





To: John McDonough, City Manager  
From: Angela Parker, Director of Community Development   
Date: February 4, 2014 for submission onto the February 18, 2014 City Council meeting  
Agenda Item: **201303679 875 Johnson Ferry Road** a request to rezone the subject property from O-I (Office and Institutional District) to O-I (Office and Institutional District) to allow the existing site conditions to remain.

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***Department of Community Development Recommendation:***

**APPROVAL CONDITIONAL** of a request to rezone the subject property from O-I (Office and Institutional District) to O-I (Office and Institutional District) to allow the existing site conditions to remain. The existing building square footage exceeds that for which it was zoned. The rezoning request is to bring the property into compliance with the City's current regulations.

***Background:***

The subject site is located on the south side of Johnson Ferry Road and the east side of Glenridge Connector. The property is currently zoned O-I (Office and Institutional District) and is developed with an office building. The property contains approximately 3.96 acres.

***Discussion:***

To rezone the subject property O-I (Office and Institutional District) to O-I (Office and Institutional District) to allow the existing site conditions to remain. The existing building square footage exceeds that for which it was zoned. The rezoning request is to bring the property into compliance with the City's current regulations.

The petition was heard at the January 16, 2014 Planning Commission meeting. The Commission recommended Approval (5-0, Tart, Nickles, Maziar, Porter and Squire for; Frostbaum recused; Duncan not voting) subject to staff's recommendation.



**Rezoning Petition No. 201303679**

<b>PROPERTY INFORMATION</b>	
<b>Address, Land Lot, and District</b>	875 Johnson Ferry Road Land Lot 94, District 17 <sup>th</sup>
<b>Council District</b>	5
<b>Frontage</b>	316.14 feet along Johnson Ferry Road and 482.94 feet along the east side of Glenridge Point Parkway
<b>Area</b>	3.96Acres
<b>Existing Zoning and Use</b>	O-I (Office and Institutional District) under Fulton County zoning case Z98-0006, currently developed with an office
<b>Overlay District</b>	Perimeter Community Improvement District (PCID)
<b>2027 Comprehensive Future Land Use Map Designation</b>	LWC (Live Work Community)
<b>Proposed Zoning</b>	O-I (Office and Institutional District)

<b>APPLICANT/PETITIONER INFORMATION</b>			
<b>Property Owner</b> Emory University	<b>Petitioner</b> Emory University	<b>Representative</b> Nathan V. Hendricks	
<b>Community Zoning Information Meeting</b>	<b>Community Developer Resolution Meeting</b>	<b>Planning Commission Hearing</b>	<b>Mayor and City Council Hearing</b>
December 18, 2013	October 24, 2013	January 16, 2014	February 18, 2014

**INTENT**

To rezone the subject property O-I (Office and Institutional District) to O-I (Office and Institutional District) to allow the existing site conditions to remain. The existing building square footage exceeds that for which it was zoned. The rezoning request is to bring the property into compliance with the City's current regulations.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**201303679- APPROVAL**

**PLANNING COMMISSION-January 16, 2013**

**201303679- APPROVAL**

The petition was heard at the January 16, 2014 Planning Commission meeting. The Commission recommended Approval (5-0, Tart, Nickles, Maziar, Porter and Squire for; Frostbaum recused; Duncan not voting) subject to staff's recommendation.

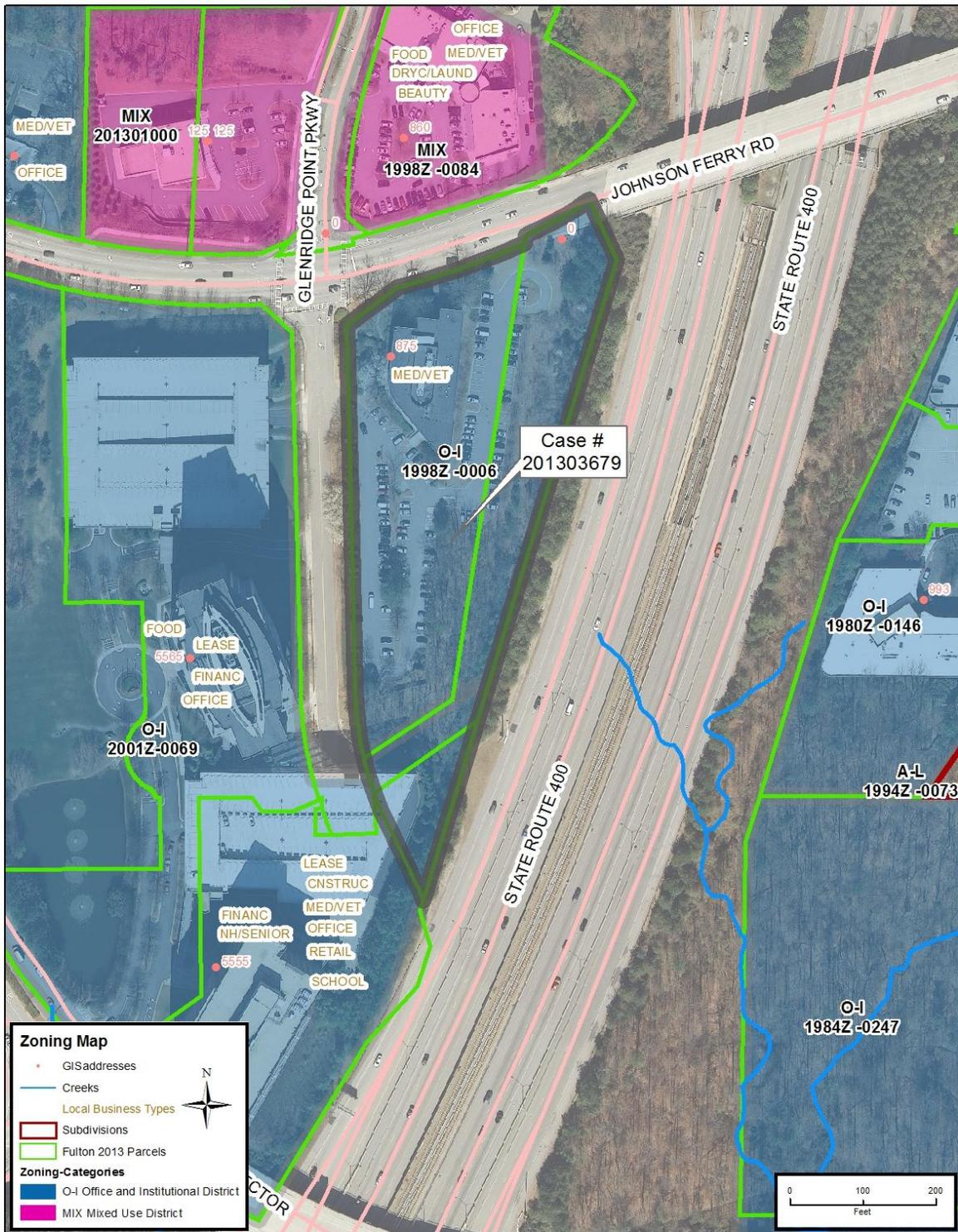
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES					
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SUBJECT PETITION 201303679	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage	Density (Units per Acre)
	O-I	Office	3.96	42,000 sqft	10,606.06 sqft/ac

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	MIX Z98-0084	Office	13.85	428,611	33,381 sqft/ac
North	MIX 201301000	Apartment Retail Bank/Office	3.8	180 12,000 12,000	47.37 units/ac 3,157.89 sqft/ac 3,157.89 sqft/ac
East	-	GA 400	-	-	-
West	O-I Z01-0069	Office	12.14	849,200	*45,754.32 sqft/ac

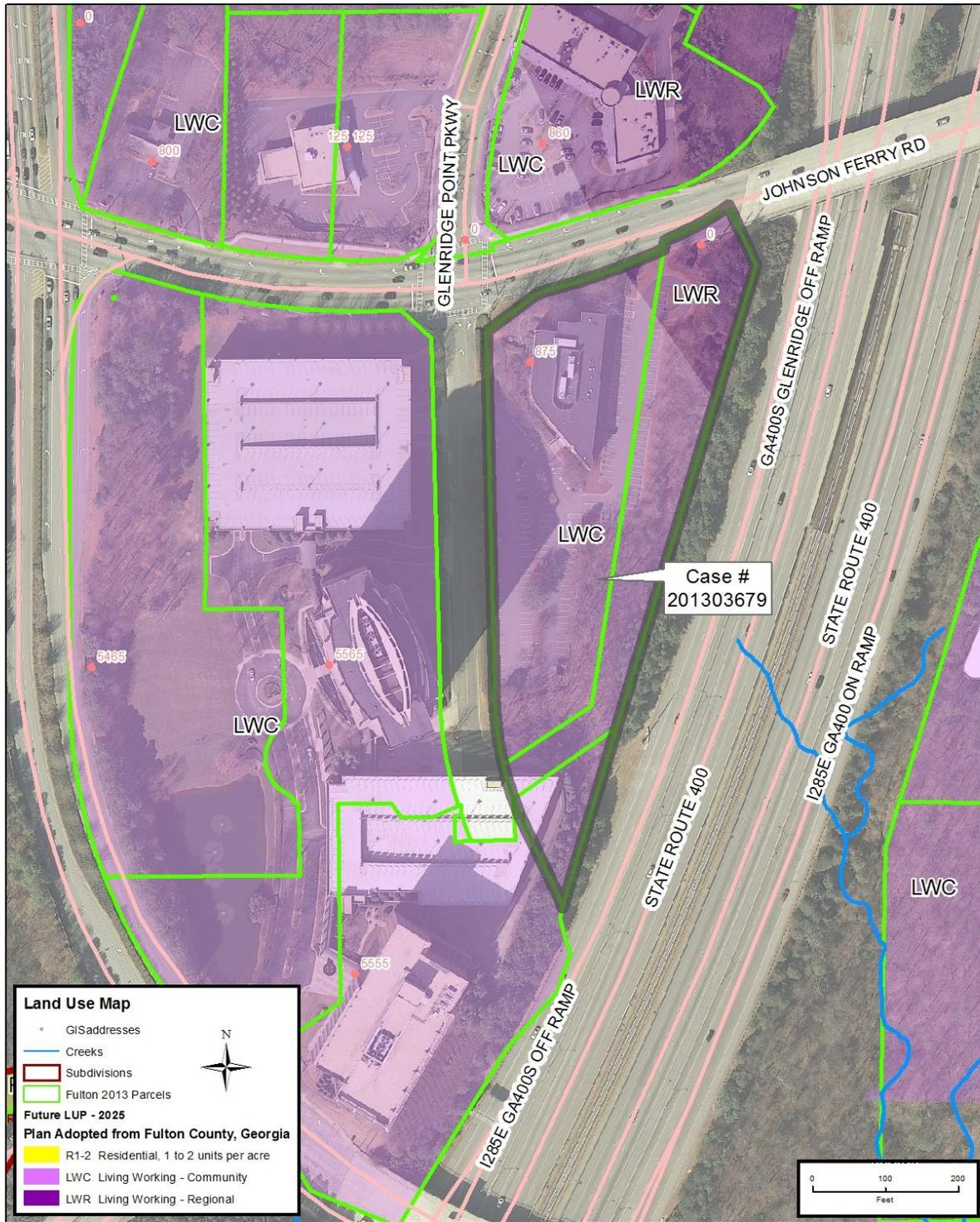
Zoning Map

875 Johnson Ferry Road NE



### Future Land Use Map

875 Johnson Ferry Road NE



## 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.*

Findings: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The existing building was constructed in 1984. Also, the surrounding properties are zoned O-I (Office and Institutional District) and MIX (Mixed Use District).

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

Findings: The staff is of the opinion that the proposal if approved will not have an adverse impact on the use or usability of adjacent or nearby properties because the building has been in existence since 1984. The existing building square footage exceeds that for which it was zoned. The current density of 10,606.06 square feet per acre is less than the Comprehensive Plan recommended density of 25,000 square feet per acre. The use is consistent in with the adjacent properties.

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

Findings: 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.*

Findings: 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. The proposed development will be required to meet all current City codes and ordinances. Also, the use has been in existence since 1984.

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

Findings: The staff is of the opinion that the proposed use is consistent with the Future Land Use Map. The Future Land Use Map designation of Live Work Community (LWC) and recommends a density 25,000 square feet. The applicant is requesting a density of 10,606.06 square feet/acre. The proposed request is in harmony with the Comprehensive Plan policies on densities being consistent with surrounding developments.

*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.*

Findings: 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.*

Findings: The staff is of the opinion that the proposal would not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs. The proposal will be required to meet all current City Codes.

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on October 2, 2013 at which the following departments had comments. The staff has received additional comments from Fulton County Department of Water Resources (see attachments).

<p><b>Transportation Planner</b></p>	<ul style="list-style-type: none"> <li>Johnson Ferry Road is classified a Minor Arterial street and has a posted speed limit of 35 mph. The existing daily traffic count in the vicinity of this site is 22,044 (2008) west of the site. The Johnson Ferry Road frontage is included in the Perimeter Community Improvement Overlay District. The Perimeter Community Improvement District (PCID) Livable Centers Initiative 10-year update recommends addition of bicycle lanes to Johnson Ferry Road (Project T-4), and the PCID Commuter Trail System Master Plan recommends development of a sidepath along the frontage of the property (Project A29). The minimum right-of-way for Johnson Ferry Road is 55 feet from the street centerline or 11 feet behind the future back of curb or one foot behind the future back of sidewalk, whichever is greater. A 20-foot miter or equivalent radius shall be provided at the intersection of Johnson Ferry Road and Trimble Road.</li> </ul>
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**PUBLIC INVOLVEMENT**

*Public Comments*

- None

**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** of this petition.

**STAFF RECOMMENDED CONDITIONS**

Should the Mayor and City Council decide to rezone the subject property from O-I (Office and Institutional District) to O-I (Office and Institutional District), the staff recommends the approval be subject to the O-I regulations in the Sandy Springs Zoning Ordinance and the Sandy Springs Code of Ordinances.

**Attachments**

- Letter of Intent dated received November 5, 2013
- Site Plan dated received November 5, 2013
- Site Photographs

LETTER OF INTENT

The property contains approximately 3.96 acres and is located at the southeast corner of the intersection of Trimble Road and Johnson Ferry Road (the "Property").

The Property is currently zoned to the O-I Classification pursuant to Fulton County Zoning Petition Number 98Z-0323 FCN. The Property was zoned for a total of 36,800 square feet for the development of a single building. The building has been completed and in use by the Owner/Applicant for well over a ten year period. It has been determined that the building actually contains an amount of square footage that exceeds that for which it was zoned. Accordingly, in order to correct the density, the Owner/Applicant requests that the Property be rezoned to the O-I Classification for a total of 42,000 square feet which results in a density of 10,606.06 square feet per acre. The Property is within the Live/Work Community designation of the Sandy Springs Comprehensive Land Use Plan which suggests office development up to 25,000 square feet per acre. As developed and existing the Property has been actually developed at a density which is less than half of that suggested by the Sandy Springs Comprehensive Land Use Plan. Accordingly, this Application for Rezoning is entirely appropriate and the appropriateness of this Application for Rezoning and the constitutional assertions of the Owner/Applicant are more particularly stated and set forth on Exhibit "A" which is attached hereto and by reference thereto made a part hereof.

Now, therefore, the Owner/Applicant requests that this Application for Rezoning be approved as submitted in order that the Owner/Applicant be able to enjoy the use and benefit of the Property.

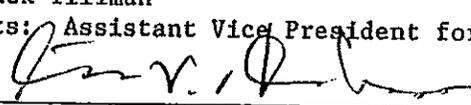
OWNER/APPLICANT:

Emory University

By: 

Jack Tillman

Its: Assistant Vice President for Real Estate

  
Nathan V. Hendricks III

Attorney for the Owner/Applicant

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

201303479

Exhibit "A"

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 approve this Use Permit Application 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 Constitutions of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of this Application 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 and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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City of Sandy Springs  
Community Development

**LEGAL DESCRIPTIONS**

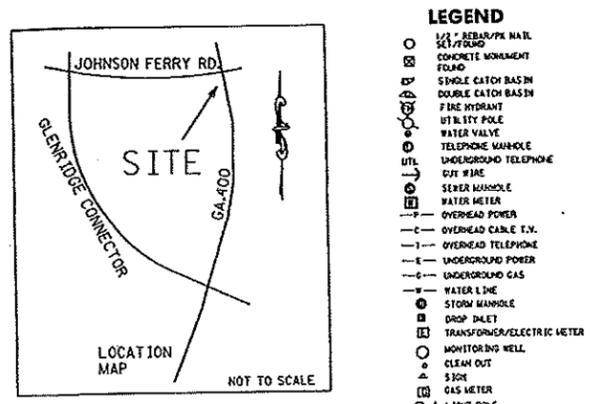
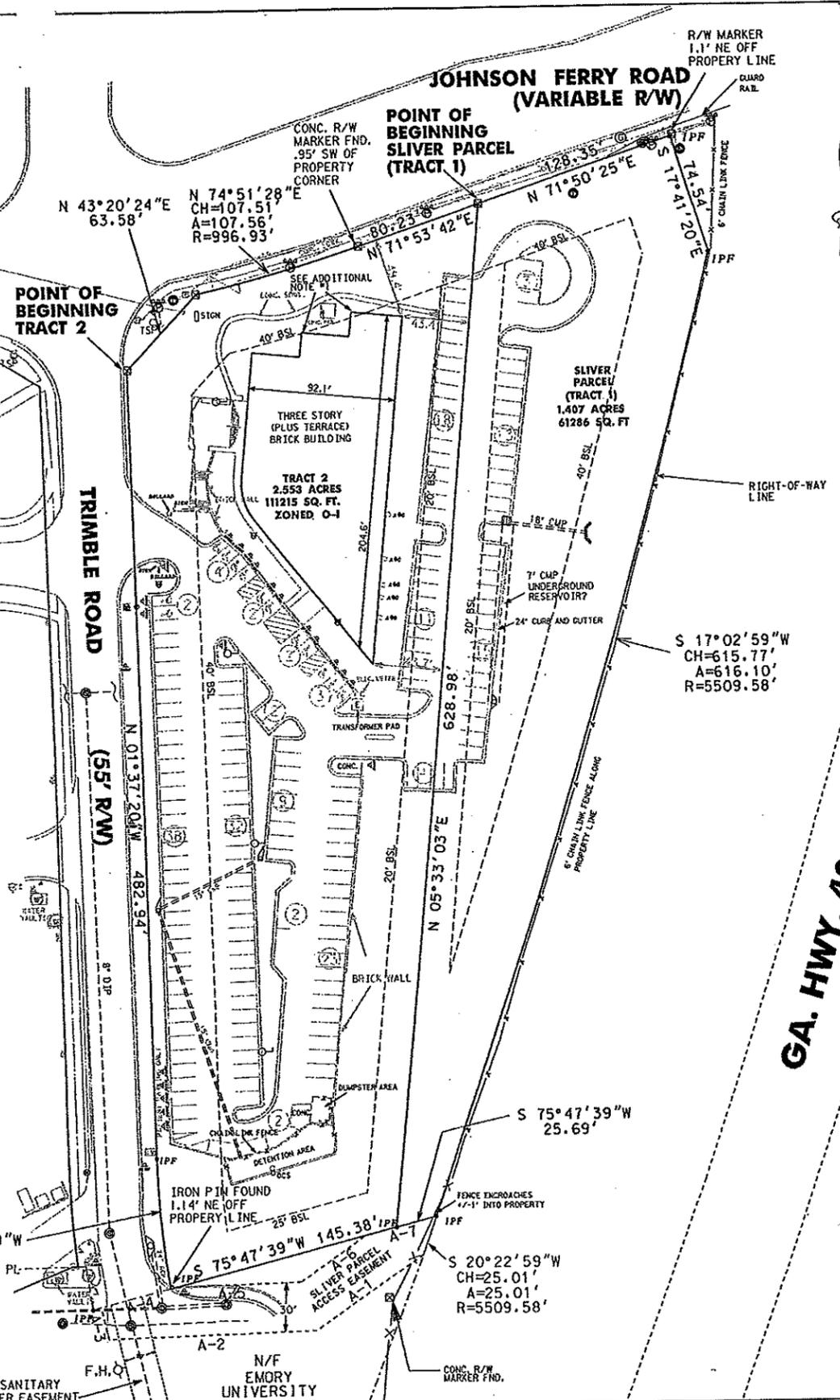
**Tract 1 (Sliver Parcel)**  
 All that tract or parcel of land lying and being in Land Lot 38, 17th district, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:  
 COMMENCE at a concrete right-of-way monument found at the point of intersection where the easterly right-of-way line of Trimble Road to 55-foot right-of-way intersects the southeasterly tapered right-of-way line defining the southerly right-of-way line of Johnson Ferry Road to variable right-of-way;  
 THENCE continuing along the southeasterly line of the right-of-way taper defining the southerly right-of-way line of Johnson Ferry Road North 43 degrees 20 minutes 24 seconds East a distance of 63.58 feet to a concrete right-of-way monument found;  
 THENCE continuing along the southeasterly line of Johnson Ferry Road along a curve to the left having a radius of 996.93 feet and an arc length of 107.56 feet, being subtended by a chord bearing North 14 degrees 51 minutes 28 seconds East for a distance of 107.51 feet to a point, said point being 0.95 feet northeast of a concrete right-of-way monument found;  
 THENCE continuing along the aforesaid southerly right-of-way line of Johnson Ferry Road North 71 degrees 53 minutes 42 seconds East a distance of 80.23 feet to a concrete right-of-way monument found and being the POINT OF BEGINNING;  
 THENCE from said point of beginning continuing along the aforesaid right-of-way line North 71 degrees 50 minutes 25 seconds East a distance of 128.35 feet to an iron pin found, said pin being 1.1 feet southwest of a concrete right-of-way monument found;  
 THENCE leaving the aforesaid right-of-way line and traveling South 17 degrees 41 minutes 20 seconds East a distance of 74.54 feet to an iron pin found;  
 THENCE along a curve to the right having a radius of 5509.58 feet and an arc length of 616.10 feet, being subtended by a chord bearing South 17 degrees 02 minutes 59 seconds East for a distance of 616.10 feet to an iron pin found;  
 THENCE South 75 degrees 47 minutes 39 seconds West a distance of 25.69 feet to an iron pin found;  
 THENCE North 05 degrees 53 minutes 29 seconds West a distance of 80.12 feet to a concrete right-of-way monument found along the southeasterly right-of-way line of Johnson Ferry Road, said right-of-way monument found at the POINT OF BEGINNING.  
 Sold tract or parcel of land contains 1.407 acres more or less.

**Tract 2**  
 All that tract or parcel of land lying and being in Land Lot 38, 17th district, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:  
 COMMENCE at a concrete right-of-way monument found at the point of intersection where the easterly right-of-way line of Trimble Road to 55-foot right-of-way intersects the southeasterly tapered right-of-way line defining the southerly right-of-way line of Johnson Ferry Road to variable right-of-way;  
 THENCE continuing along the southeasterly line of the right-of-way taper defining the southerly right-of-way line of Johnson Ferry Road North 43 degrees 20 minutes 24 seconds East a distance of 63.58 feet to a concrete right-of-way monument found;  
 THENCE continuing along the southeasterly line of Johnson Ferry Road along a curve to the left having a radius of 996.93 feet and an arc length of 107.56 feet, being subtended by a chord bearing North 14 degrees 51 minutes 28 seconds East for a distance of 107.51 feet to a point, said point being 0.95 feet northeast of a concrete right-of-way monument found;  
 THENCE continuing along the aforesaid southerly right-of-way line of Johnson Ferry Road North 71 degrees 53 minutes 42 seconds East a distance of 80.23 feet to a concrete right-of-way monument found;  
 THENCE leaving the aforesaid right-of-way line and traveling South 05 degrees 33 minutes 03 seconds West a distance of 145.38 feet to a point located on the easterly right-of-way line of Trimble Road, said point being 1.14 feet southwest of an iron pin found;  
 THENCE continuing along the easterly right-of-way line of Trimble Road along a curve to the right having a radius of 538.16 feet and an arc length of 80.20 feet, being subtended by a chord bearing North 05 degrees 53 minutes 29 seconds West for a distance of 80.12 feet to an iron pin found;  
 THENCE continuing along the aforesaid right-of-way line North 01 degree 37 minutes 20 seconds West a distance of 482.94 feet to a concrete right-of-way monument found at the POINT OF BEGINNING.  
 Sold tract or parcel of land contains 2.553 acres more or less.

**Both Tracts**  
 All that tract or parcel of land lying and being in Land Lot 38, 17th district, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:  
 COMMENCE at a concrete right-of-way monument found at the point of intersection where the easterly right-of-way line of Trimble Road to 55-foot right-of-way intersects the southeasterly tapered right-of-way line defining the southerly right-of-way line of Johnson Ferry Road to variable right-of-way;  
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 THENCE continuing along the aforesaid southerly right-of-way line of Johnson Ferry Road North 71 degrees 53 minutes 42 seconds East a distance of 80.23 feet to a concrete right-of-way monument found;  
 THENCE continuing along the aforesaid right-of-way line North 71 degrees 50 minutes 25 seconds East a distance of 128.35 feet to an iron pin found, said pin being 1.1 feet southwest of a concrete right-of-way monument found;  
 THENCE leaving the aforesaid right-of-way line and traveling South 17 degrees 41 minutes 20 seconds East a distance of 74.54 feet to an iron pin found;  
 THENCE along a curve to the right having a radius of 5509.58 feet and an arc length of 616.10 feet, being subtended by a chord bearing South 17 degrees 02 minutes 59 seconds East for a distance of 616.10 feet to an iron pin found;  
 THENCE South 75 degrees 47 minutes 39 seconds West a distance of 25.69 feet to a point located on the easterly right-of-way line of Trimble Road, said point being 1.14 feet southwest of an iron pin found;  
 THENCE continuing along the easterly right-of-way line of Trimble Road along a curve to the right having a radius of 538.16 feet and an arc length of 80.20 feet, being subtended by a chord bearing North 05 degrees 53 minutes 29 seconds West for a distance of 80.12 feet to an iron pin found;  
 THENCE continuing along the aforesaid right-of-way line North 01 degree 37 minutes 20 seconds West a distance of 482.94 feet to a concrete right-of-way monument found at the POINT OF BEGINNING.  
 Sold tract or parcel of land contains 3.960 acres more or less.

**DEVELOPMENT STATISTICS SUMMARY**

TOTAL SITE AREA	172,501 SQ. FT.
GROSS BUILDING AREA	42,000 SQ. FT.
TOTAL PARKING SPACES	185
TOTAL IMPERVIOUS SURFACE	76,701 SQ. FT. +/- OR 44.5% +/-
TOTAL LANDSCAPE AREA	33,900 SQ. FT. +/- OR 19.6% +/-
UNDEVELOPED AND/OR OPEN SPACE	61,900 SQ. FT. +/- OR 35.9% +/-
FLOOD PLAIN	NONE EXISTS



COURSE	BEARING	DISTANCE
A-1	S 55° 37' 56" W	79.97'
A-2	S 88° 17' 55" W	130.00'
A-3	N 14° 12' 21" W	20.00'
A-4	N 75° 47' 39" E	48.39'
A-5	N 88° 17' 55" E	78.30'
A-6	N 55° 37' 56" E	49.18'
A-7	N 75° 47' 39" E	45.18'

**SURVEYOR'S NOTES**

- BASIS OF BEARING: GEORGIA WEST ZONE GRID NORTH.
- THE FIELD DATA ON WHICH THIS MAP OR PLAN IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 18,182 FEET AND AN ANGULAR ERROR OF 04 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES ADJUSTMENT METHOD.  
TYPE OF EQUIPMENT: GEODIMETER 650 TOTAL STATION
- THIS MAP OR PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 180,457 FEET.

**ADDITIONAL NOTES**

1. According to Partition 98-0006, filed February 23, 1998 to Fulton County Planning Commission - there is no encroachment - all landscape strips, buffers, and setbacks were reduced to conform with existing structures.

**ZONING INFORMATION**

ZONED O-1 (OFFICE AND INSTITUTIONAL)  
 40' FRONT SETBACK  
 40' SIDEYARD  
 20' ON INTERIOR SIDEYARD  
 25' REAR SETBACK  
 HEIGHT: 60' OR 4 STORIES

ZONING INFORMATION PROVIDED BY CITY OF SANDY SPRINGS ZONING MAP DATED OCTOBER 1, 2010 AND MUTICODE.COM

**PARKING COUNT**

STANDARD	172
HANDICAP	13
TOTAL	185

**FLOOD CERTIFICATION**

ACCORDING TO THE FEMA FIRM COMMUNITY PANEL NUMBERS 13121C0161F AND 13121C0163F BOTH DATED 09-18-2013, SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).



RECEIVED

City of Sandy Springs  
 Community Development

DATE: NOV-2013  
 PROJECT: Johnson Ferry/Trimble/Sliver Parcel  
 DRAWN BY: ALTA VEGETATION  
 CHECKED BY: [Signature]  
 ALL RIGHTS RESERVED

**ATKINS**  
 1800 RiverEdge Pkwy, NW Suite 600 Atlanta, GA 30328  
 Tel: (770) 933-0280 Fax: (770) 933-8558

CLIENT  
**THE EMORY CLINIC, INC.**  
**CHICAGO TITLE INSURANCE COMPANY**

PROJECT  
**ZONING EXHIBIT**

LOCATED IN  
**LAND LOT 38, 17TH DISTRICT,  
 CITY OF SANDY SPRINGS  
 FULTON COUNTY, GEORGIA**

ORIGINAL	11-04-13	6
REVISIONS:		7
1		8
2		9
3		10
4		11
5		12



JOB NO. 15000000  
 DRAWING 815 OF ALTA VEGETATION  
 DRAWN BY: RSB  
 CHECKED BY: [Signature]  
 DATE: [Signature]  
 SHEET 1/1



**SANTA ANITA**  
OFFICE OF DEVELOPMENT

Parcel Number: 201300677  
 Property Location: 875 Johnson Ferry Rd.  
 Project: To rezone from O2 to CO

Public Meeting: Planning Commission 11/17 at 6:00 p.m.  
 Mayor and City Council 2/11/18 at 6:00 p.m.

Location: Sandy Springs City Hall  
 Manager's Office, 4th Fl.  
 7765 Roswell Road, Building 100  
 Sandy Springs, Georgia 30350

For additional information, please contact Planning and Zoning at 770.770.6600 or visit [www.santaanita.org/planning](http://www.santaanita.org/planning)

EMORY HEALTHCARE

**THE EMORY CLINIC**  
AT PERIMETER

EMORY VISION

INTERNAL MEDICINE  
 ORTHOPAEDICS  
 EMORY PHYSICAL THERAPY  
 GASTROENTEROLOGY  
 RADIOLOGY

Metropolitan  
Dermatology  
Surgery, P.C.

875







