



Land Use Petition RZ-18-005

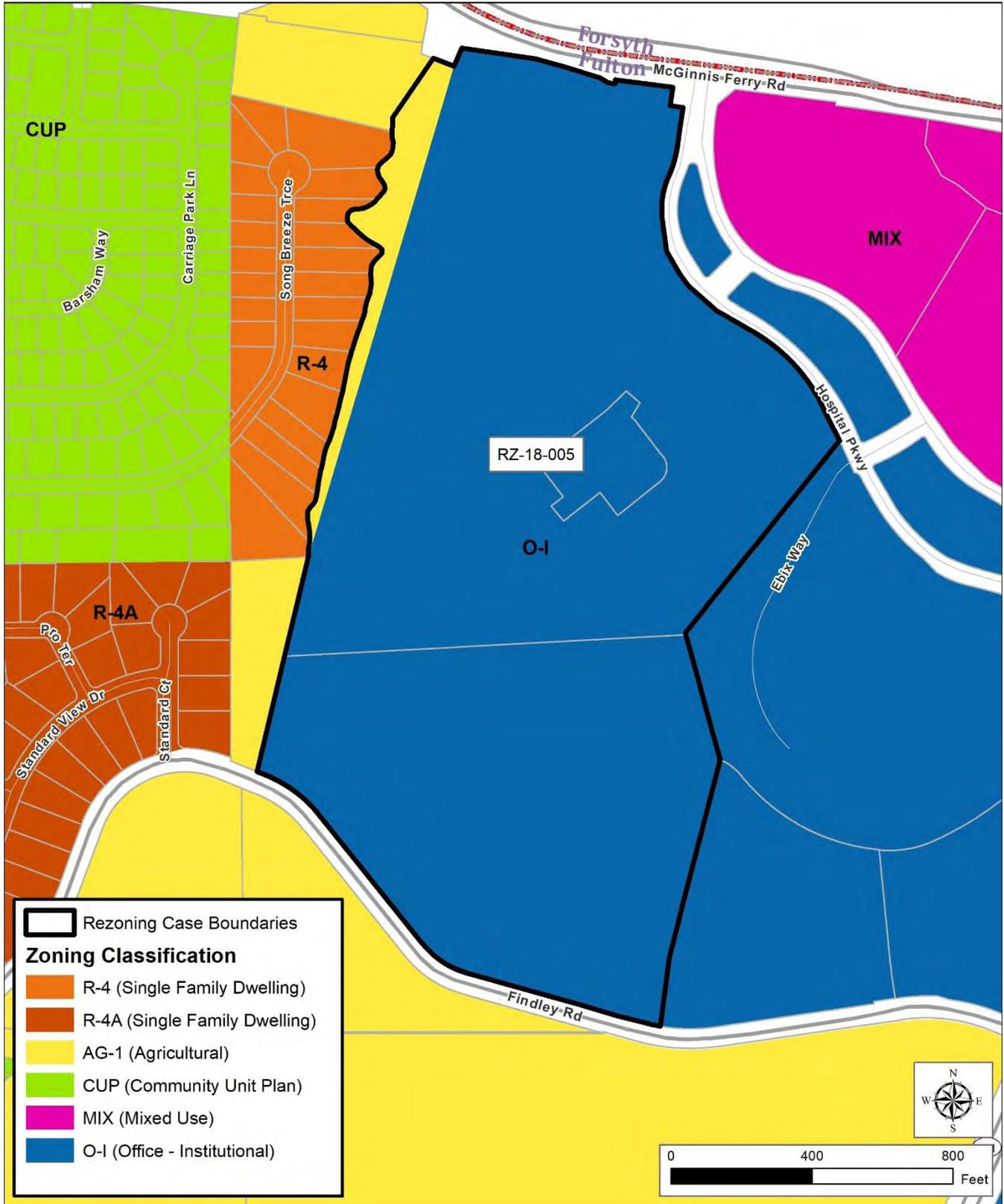
Date of Staff Recommendation Preparation: August 17, 2018

PROJECT LOCATION:	6325, 6335 Hospital Parkway and 0 Findley Road
DISTRICT/SECTION/LAND LOT(S):	1 st District, 1 st Section, Land Lots 353, 354, 377
ACREAGE:	60.05 Acres
EXISTING ZONING	O-I (Office Institutional District) Conditional
PROPOSED ZONING:	O-I (Office Institutional District) Conditional
FUTURE DEVELOPMENT MAP DESIGNATION:	Character Area 9: Medlock Bridge Road Corridor
APPLICANT:	Chuck Palmer c/o Troutman Sanders 600 Peachtree Street, Ste. 3000 Atlanta, GA 30308 Contact: Mr. Chuck Palmer Phone: 404.885.3402
OWNER:	Emory Healthcare 6325 Hospital Parkway Johns Creek, Georgia 30097
PROPOSED DEVELOPMENT:	Change in Zoning Condition 1.a. by eliminating the 110-bed limit in rezoning case Z-06-050, to convert approximately 62,000 sq. ft. of allowable medical space into bed space to allow for 40 additional beds.
STAFF RECOMMENDATION:	Approval with Conditions

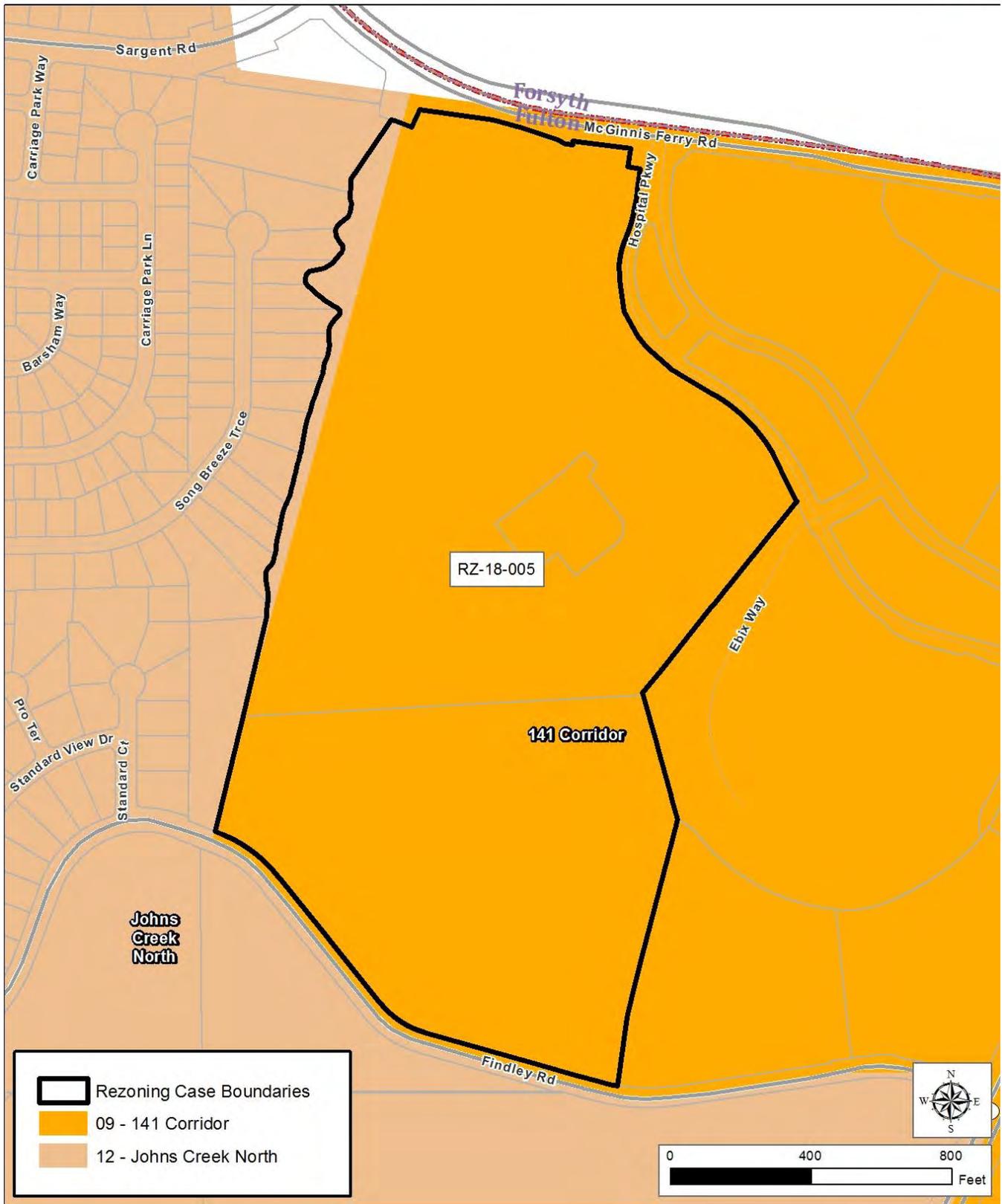
Community Development



Zoning Map



Character Area Map





Aerial Map



PROJECT OVERVIEW

The Applicant is requesting to change Zoning Condition 1.a. on a 60.05-acre, three-parcel tract located southwest of McGinnis Ferry Road at Hospital Parkway, by eliminating the 110-bed limit set by rezoning case Z-06-050.

The subject property is bounded to the north by Johns Creek Baptist Church, across McGinnis Ferry Road in Forsyth County; to the west by vacant land and the Windsong Trace residential subdivision; to the south by Standard Club Golf Course, across Findley Road; and to the east by Memory Center Atlanta and Ebix Inc. The subject property is located within Character Area 9: Medlock Bridge Road Corridor and the Medlock Bridge Road/McGinnis Ferry Road Activity Node. The northeastern portion of the property is also located in a Gateway Area.

Emory Johns Creek Hospital has been in operation on the subject property for over ten years, and is both the primary healthcare provider and a primary employer in the City of Johns Creek. There are currently two medical buildings on the subject property, totaling 406,982 sq. ft., and 1,049 parking spaces.

The property is currently zoned O-I Conditional under Fulton County rezoning case Z-06-050, which restricted the number of beds to 110. Zoning Condition 1.a. in that case allowed “[a] 110-bed hospital and medical office buildings and accessory uses at a maximum density of 10,343.73 square feet of gross floor area per acre zoned or a total gross floor area 672,963 square feet, whichever is less, but excluding hotels.”

In the Letter of Intent, the Applicant states that the demand for hospital beds will continue to grow, and therefore the Applicant plans to expand the number of hospital beds. The Applicant wishes to convert approximately 62,000 sq. ft. of allowable medical office space into bed space, to allow for 40 additional hospital beds. The allowable gross floor area, the maximum building height, and other conditions from the previous rezoning case will remain unchanged. The hours and manner of operation will remain unchanged as a 24/7/365 facility.

A neighborhood meeting was held for this application on September 13, 2018 at the City’s Municipal Court. Three citizens were in attendance for this case. Several concerns were raised, including parking requirements, public transit from/to Emory Johns Creek Hospital, and future expansion plans.

STANDARDS OF REZONING REVIEW (STEINBERG ACT)

- **Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?**

The surrounding zoning, land uses, and development criteria are as follows:

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)	Minimum Lot Size
Adjacent: North	N/A (Forsyth County)	Institutional (Johns Creek Baptist Church)	N/A	N/A
Adjacent: West	AG-1	Vacant	N/A	N/A

Adjacent: South	AG-1 (1978Z-132)	Recreational - Private	N/A	N/A
Adjacent: East	O-I Conditional (1990Z-0036)	Office	10,950 SF/Acre	N/A
Adjacent: East	O-I Conditional (RZ-15-009)	Institutional	4,687.5 SF/Acre	N/A
Nearby: West	R-4 Conditional (1992Z-0022)	Single-Family Residential Subdivision (Windsong Trace)	2.59 Units/Acre	9,000 SF
Nearby: West	CUP Conditional (1991Z-0052)	Single-Family Residential Subdivision (Carriage Park)	4.1 Units/Acre	9,000 SF
Nearby: West	R-4A (1986Z-0227)	Single-Family Residential Subdivision (Standard View)	2.67 Units/Acre	15,000 SF
Nearby: East	MIX Conditional (2001Z-0133)	Commercial Retail	14,150.95 SF/Acre	N/A

As shown in the table above, the surrounding area is characterized by a mixture of residential, commercial, institutional and recreational uses. Emory Johns Creek Hospital has been in operation on the subject property for over ten years, and the removal of a condition limiting the number of beds will not change the nature of the use. Therefore, the proposal is suitable in view of the use and development of adjacent and nearby properties.

- **Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?**

The removal of a condition limiting the number of beds in Emory Johns Creek Hospital will not adversely affect the existing use or usability of adjacent or nearby properties.

- **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?**

The property has a reasonable economic use as currently zoned and the removal of the 110-bed limit will promote the economic viability of Emory Johns Creek Hospital.

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

Since the allowable use and total square feet of gross floor area will not change, the proposed change to eliminate the 110-bed limit will not have a greater impact on streets, transportation facilities, or utilities than under current zoning conditions in Z-06-050. There will be no impact to schools.

- **Whether the proposal is in conformity with the policy and intent of the Comprehensive Plan including the land use element?**

The subject property is located in Character Area 9: Medlock Bridge Road Corridor on the Future Development Map in the 2008 Comprehensive Plan. The vision for this Character Area calls for a mixture of commercial, office, residential and institutional uses. The Comprehensive Plan also calls for this Character Area to allow for “community seniors to ‘Age in Place’” and envisions that “[e]mpty nesters

and active adults, formerly housed in large homes on large lots, may be attracted to the corridor because of the walkability, the quality of activities and services, as well as public transit.” Emory Johns Creek Hospital is the primary anchor of the Medlock Bridge Road/McGinnis Ferry Activity Node in this Character Area, and the northeastern portion of the property is located within a Gateway Area. Therefore, the proposal is in conformity with the vision outlined for this area in the Comprehensive Plan.

- **Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting ground for either approval or disapproval of the proposal?**

Ongoing and projected demographic changes in Johns Creek and the surrounding area (e.g. Forsyth County) show a steadily rising population over time, which is likely to generate increasing demand for healthcare services, including inpatient care. Additionally, the Johns Creek City Council voted unanimously on February 26, 2018 to adopt a strategic focus on healthcare innovation and wellness – “iHeart Johns Creek” – as an identity for the City. The resolution notes that Johns Creek is home to many businesses and professionals in the healthcare and wellness industry, including Emory Johns Creek Hospital. The Council directed staff to incorporate health and wellness into the city’s strategic planning framework, and to seek “collaboration and partnerships” with relevant local businesses and residential organizations. These factors provide supporting ground for approval.

- **Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the City of Johns Creek.**

The proposal will not be environmentally adverse to the natural resources, environment, or citizens of the City of Johns Creek.

ANALYSIS

The Applicant is requesting to change Zoning Condition 1.a. by eliminating the 110-bed limit set by rezoning case Z-06-050. Emory Johns Creek Hospital has been in operation on the subject property for over ten years, and wishes to convert approximately 62,000 sq. ft. of allowable medical office space into bed space, to allow for 40 additional hospital beds. The allowable gross floor area, the maximum building height, and other conditions from the previous rezoning case will remain unchanged. The hours and manner of operation will remain unchanged as a 24/7/365 facility.

The subject property is surrounded by a mixture of residential, commercial, institutional and recreational uses. The removal of a condition limiting the number of hospital beds would not adversely affect the existing use or usability of adjacent or nearby properties, and it would not have a greater impact on public infrastructure than under current zoning condition in Z-06-050.

The subject property is located in Character Area 9: Medlock Bridge Road Corridor. The vision for this Character Area calls for a mixture of commercial, office, residential and institutional uses, and provides for “community seniors to ‘Age in Place’.” Emory Johns Creek Hospital is a primary anchor of the Medlock Bridge Road/McGinnis Ferry Activity Node in this Character Area. The proposal is in conformity with the vision outlined for this area in the Comprehensive Plan.

Ongoing and projected demographic changes in Johns Creek and the surrounding area (e.g. Forsyth County) show a steadily rising population over time, which is likely to generate increasing demand for healthcare services, including inpatient care. Additionally, the Johns Creek City Council voted unanimously on February 26, 2018 to adopt a strategic focus on healthcare innovation and wellness – “iHeart Johns Creek” – as an identity for the City. The resolution notes that Johns Creek is home to many businesses and professionals in the healthcare and wellness industry, including Emory Johns

Creek Hospital. The Council directed staff to incorporate health and wellness into the city’s strategic planning framework, and to seek “collaboration and partnerships” with relevant local businesses and residential organizations. These factors provide supporting ground for approval.

The number of beds a healthcare facility may have is licensed by the State of Georgia’s Department of Community Health, and should not be regulated under zoning, which by design is a set of regulations to establish the use and the form of improvements to a property.

In conclusion, the proposal to change Zoning Condition 1.a. by eliminating the 110-bed limit is consistent with the overall goals and vision for Character Area 9: Medlock Bridge Road Corridor, and is suitable in terms of the use and development of the adjacent and nearby properties. It also reflects the projected increase in demand for healthcare services, as well as the intent of the February 2018 “iHeart Johns Creek” City resolution, which give supporting ground for approval. Therefore, the Department of Community Development recommends **APPROVAL** of Land Use Petition **RZ-18-005**.

DEPARTMENT COMMENTS

WATER AND SEWER

WATER:

Anticipated water demand: 200 gallons per day (gpd) x 150 total beds (672,963 square feet of hospital space) = total demand 30,000 gallons per day

This project is within the Fulton County Government water service jurisdiction. There is a 12-inch water line along the south side of McGinnis Ferry Road, and there is a 12-inch water line along the east side of Hospital Parkway that can service this location.

SEWER:

Basin: Johns Creek

Treatment Plant: Johns Creek

Anticipated sewer demand: 27,000 gallons per day

There are 27 wastewater manholes within the property boundaries of the 39.61 acre tract (6325 Hospital Parkway) (sewer manholes from # SMJC3417870 to SMJC3515450) located in Land Lots 353, 354, 355, 376, District 1-1 that can service this development.

Because of the size of this development, Fulton County Government may request that the developer pay to have a downstream analysis performed on the impact on the Fulton County sewer system by the sewer discharge of this proposed project prior to the issuance of any Land Disturbance Permit. The contact for the Department of Public Works of Fulton County Government to further coordinate this request would be either Tim Mullen (404-612-9564) or Ray Wooten (404-612-7547).

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Public Works for more information.

HEALTH AND WELLNESS

Environmental Health Services (EHS):

- The Environmental Health Services Division of the Fulton County Board of Health does not anticipate any issues so long as the number of outside refuse containers and frequency of pick-up

will not be affected. Any changes in the waste generation as a result of the proposed building use changes requires a review and approval of solid waste plans by this department.

Environmental Justice (EJ):

- The Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment by approving the rezoning to allow for the proposed increase in the number beds.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **RZ-18-005**. Should City Council choose to approve the petition, the “110-bed” limitation should be stricken from Zoning Condition 1.a., as shown below and all other existing zoning conditions shall be brought forward:

1. *To the owner’s agreement to restrict the use of the subject property as follows:*
 - a. *A ~~110-bed~~ hospital and medical office buildings and accessory uses at a maximum density of 10,343.73 square feet of gross floor area per acre zoned or a total gross floor area 672,963 square feet, whichever is less, but excluding hotels.*