTITUTIONAL ASSERTIONS

The portions of the Zoning Resolution of the City of Sandy Springs as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of the City of Sandy Springs to the Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Sandy Springs City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Sandy Springs City Council to rezone the Property as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Any rezoning of the Property without the simultaneous approval of the Concurrent Variances requested would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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Community Development

FIRST AMENDMENT TO REZONING AND CONCURRENT VARIANCE APPLICATION

IN RE:) Application Number: RZ10-007/CV10-008
Prado, LLC)
APPLICANT)
PROPERTY:)
5600 Roswell Road,)
City of Sandy Springs)

PERMITS
JUL 23 2010
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Now comes Prado, LLC (the "Applicant" hereunder) who does hereby modify and amend the above referenced Rezoning and Concurrent Variance Application and associated Letter of Intent specifically as to the requested Concurrent Variances as follows:

1.

Concurrent Variance (2) is hereby modified and amended to read as follows: "Article 33.26.H.2.a. Request: Allow the wall sign(s) located on a non-street facing wall on the east elevation of the building to be built upon Anchor Pad B."

2.

Concurrent Variance (3) is hereby deleted.

3.

Concurrent Variance (4) is hereby supplemented by adding the following Concurrent Variance: "Tree Conservation Ordinance, Administrative Standards & Best Management Practices-Landscape Strips, Buffers and Parking (F.1). Request: Relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots."

4.

The following three (3) additional Concurrent Variances are hereby requested: Variance from Section 12.B.5.C.1. of the Zoning Ordinance to allow accessory structures to be located in a yard adjacent to a public street. Relief under this Section is necessary to overcome the hardship unique to the Property which is a corner lot with view from public streets of both Roswell Road and Lake Placid Drive.

Variance from Section 12.B.5.D.4. of the Zoning Ordinance to allow a fence to be non-opaque when the back of the building is visible to a public street. Relief under this Section is necessary to overcome the hardship unique to the building and associated swimming pool area to be built upon Anchor Pad B of the Property which is visible from Lake Placid Drive; however, it is to be noted that the topography of

the Property is such that the building and swimming pool area around which a non-opaque wrought iron fence are intended to be built are well above eye sight from Lake Placid Drive and that landscaping is to be planted immediately adjoining and on the outside of the referenced fence so as to provide total and complete screening for the benefit of parties using the swimming pool as well as the public at large.

Variance from Section 33.26.H.1.c. of the Zoning Ordinance to allow an additional monument sign (located internal to the development) having a sign area of 72 square feet and a height of 54 feet. Relief under this Section is necessary to overcome the hardship unique to the building to be built upon Anchor Pad B of the Property being at a grade well below the Main Street area of the overall development upon which Anchor Pad B is located and which Main Street area is the principal view corridor from Roswell Road for the building to be built upon Anchor Pad B. Of further note is the fact that the building originally projected to be built upon Anchor Pad B extended further north on Anchor Pad B and covered more impervious area. Home Depot as the party originally intended to be located in the original building configuration upon Anchor Pad B obtained a Variance allowing substantially the same sign as being requested hereunder but due to the fact that the original building configuration extended further north on Anchor Pad B the tower upon which it was approved to be located extended from the top of the northeast corner of the building as opposed to the free standing tower structure proposed hereunder. Similarities and differences between the Home Depot sign and the one requested hereunder are as follows: (1) both are 54 feet in height, (2) the Home Depot tower is 19.5 feet by 19.5 feet whereas the tower being requested is 19.5 feet along the east and west elevations and only 8 feet along the north and south elevations and (3) the total sign area approved for the Home Depot sign along the east elevation is 144 square feet whereas the total square footage being requested for the same east elevation is 72 feet being one-half the Home Depot sign area.

The approval of these additional Concurrent Variances would not result in any harm to the health and safety of the general public and would be in harmony with the policy and intent of the Zoning Ordinance while requiring the Applicant to strictly comply with each of the referenced standards would place an unnecessary hardship on the Applicant.

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City of Sandy Springs
Community Development

Now, therefore, the Applicant requests approval of this Application for Re-zoning and Concurrent Variances as submitted and as hereunder modified and amended in order that the Applicant be able to proceed with the lawful use and development of the Property.



Nathan V. Hendricks III
Attorney for the Applicant

6085 Lake Forrest Drive
Suite 200
Atlanta, Georgia 30328
(404) 255-5161

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Community Development

HAINES, GIPSON & ASSOCIATES, INC.
CONSULTING ENGINEERS

THOMAS G. HAINES, P.E.
RANDALL W. GIPSON, P.E.
R. CLAY LEWIS, P.E.
DANIEL D. CAMPBELL, P.E.
JEFFREY B. STRICKLAND, P.E.
KRISTOPHER M. CAMPBELL, P.E.
STEPHEN J. SYWI, P.E.
ROBERT A. McCANN, P.E.

SCOTT E. SAMUEL, P.E.
GLENN A. GRAHAM, P.E.
JOSEPH A. NICHOLSON, P.E.
DAVID A. DOMYSLAWSKI, P.E.
STONEY C. ABERCROMBIE, P.E.
MATTHEW T. COGGINS, P.E.
DAVID H. LOWVORN, P.E.

June 24, 2010

Brian Snelling
The Sembler Company
1450 South Johnson Ferry Rd.
Suite 100
Atlanta, GA 30319

Re: Lifetime Fitness
The Prado
Sandy Springs, GA

Dear Brian

I reviewed the proposed plan of the Lifetime Fitness that will possibly replace the Home Depot at The Prado to determine if any additional improvements are required to facilitate the new building. The Lifetime Fitness plan presents several benefits to the overall development that Home Depot did not offer. The fact that the garden center has been deleted is a benefit. This will negate the runoff of the garden center and the various material storage areas. The proposed truck court of Home Depot will now simply be a vehicle parking area. This proposed parking will totally eliminate the multiple tractor trailer traffic that a Home Depot requires from the lumber deliveries and general store operation. The drainage plan that was developed mitigated the water quality issues that the tractor trailer traffic presented, but with the proposed plan the use of the area has been changed to a less intense use. The reduction in building area is the most significant change that I observed. This reduction allowed for the introduction of landscape islands in the area between the deck and the proposed building. This area was all concrete pavement and roof area in the Home Depot plan. This conversion of impervious area to pervious area will add much needed greenery to this portion of the site while aiding in the water quality performance of the system since water quality is a function of impervious surface. Since the Lifetime Fitness actually reduces the impact on the development and does not add any additional encumbrances upon the original drainage design parameters, there are no technical reasons to modify or add storm water infrastructure or additional water quality devices.

Very truly yours,

HAINES, GIPSON & ASSOCIATES, INC.



R. Clay Lewis, P.E.
Vice President

V:\2010\2010-050 (Prado)\Water Quality Analysis.doc

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HAINES, GIPSON & ASSOCIATES, INC.
CONSULTING ENGINEERS

THOMAS G. HAINES, P.E.
RANDALL W. GIPSON, P.E.
P. CLAY LEWIS, P.E.
DANIEL D. CAMPBELL, P.E.
JEFFREY B. STRICKLAND, P.E.
KRISTOPHER M. CAMPBELL, P.E.
STEPHEN J. SYWY, P.E.
ROBERT A. MCDANN, P.E.

SCOTT E. SAMUEL, P.E.
GLENN A. GRAHAM, P.E.
JOSEPH A. NICHOLSON, P.E.
DAVID A. DOMYSLAWSKI, P.E.
STONEY C. ABERCROMBIE, P.E.
MATTHEW T. COGGINS, P.E.
DAVID H. LOVVORN, P.E.

July 22, 2010

Mr. Brian Snelling
The Sembler Company
1450 South Johnson Ferry Rd
Suite 100
Atlanta, GA 30319

Re: The Prado Detention Pond Retaining Wall
Roswell Road & Lake Placid Drive
Sandy Springs, GA

Dear Brian:

The two tiered retaining walls have been designed for highway loading. As long as any proposed structure remains at least 23 feet from the back of the upper wall, it will not be located within the zone of influence of the wall and therefore have no effect from a structural perspective.

Should you need anything else please feel free to give me a call.

Very truly yours,

HAINES, GIPSON & ASSOCIATES, INC.



R. Clay Lewis, P.E.
Vice President

V:\2010\2010-050-Prado\pond wall analysis.doc

RECEIVED

JUL 23 2010

City of Sandy Springs
Community Development

Ericksen Roed & Associates

Structural Engineers

Saint Paul Office
2550 University Avenue West Ste 201-S
Saint Paul, Minnesota 55114-1904
Telephone: 651-251-7570
Facsimile: 651-251-7578

July 23, 2010

Marc Lindvig
FCA Construction/Life Time Fitness
2902 Corporate Place
Chanhassen, MN 55317

Re: Placement of the Life Time Fitness Building and Its Proximity to the Existing Detention Pond Retaining Wall at the Intersection of Rosewell Road & Lake Placid Drive in Sandy Springs, GA

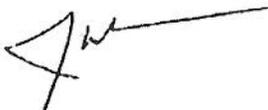
Mr. Lindvig:

Ericksen Roed & Associates, Inc. (ER) is the Structural Engineer of Record for the proposed Life Time Fitness facility in Sandy Springs, GA. ER has reviewed the placement of the building and its proximity to the detention pond retaining walls. The building is currently placed more than 35 feet from the existing retaining wall structure. As stated on July 22, 2010 in the letter provided by Haines, Gripson & Associates the effective zone of influence for the existing retaining wall is 23 feet. Since the proposed building is outside the effective zone of influence of the retaining wall, the proposed structure will have no structural impact on the existing retaining wall.

Please call with any questions.

Sincerely,

ERICKSEN ROED & ASSOCIATES, INC.



John T. Madden PE



William T. Buller PE, SE
7.23.10

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JUL 23 2010

City of Sandy Springs
Community Development



July 23, 2010

Application Number: RZ10-007 / CV10-008

Applicant: Prado, LLC

Property: 5600 Roswell Road, Sandy Springs

RE: Rezoning to accommodate Life Time Fitness on Pad B

Dear Staff:

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JUL 23 2010

City of Sandy Springs
Community Development

The applicant is submitting this letter as a summary of meetings/communications with the concerned neighbors and includes the issues raised and any resolutions/agreements made.

The applicant has met with the concerned neighbors on two separate occasions. The first meeting with Patty Berkovitz and Mark Sampl occurred on June 22, 2010. The second meeting with Patty Berkovitz, Mark Sampl and Susan Yeosock occurred on July 8, 2010. Brian Snelling (Sembler), Pete Hendricks (Counsel) and Parham Javahari (Life Time Fitness) represented the applicant at those meetings.

The following is a list of issues that were raised at those meetings. The applicant's response is listed below each issue item.

1. Rework the architecture on the west (rear) building elevation. Request to add articulation to rear elevation.

Life Time Fitness has revised the west elevation to include additional pilasters and articulation along the rear of the building. Life Time Fitness is also considering the request to extend limestone material vertically along pilasters and will do so if aesthetically desirable. Neighbors wanted to know if top band of glass on west and south elevation are frosted glass, this will be translucent wall panel (Kalwall – as seen on material board provided to the City). No additional frosted glass or Kalwall panels will be added to the west and south façade.

2. Concern regarding additional 18 parking spaces requested in the paved area that was to be utilized as the Home Depot truck turn radius.

Life Time Fitness has confirmed that while they would like to have these spaces as an accommodation to its Members, they would leave the issue of these 18 spaces open for final determination by the Mayor and City Council.

3. Request to have all exterior lighting be compatible with what was previously agreed to for the balance of the development and that same will be downward with full cut off shields.

Life Time Fitness has confirmed that the exterior light fixtures will be compatible with previously approved fixtures and that lighting in the pool area will be at a security level at night as the pool is used in the daytime only (dawn to dusk).

4. Concern regarding water quality on the site, specifically as it relates to the additional parking spaces in the paved area that was to be utilized as front sidewalk and truck turn radius for the Home Depot.



Sembler has provided a letter from the Engineer of Record regarding water quality. This letter states that the proposed Life Time Fitness represents several benefits to the overall development that Home Depot did not offer from a water quality standpoint. Please see attached letter.

5. Request for shades or blinds on the south and west elevation windows to shield light at night.

Life Time Fitness has confirmed that it will be a 24/7 operation with no blinds or shades being used. Per required code, foot candles level at property line will be zero. No light fixtures will be directed at windows. The visible light will be no different than any other building. Life Time Fitness has discussed with the concerned neighbors (approximately 800 ft to residences on Stewart Dr.), the distances from residential and rental units, the existing landscape buffer and that the development is in an urban environment and that blinds will not be installed in this facility due to internal design considerations.

6. Request was made to use pool pavers for the pool deck surface and that landscaping be used to shield the pool from public view.

Life Time Fitness prototypically uses pool pavers and is currently working with Staff and Fulton County Health Department for approval to use its prototype pool pavers which have been denied by Fulton County in the past. Life Time Fitness also provides landscaping and fencing around the pool area as part of their prototypical construction.

7. Concern over the stability of the two retaining walls between Pad B and the detention pond given the increase of the building square footage.

Sembler has provided a letter from the structural engineer stating that if the proposed structure remains 23' from the retaining wall it will not be located within the zone of influence of the wall and therefore will have no effect from a structural perspective. Life Time Fitness has confirmed that their structure is beyond the 23' limit and has also confirmed altering their typical construction methods to avoid the 23' zone of influence with cranes and heavy equipment during construction.

Please accept this letter in to record as a summation of the meetings with the concerned neighbors.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brian Snelling'.

Brian Snelling
Development Manager

RECEIVED

JUL 23 2010

City of Sandy Springs
Community Development

MEMORANDUM



TO: Patrice S. Ruffin, AICP, Assistant Director of Planning & Zoning
City of Sandy Springs, Department of Community Development

FROM: Monica Robinson, B.S., M.B.A., Environmental Planner.
City of Sandy Springs, Department of Health Services, Office of the Director
Community Development

DATE: July 12, 2010

SUBJECT: Zoning Comments for August 19, 2010 Planning Commission

AGENDA ITEM	ZONING COMMENTS
RZ10-006/ U10-005/ CV10-007	<p>The Fulton County Department of Health Services recommends that the use permit for the existing self-storage facility be approved, provided the internal plumbing is inspected and adequate for the proposed use.</p> <p>The Fulton County Department of Health Services recommends that the applicant be required to connect the proposed additional building area to public water and public sanitary sewer available to the site.</p> <p>Since the proposed additional building area is planned for retail and service commercial uses, which constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>The existing and proposed facilities must comply with the Georgia Smokefree Act of 2005.</p> <p>If this proposed development includes a food service facility, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval prior to issuance of a building permit or a certificate of occupancy.</p> <p>This department does not anticipate any health problems with the proposal for a variance deleting the required landscape strip.</p> <p>This department does not anticipate any health problems with allowing a variance from the required sign setback to allow for the placement of two (2) proposed identification monument signs in the landscape strips.</p> <p>This department does not anticipate any health problems with the proposed rezoning to allow for a proposed beauty shop.</p> <p>This department supports the reduction of the required number of parking spaces provided that the existing and proposed uses do not require such parking capacity. An increase in parking capacity encourages additional vehicles being driven, contributing to health impacts such as air pollution, water pollution, and transportation choices.</p>

AGENDA ITEM	ZONING COMMENTS
RZ10-007/ CV10-008	<p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This facility must comply with the Georgia Smokefree Act of 2005.</p> <p>The Fulton County Department of Health Services recommends that this proposed building addition be approved, provided the internal plumbing is inspected and adequate for the proposed use or adequate internal plumbing is installed.</p> <p>Since the proposed use of this development is for Lifetime Fitness and includes a public swimming pool as defined in the regulations including spas, whirlpools, etc., the owner or contractor must submit plans for review and approval by this department and must obtain a Department of Health Services permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health Services permit to operate the pool prior to opening.</p> <p>This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p> <p>This department does not anticipate any health problems with a variance to allow opaque glass on the first floor of the building.</p> <p>This department does not anticipate any health problems with a variance to allow the proposed wall signs.</p> <p>The Department of Health Services does not recommend allowing a variance to delete the parking lot landscaping.</p> <p>This department encourages the placement of tree islands as a criterion along with parking space requirements because trees remove air pollution from the air. However, if sufficient parking area within the existing parking deck and no additional parking spaces are proposed, this department does not anticipate any health problems with allowing a variance for tree placement provided that there are existing trees planted.</p> <p>This department supports the reduction of the required number of parking spaces provided that the existing and proposed uses do not require such parking capacity. An increase in parking capacity encourages additional vehicles being driven, contributing to health impacts such as air pollution, water pollution, and transportation choices.</p>
ZM10-006	<p>The Fulton County Department of Health Services does not anticipate any health problems with the proposed zoning modification to allow for the placement of wall signs on the building wall and existing retaining wall.</p>
ZM10-007/ CV10-009	<p>If this property utilizes an onsite sewage management system, the owner must obtain approval for the proposed four seasons room addition and stone patio from this department prior to issuance of a building permit and before building construction or renovation.</p> <p>Since a creek and a detention pond exist near the property and if the proposed stone patio will act as a water filtration system, addressing the erosion of exposed clay soils and the improvement of water quality as alleged, this department recommends that it be approved.</p>



RECEIVED

AUG 18 2010

City of Sandy Springs
Community Development

CITY OF ATLANTA
DEPARTMENT OF WATERSHED MANAGEMENT
BUREAU OF DRINKING WATER
TECHNICAL SERVICES GROUP

KASIM REED
MAYOR

651 FOURTEENTH STREET
ATLANTA, GEORGIA 30318
OFFICE 404-235-2007
FAX 404-982-1400

ROBERT J. HUNTER
COMMISSIONER

August 9, 2010

Ms. Patrice S. Ruffin
City Of Sandy Springs
Department of Community Development
Planning and Zoning Division
7840 Roswell Road, Building 500
Sandy Springs, GA 30350

Subject: Water Availability at 5600 Roswell Rd

Dear Ms. Ruffin,

In response to your letter we offer the following:

4. There is an existing 12-inch water main along Roswell Rd, and an 8-inch water main along Lake Placid Drive. These water mains are owned and maintained by the City of Atlanta.
5. Our calculations based on the reported fire flow test results indicate the 8" main has a capacity of 4179 gpm.
6. If further investigation is required, please complete the attached Basis of Design Data form along with site utility plan.

In order to access the water you must develop a set of stamped engineering drawings, and submit three copies to the City of Atlanta, Bureau of Drinking Water for approval and review.

Should additional information be needed, please contact me at 404-235-2085.

Sincerely,

Eric Glover, PE
Chief Civil Engineer

cc: file

August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

RECEIVED

AUG 19 2010

City of Sandy Springs
Community Development

RE: Case # R210-007/CV10-010

Dear Mayor and Council:

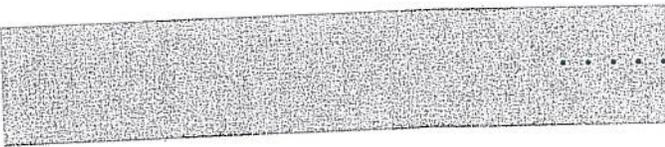
We are aware of the rezoning request by the owner of The Prado for the purpose of incorporating Lifetime Fitness in the development. We think this use will greatly enhance the shopping center and we are in support of this application.

We hope you will approve this rezoning.

Sincerely,



- T-Mobile Store Manager
5650 Roswell Rd.
Atlanta, GA 30342



August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

RECEIVED

AUG 19 2010

City of Sandy Springs
Community Development

RE: Case # R210-007/CV10-010

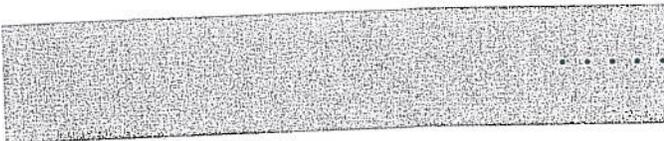
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We are aware of the rezoning request by the owner of The Prado for the purpose of incorporating Lifetime Fitness in the development. We think this use will greatly enhance the shopping center and we are in support of this application.

We hope you will approve this rezoning.

Sincerely,


Peter Glenn Skis & Sports
5600 Roswell Rd #17



August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

RECEIVED

AUG 19 2010

City of Sandy Springs
Community Development

RE: Case # R210-007/CV10-010

Dear Mayor and Council:

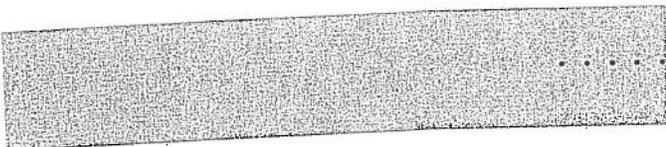
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We hope you will approve this rezoning.

Judy Simal

Sincerely,

FMT'L SCHOOL OF SKIN + NAIL CARE



August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

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AUG 19 2010

City of Sandy Springs
Community Development

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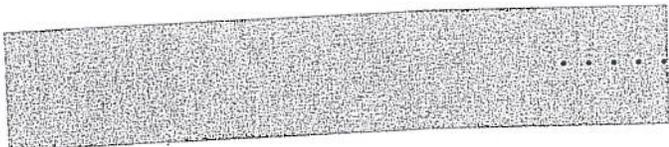
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We hope you will approve this rezoning.

Sincerely,

Mike Amalford
ATG
5600 Roswell Rd, Suite 014
Atlanta, GA 30342



August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

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AUG 19 2010

City of Sandy Springs
Community Development

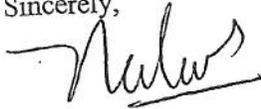
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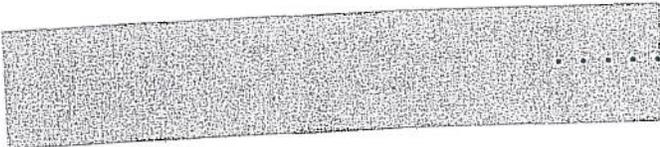
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We hope you will approve this rezoning.

Sincerely,



NAIL TALK & SPA



August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

RE: Case # R210-007/CV10-010

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We hope you will approve this rezoning.

Sincerely,

*Nicole M. Mochales, Manager
Great Clips at The Prado*

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AUG 19 2010

City of Sandy Springs
Community Development

August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

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City of Sandy Springs
Community Development

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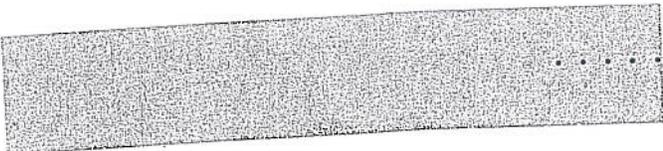
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We hope you will approve this rezoning.

Sincerely,



Gamestop
Assist. Store Manager



August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

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AUG 19 2010

City of Sandy Springs
Community Development

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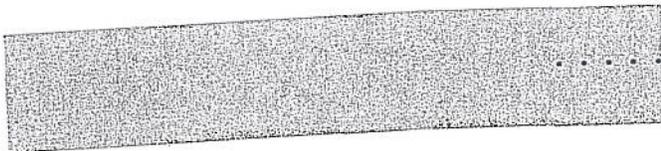
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We hope you will approve this rezoning.

Sincerely,

Michael Blum
MATTRESS GIANT



August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

RE: Case # R210-007/CV10-010

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We hope you will approve this rezoning.

Sincerely,

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AUG 19 2010

City of Sandy Springs
Community Development

Panda Express

Nancy Leathers

August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

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AUG 19 2010

City of Sandy Springs
Community Development

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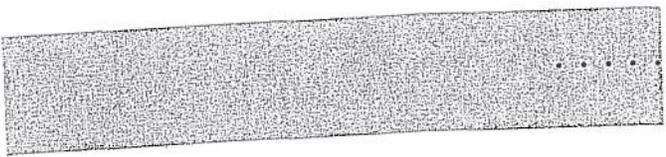
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We hope you will approve this rezoning.

Sincerely,

Staples The Prado
Demetrius Jones, Assistant Manager

August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

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AUG 19 2010

City of Sandy Springs
Community Development

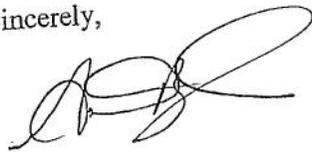
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We hope you will approve this rezoning.

Sincerely,



PRADO M-150

Ray Boyd Properties

August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

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AUG 19 2010

City of Sandy Springs
Community Development

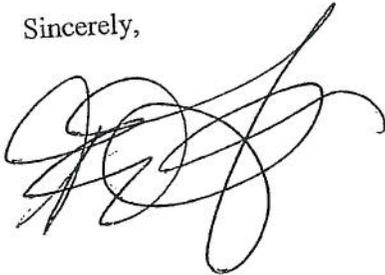
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We hope you will approve this rezoning.

Sincerely,



CHILDREN'S DENTISTRY OF SANDY SPRINGS
5590 ROSWELL ROAD, STE A270
SANDY SPRINGS, GA 30342

August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

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AUG 19 2010

City of Sandy Springs
Community Development

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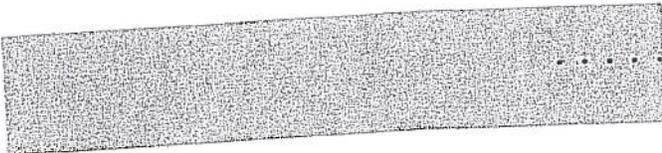
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We hope you will approve this rezoning.

Sincerely,



Owner - Evos @ The Prado



August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

RECEIVED

AUG 19 2010

City of Sandy Springs
Community Development

RE: Case # R210-007/CV10-010

Dear Mayor and Council:

We are aware of the rezoning request by the owner of The Prado for the purpose of incorporating Lifetime Fitness in the development. We think this use will greatly enhance the shopping center and we are in support of this application.

Very Much!!

We hope you will approve this rezoning.

Sincerely,



Atlanta Foot and Ankle Center



August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

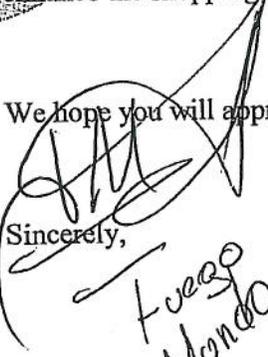
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We hope you will approve this rezoning.

Sincerely,


Fuego
Mondo

RECEIVED

AUG 19 2010

City of Sandy Springs
Community Development

August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
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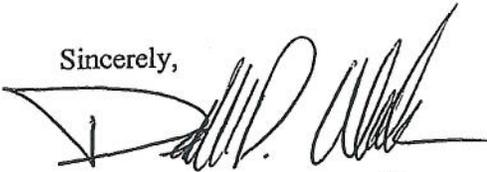
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We hope you will approve this rezoning.

Sincerely,



5 Seasons Brewing Company
Manager

RECEIVED

AUG 19 2010

City of Sandy Springs
Community Development

August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

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We hope you will approve this rezoning.

Sincerely,



CEO, MostChoice.com
Suite M-009, The Prado

RECEIVED

AUG 19 2010

City of Sandy Springs
Community Development

August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

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City of Sandy Springs
Community Development

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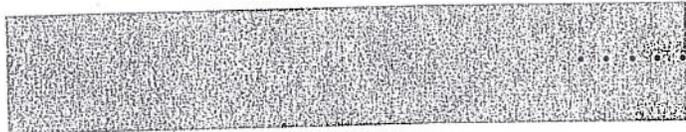
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We hope you will approve this rezoning.

Sincerely,



L. DAVID HEWELL, ARCHITECT
© M-180 THE PRADO



August 18, 2010

Mayor and City Council
c/o Nancy Leathers, AICP
Director, Department of Community Development
Building 500
7840 Roswell Road
Sandy Springs, GA 30350

RE: Case # R210-007/CV10-010

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We hope you will approve this rezoning.

Sincerely,

John F. [Signature], Director
FNT'L SCHOOL OF SKIN-CARE
& MASSAGE

RECEIVED

AUG 19 2010

City of Sandy Springs
Community Development

24 August 2010 – VIA ELECTRONIC MAIL

Mayor and City Council
City of Sandy Springs
c/o Nancy Leathers, AICP
Director, Department of Community Development
7840 Roswell Road
Building 500
Sandy Springs, Georgia 30350
Nancy.Leathers@sandyspringsga.org

RECEIVED

AUG 25 2010

City of Sandy Springs
Community Development

RE: Case # R210-007/CV10-010

Dear Mayor and Council,

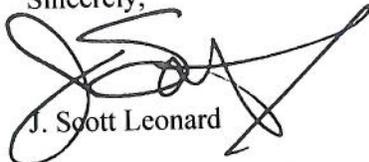
My wife, Gwen, and I are aware of the rezoning request within The Prado for the purpose of incorporating Lifetime Fitness into the development. We live within one mile of the proposed site on Stewart Drive and are in full support of the application. I have personally attended both the DRB and the Planning Commission hearings where the project received unanimous approvals. Lifetime Fitness will be a huge amenity to Sandy Springs, will bring much needed construction jobs to the area and long term staff needs for the operation of the facility, as well as adding the final anchor to The Prado.

Several years ago, I had the opportunity to work with Lifetime Fitness as they went through the planning, entitlement, and construction processes of one of their current metro locations. Throughout each step, all of Lifetime's representatives demonstrated a high degree of character while working closely with the community and were always true to their word. Their design employed methods and materials of the highest quality. If you have not already visited one of their four other Atlanta facilities, then I encourage you to invest the time.

It is important to note that we were unaware of Lifetime's application until we read about it in the paper. Given such a positive prior experience with their people and their product, I believe it important to share with you my support of their effort to be a part of our community.

The proposed facility is an appropriate and effective use of the otherwise vacant pad and represents the next logical step in the revitalization of the commercial corridor surrounding the Roswell Road interchange with I-285. This is a great opportunity for Sandy Springs, especially in light of the current economy, and we urge Council to give the project a third unanimous approval.

Sincerely,



J. Scott Leonard

146 Stewart Drive, NE



To: Doug Trettin, for inclusion in zoning case package
From: Bennett White, Engineer, Community Development
Date: August 30, 2010
Subject: RZ10-007/CV10-010 Lifetime Fitness at The Prado

The site plan received by Community Development stamped received on June 7, 2010, for the proposed Lifetime Fitness, exhibits a site layout that constitutes a slight reduction in impervious coverage compared to the site plan within the Prado Land Disturbance Permit set of plans. Consequently, the resultant proposed total impervious surface for The Prado, including the proposed Lifetime Fitness development, does not exceed the impervious surface area inherent in the original Prado Land Disturbance Permit stormwater management design.

The stormwater management design for The Prado includes a "wet extended" detention pond sized to receive runoff from a fully developed Prado, including the Lifetime Fitness development site. The Georgia Stormwater Management Manual recognizes wet extended detention ponds as a structural stormwater control suitable for meeting the Manual's standard for stormwater runoff quality.

If it is desired to implement additional measures focused on the removal of oils and petrochemical pollutants from the proposed additional parking for Lifetime Fitness, requiring the installation of an oil/grit separator or similar equivalent treatment facility to receive runoff from an area of parking equivalent to the area encompassing the proposed added Lifetime Fitness parking would be one measure that can provide some of the additional desired treatment.

*Community
Development*



Watershed Alliance of Sandy Springs, Inc.

President: Mike McGuinn
Vice President: Richard Farmer Ph.D
Secretary: Patty Berkovitz
Treasurer: Barbara Carlson
Stormwater Issues: Mike McGuinn
Education: Richard Farmer Ph.D
Land Conservation Specialist: Jill Marshall

800 Crest Valley Dr. NW
Sandy Springs, 30327
Phone: 404-255-4905
www.watershedallianceofsandysprings.org

September 6, 2010

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SEP 07 2010

City of Sandy Springs
Community Development

Dear Mayor Galambos and Members of the City Council,

I am writing on behalf of the Watershed Alliance of Sandy Springs regarding the application before you from the Prado Inc. and the Lifetime Fitness. We have a prior agreement with the Prado regarding water issues that pledged additional filtration on the site.

First, we are delighted to welcome Lifetime Fitness to Sandy Springs and the Prado. We appreciate, from a water run-off standpoint, the gains we make with their reduced footprint over the Home Depot plans and the cancellation of the lawn and garden center is a bonus.

After extensive negotiations with the applicant there remain two concerns for us.

In brief, the first concern is how the water from the indoor and the outdoor pool will be handled. We would like assurances that the water will not be dumped into the detention pond and into the creek until the chemicals have been neutralized.

The application for the 18 parking spaces on the south side of the property remains the issue.

The applicant has promised us that there would be a letter in your packet stating that these spaces are;

- 1) not essential to their business,
- 2) not being required by the city staff, and
- 3) is "not a deal breaker".

The question remains then why are they still part of the application?

We are very concerned about the **NonPoint Source (NPS) Pollution** that these spaces will generate whether by customers or their staff. Since this facility will be open 24/7 that means that cars will be coming and going constantly. There is a drain (see following diagram) in the middle of those spaces on the hill that is not filtered and the rest of the water runs down the hill and into drains that split the water, some into the detention facility and the rest directly into the creek.

There is no longer the need for all that pavement for trucks to turn around. The parking provided by the other new requested spaces as well as the multistoried parking deck should be more than adequate.

We would like to suggest that this area be planted with an evergreen specimen tree (see following diagram) such as a live oak. It would provide a place for the applicants' staff to picnic under the trees on those days they might like to be outside. It would break up the heat island effect of all that pavement and with the soil added to this landscape island, will reduce the amount of water bypassing the drains and going into the stream.

The live oak, which stays green year round, will reduce the light spilling from the building in a very real way that the proposed Maples and Longleaf pine will not. This satisfies a major concern of the surrounding neighbors.



This magnificent, broadleaf evergreen tree will be a picturesque addition to your landscape. It grows rapidly when young and may live to be centuries old. Adapts to almost any soil. Live Oaks can be used as street trees. Tolerant of salt spray. Grows 40'-80', with an 80' spread. (Zones 7-10)

Be it therefore resolved by the House of Representatives of Georgia, the Senate concurring, that, at the suggestion and request of Edmund Burke Chapter, Daughters of the American Revolution, the live-oak be and the same is hereby adopted as and declared to be the official tree emblematic of the State of Georgia.

Thank you for your consideration and I look forward to speaking to you and remain available if you have any questions regarding this suggestion. We believe this is a win- win for all involved and resolves the lighting, and water issues and still provides a consistent use (picnic/playground) in harmony with the applicants' mission.

Regards,

Patty Berkovitz – Secretary
Watershed alliance of Sandy Springs
404-255-4905

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