



PLANNING & ZONING STAFF REPORT
Mayor & City Council Hearing
August 16, 2016

Case: **ZM16-0015: 1100 Johnson Ferry Road**
Staff Contact: Cecilia Leal, cleal@sandyspringsga.gov
Report Date: August 4, 2016

REQUEST

Request to modify Zoning Condition 2(a) of Rezoning Case Z83-0185FC as modified by ZM07-010, ZM09-009, and 20130404 to substitute Site Plan received by the Department of Community Development on February 29, 2016 in lieu of and in replacement of the site plan received by the Department of Community Development on January 11, 2013, to allow construction of a 450-space parking deck on the northern side of the existing building. No additional office space is proposed.

SUMMARY

The applicant, Duke Realty, requests this Modification of Zoning Condition 2(a) in order to build a new parking deck to accommodate the parking needs of the existing medical office building at Center Pointe.

RECOMMENDATION

Mayor and City Council: June 21, 2016

City Council voted 6-0 to **defer** the Zoning Modification request on June 21, 2016, to the August 16, 2016 Mayor and City Council hearing. City Council requested that the applicant explore other solutions to accommodating the parking needs of the medical office complex.

Planning Commission: May 19, 2016

The Planning Commission voted 6-0 to **approve** the Zoning Modification request on May 19, 2016. The Planning Commission requested that the applicant coordinate construction of the parking deck with nearby projects including the North American Properties mixed-use project and Children's Hospital expansion in order to mitigate construction traffic. Additionally, the Planning Commission suggested staff tie parking minimum requirements to parking indices to reflect changing trends in parking needs.

Department of Community Development

Staff recommends **approval** of the modification of the following Zoning Condition of Z83-0185FC:

2. To the owner's agreement to abide by the following:

To the site plan received by the Department of Community Development ~~dated January 11, 2013~~ received February 29, 2016 and the conceptual landscape plan received May 10, 2016. Said site plans are conceptual only and must meet or exceed the requirements of the Code of Ordinances and these conditions prior to the approval of any Permits. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy. Parking booth and gate locations are subject to the Sandy Springs Traffic Engineer approval.

PROPERTY INFORMATION	
Location:	1100 Johnson Ferry Road NE 17 0016 LL1674
Council District:	5, Tibby DeJulio
Road frontage:	Approximately 580 feet of frontage along the north side of Johnson Ferry Road. Approximately 608 feet of frontage along the west side of Old Balloon Road.
Acreage:	12.9 acres
Existing Zoning:	O-I 1983-0185 (Office/Institutional)
Existing Land Use:	Developed with medical office park
Overlay District:	Perimeter Community Improvement Design District
Special Planning Area:	PCID
Future Land Use Designation:	Living-Working Regional

APPLICANT		
Property Owner: BD Center Pointe, LLC	Petitioner: Darrell Philips, Duke Realty Corporation	Representative: Woody Galloway, Galloway Law Group

PROCESS			
Community Meeting 1: February 4, 2016	Community Meeting 2: March 23, 2016	Planning Commission: May 19, 2016	Mayor and City Council: June 21, 2016

PROPOSED MODIFICATIONS AND ANALYSIS
<p>2. To the owner's agreement to abide by the following:</p> <p>a. To the site plan received by the Department of Community Development dated January 11, 2013 received February 29, 2016 and the conceptual landscape plan received May 10, 2016. Said site plans are conceptual only and must meet or exceed the requirements of</p>

the Code of Ordinances and these conditions prior to the approval of any Permits. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy. Parking booth and gate locations are subject to the Sandy Springs Traffic Engineer approval.

This modification relates to the site plan to which this zoning is conditioned (Condition 2(a) of 1983 rezoning case Z83-0185). The applicant is requesting this modification to change the site plan in order to construct a 450-space parking garage over existing surface parking. The new parking garage will result in a net increase of 346 parking spaces.

The site is currently developed with a medical office park consisting of two connected office buildings (six stories and eleven stories), one existing parking garage, and 1,325 parking spaces (located on the surface lots and existing parking garage). This condition has been modified three times previously, in 2007, 2009, and 2013. All three zoning modifications addressed Condition 2(a) and changed the site plan.

Zoning modification ZM07-010 changed the use of 128,000 sq. ft. of the building area (out of 381,000 sq. ft. total) from general office use to medical office use, modified the site plan to alter the parking lot layout, and deleted the (previously unenforced by Fulton County) impervious surface maximum. Zoning modification ZM09-009 changed the use of 181,000 sq. ft. of the building area (out of 381,000 sq. ft. total) from general office use to medical office use and altered the layout of the parking lot to allow for an additional 55 parking spaces. Zoning modification 201300088 changed the use of the entire square footage of the building (381,000 sq. ft.) to medical office use, changed the location of the parking booth and gate (at the request of the residential neighborhood across Johnson Ferry Road), and requested a concurrent variance to reduce the minimum required parking from 1,372 to 1,284 spaces.

The use and vacancy rates of the buildings have changed since the building was initially developed and since the zoning modifications in 2007, 2009, and 2013. The building management faces a parking shortage. Currently, they offer offsite parking to tenants, complemented by shuttles and valet service, in order to address the parking shortage. Construction of the new parking deck will result in 1,630 total spaces on site, which the applicant anticipates to be sufficient for the medical office use. This results in a ratio of 4.3 parking spaces per 1,000 sq. ft. Section 18.2.1 requires 2.8 parking spaces per 1,000 sq. ft. of medical office for buildings over 250,000 sq. ft. The zoning ordinance does not include parking maximums for structured parking decks in the Perimeter Community Improvement Design District.

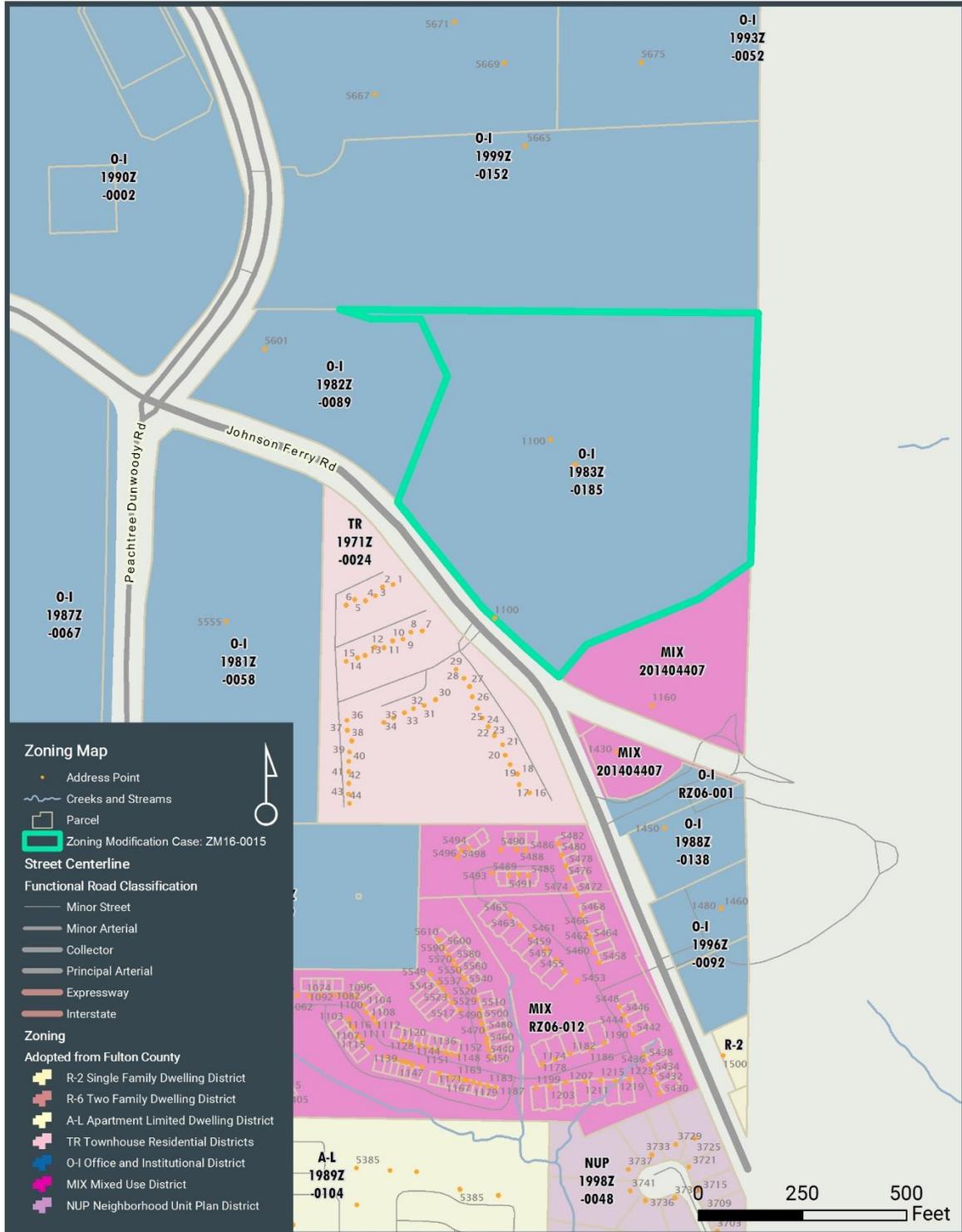
Construction of the new parking deck will increase the impervious surface on site by approximately 1,000 sq. ft., due to the loss of parking islands. The Department of Community Development has requested that the applicant provide landscaping along the ground-level perimeter of the new parking garage, including trees, to increase the amount of tree canopy on site. The conceptual landscape plan received May 10, 2016 reflects this request.

At the time of Land Disturbance Permit, the developer will be required to dedicate right-of-way and install streetscape per the Perimeter Community Improvement Design District standards (see Transportation comments below).

EXISTING LAND USES AND ZONING OF PROPERTY IN THE VICINITY					
Location relative to subject property	Zoning Land Use	Address	Land Area (acres)	Total square footage or units	Density (sq. ft./acre or units/acre)
North	O-I conditional Z99-0152	St. Joseph's hospital – 5655 Peachtree-Dunwoody Road	30.99	1,687,832 sf	54,463.77 sf/ac
East	O-I conditional RZ06-001	St. Joseph's hospital – 1160 Johnson Ferry Road	4.04	1,955 sf	483.91 sf/ac
South	TR conditional Z71-0024	Johnson Ferry Park townhomes	7.21	44 units	6.10 units/ac
West	O-I conditional Z82-0089	5601 Peachtree-Dunwoody Road	3.94	Vacant	-

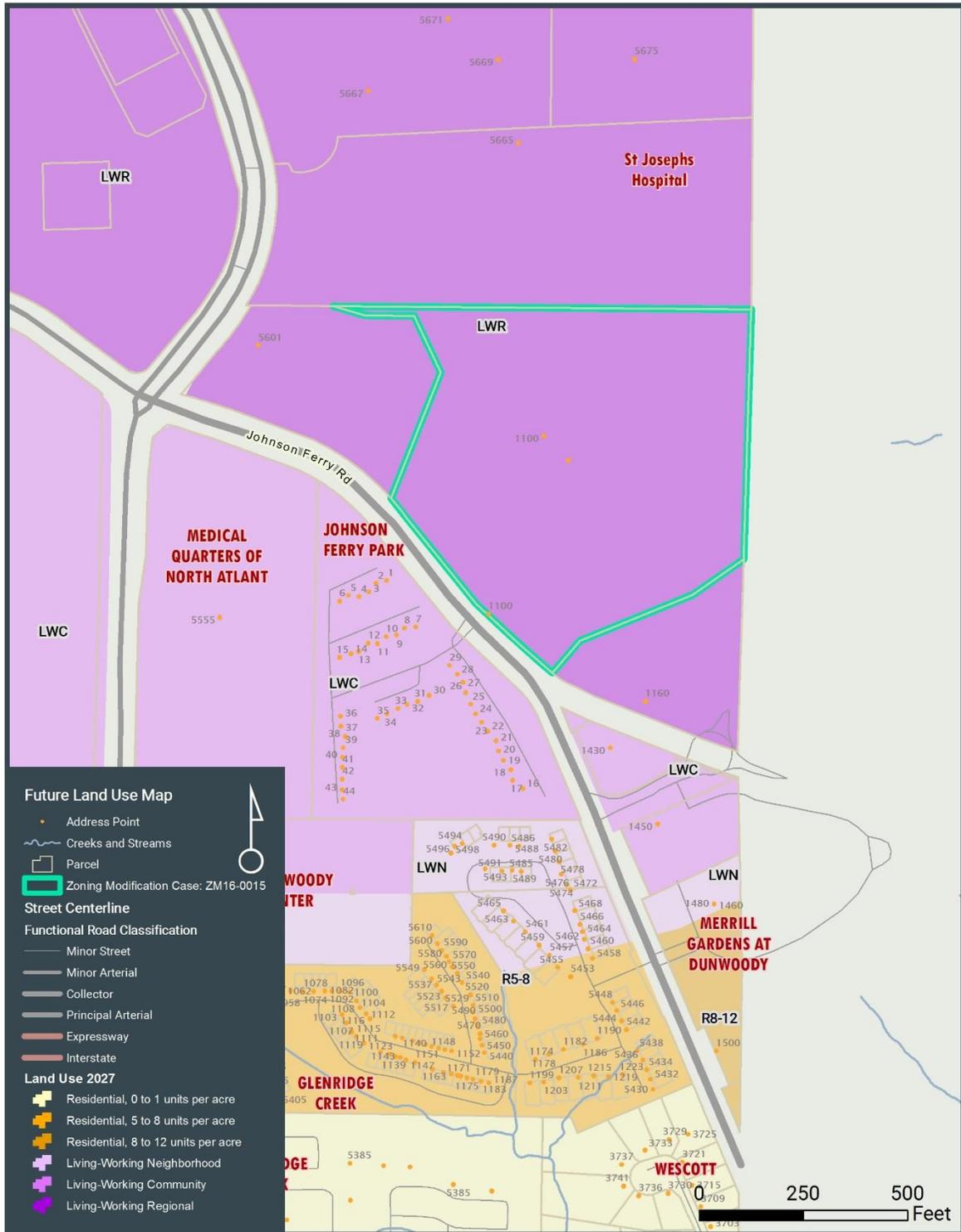
ZONING MAP

1100 Johnson Ferry Road



FUTURE LAND USE MAP

1100 Johnson Ferry Road



COMMENTS FROM OTHER PARTIES

Transportation: For the project street frontages, the following provides a summary of existing transportation conditions:

- Johnson Ferry Road is classified as a Minor Arterial Street. The posted speed limit is 35 mph, and the average daily traffic is 14,500 vehicles per day (GDOT, 2014)
- MARTA operates weekday service with Bus Route 25 along the Johnson Ferry Road frontage.
- All street frontages are included in the Perimeter Community Improvement Design Overlay District which includes streetscape and street improvements to include pedestrian and bicycle accommodations, pedestrian and street lighting, street furniture, brick paver accents, and landscaping per Article 12 of the Zoning Ordinance.

Public Works has identified the following Projects from City-adopted Plans in the project vicinity:

Perimeter 2011 10-Year Update to the Livable Centers Initiative Study

- T-4: Multi-Modal Improvements to Johnson Ferry Road between Glenridge Connector and Old Johnson Ferry Road
- T-17: Access and Wayfinding Enhancements and Bike/Ped Connections in Proximity to Medical Center Station - Improved internal circulation and better integration with adjacent sites for pedestrians and cyclists

Public Works acknowledges that the Site Plan received February 29, 2016 is conceptual in nature. However, any future development site plan shall meet all requirements of Articles 11 and 12 of the Development Ordinance at time of permitting. Public Works notes the following areas for potential non-compliance in review of proposed zoning site plan. Due to the incomplete nature of the plans for zoning approval, the comments reflect only what is apparent on the Site Plan.

Right-of-way (§103-75)

Applicant shall dedicate minimum right-of-way along Johnson Ferry Road to provide for installation of the required Perimeter Community Improvement Design Overlay District streetscape, bicycle, and pedestrian improvements.

Bicycle and Pedestrian Accommodations (§103-80, §103-74)

Applicant shall install required sidewalks and bicycle lanes per the Perimeter Community Improvement Design Overlay District along the street frontages. Applicant shall provide ADA accessible paths from the public right-of-way to site arrival locations. Applicant shall provide bicycle parking based on land use type and mix. Applicant shall provide pedestrian path to Old Balloon Road.

Building Official: No comment.

Site Development: No comment.

Fire Marshal: No comment.

PUBLIC PARTICIPATION

Community Meeting 1 was held on February 4, 2016 at Center Pointe Building Two. Five community members attended and discussed traffic and parking issues during construction of the parking garage. The applicant stated that the building management will continue to use valet and off-site parking during construction of the parking deck (tools already in use due to the parking space shortage).

Community Meeting 2 was held on March 23, 2016 at City Hall. No community members appeared at this meeting.

As of June 8, 2016, no letters have been received in support or opposition of this project.

RECOMMENDATIONS

Mayor and City Council: June 21, 2016

City Council voted 6-0 to **defer** the Zoning Modification request on June 21, 2016, to the August 16, 2016 Mayor and City Council hearing. City Council requested that the applicant explore other solutions to accommodating the parking needs of the medical office complex.

Planning Commission: May 19, 2016

The Planning Commission voted 6-0 to **approve** the Zoning Modification request on May 19, 2016.

Department of Community Development

The Department of Community Development finds that this modification is suitable and reasonable in light of the current and surrounding development, and the future land use of the area. Based on these findings and the discussion above, the Department recommends **approval** of the following modification of zoning case Z83-0185, further modified by ZM07-010, ZM09-009, and 201300088:

- 3. To the owner's agreement to abide by the following:
 - b. To the site plan received by the Department of Community Development ~~dated January 11, 2013~~ received February 29, 2016 and the conceptual landscape plan received May 10, 2016. Said site plans are conceptual only and must meet or exceed the requirements of the Code of Ordinances and these conditions prior to the approval of any Permits. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy. Parking booth and gate locations are subject to the Sandy Springs Traffic Engineer approval.

RECEIVED

FEB 29 2016

City of Sandy Springs
Community Development



APPLICATION

REZONING, USE PERMIT, ZONING MODIFICATION AND CONCURRENT VARIANCE

Application checklist:

Page No.	Item	Completed/ Included in Submittal*
1	Project Information Sheet	<input checked="" type="checkbox"/>
2 - 4	Detailed process and instructions	N/A
5	Application Form	<input checked="" type="checkbox"/>
6 - 8	Authorization and Disclosure forms	<input checked="" type="checkbox"/>
	Additional requirements:	
9	Letter of Intent	<input checked="" type="checkbox"/>
9	Zoning Impact Analysis	<input checked="" type="checkbox"/>
9	Use Permit Analysis	<input type="checkbox"/>
10	Concurrent Variance Analysis	<input type="checkbox"/>
11	Environmental Site Analysis	<input checked="" type="checkbox"/>
12	Environmental Impact Report	<input type="checkbox"/> or N/A <input checked="" type="checkbox"/>
12	Traffic Impact Study	<input type="checkbox"/> or N/A <input type="checkbox"/>
12	Development of Regional Impact	<input type="checkbox"/> or N/A <input checked="" type="checkbox"/>
12	Chattahoochee River Corridor Certificate	<input type="checkbox"/> or N/A <input checked="" type="checkbox"/>
12	Public Participation Report	N/A
13 - 14	Survey, Site Plan and Legal Description	<input type="checkbox"/>
15	Meeting schedule	N/A
16	Fee schedule	N/A
17	Sign specifications	N/A
18	Sign-in sheet suggested format	N/A

Provide also:

All the documents electronically (CD/DVD, thumb drive or via email) Note: The Legal Description must be in a Word document	<input type="checkbox"/>
Site plan: one (1) copy on 11"x17" and two (2) full-scale copies	<input checked="" type="checkbox"/>
Sign-in sheet completed at CMI	<input checked="" type="checkbox"/>

The Director reserves the right to request additional information deemed necessary to analyze the request.

Incomplete applications will not be accepted.

Planner's initials:

RECEIVED

FEB 29 2016

City of Sandy Springs
Community Development



Case No.:

ZM16-0015

Planner's initials:

chm

APPLICATION FORM

APPLICATION	Purpose of the application: Modify condition 2(a) to substitute a new site plan adding a parking deck	
	Check all that apply: <input type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Modification <input type="checkbox"/> Use permit(s) <input type="checkbox"/> Concurrent variance(s)	
	Detailed request (include Zoning Ordinance section No. for concurrent variances):	
	The Applicant seeks to modify Condition 2(a) of the Property's current OI zoning (Z83-0185FC as modified by Sandy Springs Ordinance No. 2013-04-04) to substitute the attached Site Plan by Eberly & Associates dated February 19, 2016, in lieu of and in replacement of the Site Plan received by the Department of Community Development on January 11, 2013. The proposed Site Plan reflects the addition of a 450-space parking deck (a net increase of 346 spaces) that the Applicant proposes to build on the northern side of the existing buildings to serve the existing medical office buildings. No additional office space is proposed.	

COMMUNITY MEETING 1 REPORT	Date and location of CM1: February 4, 2016	
	Beginning time: 6:30 PM	End time: 7:30 PM
	Summary of concerns discussed:	
	Attendees were individuals who live near the Property, primarily residents of the Johnson Ferry Park Townhomes located across the street. A representative of the High Point Civic Association also attended. Attendees expressed concern regarding traffic during peak traffic hours. There was a consensus at the meeting that the addition of the deck would not increase traffic at the site since both buildings are fully occupied and the deck is designed to serve individuals that already work at the Property but have to park on adjacent properties. However, at the neighborhood's request, the Applicant has engaged a traffic consultant to investigate ways to better manage traffic to and from the site during peak hours.	
	Does the application address the concerns discussed at the CM1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	Explain: Vehicles commuting to or from the proposed parking deck will mainly travel in the opposite direction of nearby residents making their daily commutes. The proposed parking deck is designed to better serve individuals who already work at the Property but currently have to park on adjacent properties.	

- TO BE FILLED OUT BY P&Z STAFF -

Application date: 2/29/16	
CM1 date and time:	Location:
OFFICIAL REQUEST (FOR PUBLICATION):	



AUTHORIZATION FORM – PART I

A- If the applicant is also the owner of the subject property, fill out the following section:

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: Duke Realty Corporation	Sworn and subscribed before me this <u>19</u> th day of <u>February</u> 20 <u>19</u> Notary public: <u>Julie Dawn Holt</u> Seal:  Commission expires:
Address: 600 East 96th Street Suite 100	
City, State, Zip Code: Indianapolis, Indiana 46240	
Email address: <u>Glenn.hoge@duker Realty.com</u>	
Phone number: 317.808.6000	
Owner's signature: <u>Glenn E. Hoge</u>	

B- If the applicant is *not* the owner of the subject property, fill out the following section and check the appropriate statement:

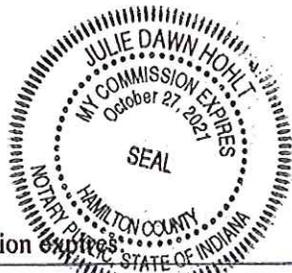
Applicant states under oath that:	
<input type="checkbox"/> He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name:	Sworn and subscribed before me this <u> </u> th day of <u> </u> 20 <u> </u> Notary public: Seal: Commission expires:
Company name:	
Address:	
City, State, Zip Code:	
Email address:	
Phone number:	
Applicant's signature:	



AUTHORIZATION FORM – PART II

If an agent or attorney will represent the owner and/or the applicant, fill out the following section:

Agent's name: William Galloway
Company: The Galloway Law Group, LLC
Address: 3500 Lenox Road Suite 760
City, State, Zip Code: Atlanta, GA 30326
Email address: woody@glawgp.com
Phone number: 404.965.3681
Agent's signature: <i>[Signature]</i>
Applicant's signature: <i>[Signature]</i>

Sworn and subscribed before me this <i>19</i> th day of <i>February</i> 20 <i>14</i>
Notary public: <i>Julie Dawn Hohlt</i>
Seal: 
Commission Expires



DISCLOSURE OF CONTRIBUTION FORM

Within the (2) years immediately preceding the filing of this zoning application have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council? Yes No

List all individuals or business entities which have an ownership interest in the property which is the subject of this application:
Duke Realty Corporation
Duke Realty Limited Partnership

Campaign Contributions:			
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name:	Glenn E. Hoge - Duke Realty Corporation	
Signature:	<i>[Handwritten Signature]</i>	Date: 2/19/2016

Note: Each party involved in the application must sign an individual copy of this form.



DISCLOSURE OF CONTRIBUTION FORM

Within the (2) years immediately preceding the filing of this zoning application have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council? Yes No

List all individuals or business entities which have an ownership interest in the property which is the subject of this application:
Duke Realty Corporation
Duke Realty Limited Partnership

Campaign Contributions:			
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more
Andy Bauman	500.00	1-22-2015	

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name: William Woodson Galloway on behalf of the Galloway Law Group, LLC	
Signature: 	Date: 2/29/16

Note: Each party involved in the application must sign an individual copy of this form.

RECEIVED

FEB 29 2016

City of Sandy Springs
Community Development

LETTER OF INTENT
APPLICATION FOR ZONING MODIFICATION
SANDY SPRINGS, GEORGIA

The Applicant, Duke Realty Corporation, on behalf of the Owner, BD Center Pointe LLC, requests a Zoning Modification to build a parking deck on the 13.7-acre site having the Parcel Identification Number 17 0016 LL1674, located at 1100 Johnson Ferry Road in Sandy Springs, Georgia (the "Property"). The Property is improved as the Center Pointe development which consists of two connected medical office buildings, one six (6) stories tall and the other eleven (11) stories tall, and 1,325 parking spaces.

Over the years, Center Pointe has transformed from primarily office to primarily medical office uses. Efforts were made to maximize the available surface and deck parking on site and provide off-site parking to serve the needs of its tenants. However, to better serve the needs of its tenants, the Applicant is now requesting approval to allow construction of a 450-space parking deck (a net of 346 new spaces) to serve the existing medical office buildings. No additional office space is proposed.

Sincerely,

THE GALLOWAY LAW GROUP, LLC

By: 

William Woodson Galloway
Attorney for the Applicant

3500 Lenox Road, NE
Suite 760
Atlanta, Georgia 30326
(404) 965-3680

RECEIVED

FEB 29 2016

City of Sandy Springs
Community Development

**ZONING IMPACT ANALYSIS
APPLICATION FOR ZONING MODIFICATION
SANDY SPRINGS, GEORGIA**

The Applicant, Duke Realty Corporation, on behalf of the Owner, BD Center Pointe LLC, requests a Zoning Modification to build a parking deck on the 13.7-acre site having the Parcel Identification Number 17 0016 LL1674, located at 1100 Johnson Ferry Road in Sandy Springs, Georgia (the "Property"). The Property is improved as the Center Pointe development which consists of two connected medical office buildings, one six (6) stories tall and the other eleven (11) stories tall, and 1,325 parking spaces. The Property is zoned to the Office-Institutional Conditional (OI-C) classification.

To alleviate an existing parking shortage, the Applicant proposes to build a 450-space parking deck that will provide a net increase of 346 spaces. The Applicant respectfully requests this Zoning Modification be approved, as the proposal comports with the following factors set forth in Sec. 28.4.1. of the City of Sandy Springs Zoning Ordinance:

A. Whether the proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property

The proposed Zoning Modification permits a use that is suitable in view of the use and development of adjacent and nearby property. The City of Sandy Springs has already approved the current use of the Property for medical office and accessory uses. The Applicant's proposal will not change this use, which is thoroughly consistent with the uses and development of adjacent and nearby property. Numerous medical and office uses exist in the immediate vicinity of the Property, including at Northside Hospital, Saint Joseph Hospital, and Scottish Rite Hospital as well as numerous medical office uses. The use is also compatible with the Townhouse Residential and Mixed Use districts that lie adjacent to and across Johnson Ferry Road from the Property.

B. Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property

The proposed Zoning Modification will have no adverse effect on the existing use or usability of adjacent or nearby property. As depicted on the Site Plan, the proposed parking deck

will be located behind the Property's two office towers. It will stand on ground currently paved for surface parking and will not be visible from Johnson Ferry Road. Further, the parking deck is designed to serve individuals that already work at the Property but who, for lack of adequate parking, are forced to park off-site.

C. Whether the property to be affected by the proposed rezoning has a reasonable economic use as currently zoned

While the Property currently operates as medical office space, the present supply of parking is insufficient to meet the needs of the Property's tenants and is in critical need of expansion. Many individuals who work at the Property are forced to park off-site and ride a shuttle to their offices, which is inconvenient and inefficient.

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

The proposed Zoning Modification will not result in any use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools. The area is currently developed with relatively intense office and institutional uses and a road network that is designed to handle significant vehicular traffic. Nonetheless, the Applicant will work with its own traffic engineers as well as experts from the City of Sandy Springs to minimize the traffic impact and to provide safe ingress and egress for visitors.

The proposed parking deck will not cause excessive burdens on streets, transportation facilities or utilities, and it will not increase the number of people who visit the Property each day. The deck is designed to serve the Property's existing tenants. The Applicant does not propose any residential uses, so the request will have no affect on schools.

E. Whether the proposed rezoning is in conformity with the policies and intent of the City's Comprehensive Plan

The proposed Zoning Modification is in conformity with the policies and intent of the City's Comprehensive Plan. With its Living-Working Regional designation, Sandy Springs Comprehensive Plan at 35, the Property has a Future Land Use that calls for highly dense concentration of employment. The proposal merely seeks to provide convenient parking to serve the needs of the existing medical office buildings on the site.

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 proposed rezoning

Existing and changing conditions that affect the use and development of the Property support approval of the proposed Zoning Modification. Center Pointe was originally constructed primarily as an office complex but has converted to being primarily a medical office complex. As recognized by the Sandy Springs parking regulations, medical office requires a greater number of parking spaces than general office uses. To date, the Applicant has met the need for additional parking through the use of valet and shuttle services utilizing off-site parking. This Application seeks approval to add additional on-site parking to address the existing parking need of the site.

G. Whether the proposed rezoning will permit a land use which can be considered Environmentally Adverse to the natural resources, environment and citizens of the City

This Application does not seek to change the use of the Property and cannot be considered Environmentally Adverse to the natural resources, environment and citizens of the City. The Zoning Ordinance clarifies that an environmentally adverse use “poses a potential or immediate threat to the environment and/or is physically harmful or destructive to living beings as described in Executive Order 12898 of February 11, 1994 regarding federal actions to address environmental justice.” Zoning Ordinance of the City of Sandy Springs Sec. 3.3.5. The referenced executive order, in turn, combats the “disproportionately high and adverse human health or environmental effects of [the federal government’s] programs, policies, and activities on minority populations and low-income populations in the United States...” Exec. Order No. 12898, 59 Fed. Reg. 7629 (Feb. 16, 1994).

As indicated on the Site Plan, the ground on which proposed parking deck would be built is already paved for surface parking. The current proposal, therefore, would allow vertical development only. As construction will only affect land that is already developed, this proposal is unlikely to have any adverse effect on the environment or the City’s natural resources. Further, in keeping with its Future Land Use designation, the Property is located in one of the City’s most intensely developed commercial areas. The Applicant’s proposal is in keeping with

that character, and does not have a disproportionately high adverse impact on minority or low-income populations.

Because this proposal meets all the factors set forth in Sec. 28.4.1. of the City of Sandy Springs Zoning Ordinance, the Applicant respectfully asks that the Mayor and City Council of the City of Sandy Springs grant the Zoning Modification as requested by the Applicant above.

Sincerely,

THE GALLOWAY LAW GROUP, LLC

By:



William Woodson Galloway
Attorney for the Applicant

3500 Lenox Road, NE
Suite 760
Atlanta, Georgia 30326
(404) 965-3680

CONSTITUTIONAL OBJECTIONS

City of Sandy Springs, Georgia

Georgia Law and the procedures of the City of Sandy Springs require us to raise Federal and State Constitutional objections during the Zoning Modification application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Zoning Ordinance of the City of Sandy Springs, Georgia, as applied to the Property, that would result in a denial of the Zoning Modification as requested 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.

Any application of the Code of the City of Sandy Springs or the Sandy Springs Zoning Ordinance to the Property which restricts its use to any use in a manner other than that requested by the Applicant is unconstitutional, illegal and null and void because such an application constitutes a taking of the 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 because such an application denies the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would also constitute an arbitrary and capricious act by the Mayor and City Council of the City of Sandy Springs without any rational basis therefore, thereby 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 to grant the Zoning Modification as requested 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 approval of the Zoning Modification subject to conditions that 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 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 herein above.

In addition, this constitutes formal written notice to the City of Sandy Springs, pursuant to O.C.G.A. § 36-33-5, that the Applicant plans to seek to recover all damages that it sustains or suffers as a result of the denial of this Application and/or the unconstitutional zoning of the Property by the City of Sandy Springs. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Property, attorneys' fees and expenses of litigation.

Accordingly, the Applicant respectfully requests that the Mayor and City Council of the City of Sandy Springs grant the Zoning Modification as requested by the Applicant.

THE GALLOWAY LAW GROUP, LLC

By:  _____

William Woodson Galloway
Attorney for Applicant

3500 Lenox Road, NE
Suite 760
Atlanta, Georgia 30326
(404) 965-3680
(404) 965-3670 Facsimile



600 East 96th Street, Suite 100
Indianapolis, IN 46240
317.808.6000
dukerealty.com

RECEIVED

FEB 29 2016

City of Sandy Springs
Community Development

Zoning Case ZM-16-0015: Zoning Modification
Property: 1100 Johnson Ferry Road Northeast

Environmental Impact Analysis Summary (Sec.28.4.3.1)

The analysis of the impact for the proposed modification to the existing condition Item 2. (a) is as follows:

a. Conformance with the Comprehensive Plan:

- a. The proposed modification to the Site Plan will not change or add to the current approved land uses at the property which is currently conforms to the City of Sandy Springs Comprehensive Plan.

b. Environmental Impacts:

- a. The existing property is completely developed that includes two buildings, parking garage, surface parking, landscaping, utilities and storm water management systems. The proposed modification to the Site Plan which is to construct an additional parking garage at the property will be constructed within an area of the site that is currently contains approximately 104 surface parking spaces. Since the proposed modification is within the current developed parking area, there are no wetlands, floodplains, streams, slopes exceeding 25%, vegetation concerns or wildlife impacted by the modification. The past development of the property had no archeological or historical issues to address.

c. Project Implementation Measures:

- a. **Water Quality Protection:** Final development of the proposed modification to the Site Plan will include approvals to the City of Sandy Springs standards for a Land Disturbance application that will address grading, hydrological changes, soil sedimentation, erosion control measures, plus storm water management and quality measures in conjunction with the existing systems at the property.
- b. **Noise and Lighting:** The proposed modification will not change or add to the current approved uses at the property and therefore will not add to the current noise impacts at the property. Any additional lighting included in the modification of the site plan will be the designed to meet the current conditions of Z83-0185.

RECEIVED

FEB 29 2016

City of Sandy Springs
Community Development

**PUBLIC PARTICIPATION PLAN
APPLICATION FOR REZONING AND USE PERMIT
SANDY SPRINGS, GEORGIA**

Case Number ZM16-0015

Applicant: Duke Realty Corporation, c/o The Galloway Law Group, LLC

In accordance with Sec. 28.4.7 of the Zoning Ordinance of the City of Sandy Springs, the Applicant submits this Public Participation Plan.

1. **Notified Parties** – The Applicant has used the Sandy Springs GIS Viewer to identify and compile a list of all individuals and/or entities owning property within five hundred (500) feet of the Property (see attached Exhibit A – Property Owner List).
2. **Method of Notice** – The Applicant has mailed Notice of a pre-application community meeting (see attached Exhibit B – Letter of Notice). The Applicant will employ the same notification method in the future, as well as additional effective methods that may arise.
3. **Opportunities for Discussion** – The Applicant hosted a pre-application community meeting on February 4, 2016, at 6:30 PM at 1100 Johnson Ferry Road, NE, in Suite 70 of the Lower Lobby of the Center Pointe Two building. The meeting was attended by some fourteen (14) people (see attached Exhibit C – Community Meeting 1 Sign-In Sheets). Additionally, the Applicant will provide suitable notice of and host a second community meeting at City Hall after receiving an Initiation Letter from the City.
4. **Schedule for Completion of the Public Participation Plan:**
 - a. 3rd Week of January Mail notice of pre-application community meeting (CM1)
 - b. Feb. 4, 2016 Host CM1
 - c. End of February Submit Public Participation Plan to City of Sandy Springs
 - d. 2nd Week of March Mail notice of post-application community meeting (CM2)
 - e. 4th Week of March Host CM2
 - f. 2nd Week of June Submit Public Participation Report to City of Sandy Springs

PUBLIC PARTICIPATION PLAN
Exhibit A – Property Owner List

ZM16-0015 Neighbors 500' Mailing

AdtrNumb	AddrPosDli	AddrPreDir	AddrStreet	AddrSuffix	AddrUnit	AddrUnitTyp	Address	Owner	OwnerAddr1	OwnerAddr2
1000			JOHNSON I RD				1000 JOHNSON FERRY RD	NORTHSIDE HOSPITAL INC	1000 JOHNSON FERRY RD	SANDY SPRINGS GA 30342 1611
1100			JOHNSON I RD				80 CENTER POINTE LLC		3950 SHACKLEFORD RD SUITE 300	DULUTH GA 30096 8268
D			PEACHTRE RD		330		5555 PEACHTREE OUNWOODY RD	ST JOSEPH REAL ESTATE CORP LESSEE	PO BOX 421185	ATLANTA GA 30342 8185
5555			PEACHTRE RD				5555 PEACHTREE OUNWOODY RD	TROP AUER ALAN & EILEEN SHERRY	5555 PEACHTREE OUNWOODY RD NE SUITE 33C	SANDY SPRINGS GA 30342
D			PEACHTRE RD				5555 PEACHTREE OUNWOODY RD	TRITT RAMIE A	5555 PTREE D UNWOODY RD	ATLANTA GA 30342
5555			PEACHTRE RD		107		5555 PEACHTREE OUNWOODY RD	1 TRITT RAMIE A	5555 PTREE D UNWOODY RD # # 1D7	ATLANTA GA 30342
5555			PEACHTRE RD				1160 JOHNSON FERRY RD	GRIFFIN & KAREMPELUS REAL ESTATE PARTNERSHIP	5555 PEACHTREE OUNWOODY RD	ATLANTA GA 30342
1160			JOHNSON I RD				SAINT JOSEPHS HOSPITAL OF ATLANTA INC		5555 PEACHTREE OUNWOODY RD NE # 65C	ATLANTA GA 30342
5665			PEACHTRE RD				5665 PEACHTREE OUNWOODY RD	SAINT JOSEPHS HOSPITAL	5673 PEACHTREE OUNWOODY RD NE # 65C	ATLANTA GA 30342
5555			PEACHTRE RD		206		5555 PEACHTREE OUNWOODY RD	SANT JOSEPHS HOSPITAL	5685 PEACHTREE OUNWOODY RD NE	SANDY SPRINGS GA 30342
17			EAST FERRY DR				17 EAST FERRY DR	COHEN BRIAN S	1066 STOVALL BLVD NE	ATLANTA GA 30319
5493			GLENRIDGI		2316 UNIT		5493 GLENRIDGE VIEW UNIT 2316	OHLE LESUE K	17 EAST FERRY DR	SANDY SPRINGS GA 30319
5555			PEACHTRE RD				5555 PEACHTREE OUNWOODY RD	J AND J REAL ESTATE HOLDINGS LLC	5493 GLENRIDGE VIEW NE	ATLANTA GA 30342
5601			PEACHTRE RD				5601 PEACHTREE OUNWOODY RD	NORTHSIDE HOSPITAL INC	570 GLEN MANOR CT	ATLANTA GA 30328
33			JOHNSON I PKWY				33 JOHNSON FERRY PKWY	FLEMISH JASON M	1000 JOHNSON FERRY RD	ATLANTA GA 30342
1000			JOHNSON I RD				1000 JOHNSON FERRY RD	HOSPITAL AUTHORITY OF FULTON COUNTY	33 JOHNSON FERRY PKWY NE	SANDY SPRINGS GA 30319
1460			SOUTH JOI				1460 SOUTH JOHNSON FERRY	FOURTEEN SIXTY JOHNSON FERRY ROAD LLC	572D PEACHTREE OUNWOODY RD	ATLANTA GA 30342
5			WEST FERR DR				5 WEST FERRY DR	COOPER CARTER W & EVALEIGH S	1 SEAGATE STE 150C	TOLEDO OH 43603 1475
35			JOHNSON I PKWY				35 JOHNSON FERRY PKWY	RICE MICHAEL STEVEN	5 WEST FERRY DR	SANDY SPRINGS GA 30319
19			EAST FERR DR				19 EAST FERRY DR	PREWETT AMANDA R	35 JOHNSON FERRY PKWY NE	SANDY SPRINGS GA 30319
24			PEACHTRE RD				24 EAST FERRY DR	DOWNEY ROBERT SCOTT	19 EAST FERRY DR	SANDY SPRINGS GA 30319
5555			SOUTH JOI RD		G 30		5555 PEACHTREE OUNWOODY RD	G MC CORD MARVIN O III	24 EAST FERRY DR	SANDY SPRINGS GA 30319
D			EAST FERR DR				D SOUTH JOHNSON FERRY RD	GLENRIDGE CREEK TOWNHOMES HOMEOWNERS ASS ASSOC INC	8046 ROSWELL RD STE 2D2	SANDY SPRINGS GA 30319 4312
26			WEST FERR CT				26 EAST FERRY DR	DENBO ARIEL S	1465 NORTHSIDE DR SUITE 128	ATLANTA GA 30350
13			WEST FERR OR				13 WEST FERRY CT	GODWIN LINDA T	26 EAST FERRY DR NE	SANDY SPRINGS GA 30319
42			PEACHTRE RD				42 WEST FERRY OR	BEAVER JOHN R	13 WEST FERRY CT NE	SANDY SPRINGS GA 30319
5555			GLENRIDGI		340		5555 PEACHTREE OUNWOODY RD	3 LEVY REAL ESTATE HOLDINGS LLC	42 W FERRY DR NE	ATLANTA GA 30319
5464			PEACHTRE RD				5464 GLENRIDGE VIEW	PAYNTER ELLEN F	5555 PEACHTREE OUNWOODY RD # 34C	SANDY SPRINGS GA 30342
5555			PEACHTRE RD		169		5555 PEACHTREE OUNWOODY RD	FOURTEEN & KAREMPELUS REAL EST PTRNS	5464 GLENRIDGE VIEW	SANDY SPRINGS GA 30342
1480			SOUTH JOI				1480 SOUTH JOHNSON FERRY	FOURTEEN SIXTY JOHNSON FERRY ROAD LLC	5555 PEACHTREE OUNWOODY RD # 169	SANDY SPRINGS GA 30342
5555			PEACHTRE RD				5555 PEACHTREE OUNWOODY RD	GRIFFIN & KAREMPELUS REAL EST PTRNSHP	1 SEAGATE STE 150C	TOLEDO OH 43603 1475
11			WEST FERR CT				11 WEST FERRY CT	JONES W DAVID	5555 PEACHTREE OUNWOODY RD	ATLANTA GA 30342
5555			PEACHTRE RD		G 70		5555 PEACHTREE OUNWOODY RD	G J & J REAL ESTATE HD LDINGS LLC	11 WEST FERRY CT	SANDY SPRINGS GA 30319
5687			WEST FERR DR				5687 PEACHTREE OUNWOODY RD	LHT NORTH ATLANTA L L C	570 GLEN MANOR CT	ATLANTA GA 30328
44			PEACHTRE RD				44 WEST FERRY DR	ACEVEDO JOSE & SHANN	5669 PEACHTREE OUNWOODY RD NE STE 25C	ATLANTA GA 30342
5555			PEACHTRE RD		251		5555 PEACHTREE OUNWOODY RD	2 ADAMS DAVID S DR	44 WEST FERRY DR	SANDY SPRINGS GA 30319
5711			EAST FERR DR				5711 PEACHTREE OUNWOODY RD	MARTA	5555 PEACHTREE OUNWOODY RD # 251	SANDY SPRINGS GA 30342
28			GLENRIDGI				28 EAST FERRY DR	DENNARD PAULA L	2424 PIEDMONT RD	ATLANTA GA 30324
5486			GLENRIDGI		2106 UNIT		5486 GLENRIDGE VIEW UNIT 2106	PEAU TIMOTHY L & CAROL A	28 EAST FERRY DR	SANDY SPRINGS GA 30319
5496			JOHNSON I PKWY		2202 UNIT		5496 GLENRIDGE VIEW UNIT 2202	HOLLAND MARK S	5486 GLENRIDGE VIEW	ATLANTA GA 30342
31			WEST FERR CT				31 JOHNSON FERRY PKWY	ADAMS HOLLY KOVACS	5496 GLENRIDGE VIEW # 2202	SANDY SPRINGS GA 30342
5555			PEACHTRE RD		349		5555 PEACHTREE OUNWOODY RD	CAROL S LEWIS LIVING TRUST THE	31 JOHNSON FERRY PKWY NE	ATLANTA GA 30319
D			GLENRIDGI				D JOHNSON FERRY RD	FULTON COUNTY	82 CORA HILLS CT	LAS VEGAS NV 89148
5555			PEACHTRE RD		2105 UNIT		5555 PEACHTREE OUNWOODY RD	3 MEDICAL QUARTERS UNIT THREE FORTY NINE PTRNS THE	141 PRYOR ST SW SUITE 700C	SANDY SPRINGS GA 30342
5480			PEACHTRE RD		G 65		5555 PEACHTREE OUNWOODY RD	NEVES FABIANA MOUSINHWO OSCAR	5488 GLENRIDGE VW UNIT 2105	ATLANTA GA 30342
5555			PEACHTRE RD		2008 UNIT		5480 GLENRIDGE VIEW UNIT 2008	SYME HUGH	5555 PEACHTREE OUNWOODY RD UNIT 201	ATLANTA GA 30342
5555			PEACHTRE RD		145		5555 PEACHTREE OUNWOODY RD	4 ROUSSEAU ROBERT T & SUZANNE S	5480 GLENRIDGE VIEW UNIT 2008	ATLANTA GA 30342
29			PEACHTRE RD				29 EAST FERRY OR	SCHWARZKOPF MICHAEL A	40 FORREST LAKE DR	ATLANTA GA 30327
5555			PEACHTRE RD		293		5555 PEACHTREE OUNWOODY RD	2 GOLDMAN JOHN A	P.O. BOX 429941	ATLANTA GA 30342
5474			GLENRIDGI		2D11 UNIT		5474 GLENRIDGE VIEW UNIT 2D11	SEMAC ANN & HERVE	5555 PEACHTREE OUNWOODY RD # 293	SANDY SPRINGS GA 30342
5555			PEACHTRE RD		185		5555 PEACHTREE OUNWOODY RD	1 GRIFFIN & KAREMPELUS REAL ESTATE PARTNERSHIP	5474 GLENRIDGE VW	ATLANTA GA 30342
7			WEST FERR CT				7 WEST FERRY CT	HARTE ESKINDER	7 WEST FERRY CT	ATLANTA GA 30319
D			GLENRIDGI				D GLENRIDGE VIEW	GLENRIDGE CREEK TOWNHOMES HOMEOWNERS ASSOCIATION INC	1465 NORTHSIDE DR SUITE 128	ATLANTA GA 30318
5555			PEACHTRE RD		240		5555 PEACHTREE OUNWOODY RD	2 RYE STANLEY E & PAMELA	5555 PEACHTREE OUNWOODY RD # 24C	SANDY SPRINGS GA 30342
5555			PEACHTRE RD		G 1D		5555 PEACHTREE OUNWOODY RD	G KUEKES BARBARA O	100 BUENA VISTA DR	CARY NC 27513 5300
3D			JOHNSON I PKWY				3D JOHNSON FERRY PKWY	RENTFRO PHILIP L	3D JOHNSON FERRY PKWY NE	SANDY SPRINGS GA 30319 4311
8 NE			WEST FERR CT				8 WEST FERRY CT NE	GRAVES DAVID M & CHRISTEN C	8 W FERRY CT NE	ATLANTA GA 30319
1D			PEACHTRE RD				1D WEST FERRY CT	SARANGA YVES M	2479 PEACHTREE RD NE #1315	ATLANTA GA 30305 4134
5555			PEACHTRE RD		325		5555 PEACHTREE OUNWOODY RD	3 RLN PROPERTIES L L C	5555 PEACHTREE OUNWOODY RD # 325	SANDY SPRINGS GA 30342
5555			PEACHTRE RD				5472 GLENRIDGE VIEW UNIT 2D12	SUMMERS J CHAPPELL JR	5555 PEACHTREE OUNWOODY RD	ATLANTA GA 30324
5472			GLENRIDGI		2D12 UNIT		5472 GLENRIDGE VIEW UNIT 2D12	STEAKLEY EMILY BAIR	5472 GLENRIDGE VIEW # 2D12	SANDY SPRINGS GA 30342
5555			PEACHTRE RD		G 90		5555 PEACHTREE OUNWOODY RD	G TCI DOS LLC	5555 PEACHTREE OUNWOODY RD # G-9C	ATLANTA GA 30342

ZM16-0015 Neighbors 500' Mailing

5555	PEACHTRE RD	275	5555 PEACHTREE DUNWOODY RD 2 GREGORY CHARLES E & SHAPIRO RICHARD S	5555 PEACHTREE DUNWOODY RD # 275	SANDY SPRINGS GA 30342
5555	PEACHTRE RD	256	5555 PEACHTREE DUNWOODY RD 2 NEZHAT FARR	P.O. BOX 8883166	ATLANTA GA 30356
5555	PEACHTRE RD	140	5555 PEACHTREE DUNWOODY RD 1 FAGAN MAURICE J JR & MAURICE J III	5555 PEACHTREE DUNWOODY RD # 140	SANDY SPRINGS GA 30342
5555	PEACHTRE RD	230	5555 PEACHTREE DUNWOODY RD 2 BALUCOM PROPERTIES LLC	1006 STOVALL BLVD NE	ATLANTA GA 30319
5555	PEACHTRE RD	301	5555 PEACHTREE DUNWOODY RD 3 STEWART MICHAEL B	5555 PEACHTREE OLINWOODY RD	ATLANTA GA 30342
43	WEST FERT CT		TAPP BARBARA S & BRIAN D	43 W FERRY DR NE	ATLANTA GA 30319
14	WEST FERT CT		SAVANO BERNADETTE L	14 WEST FERRY CT	ATLANTA GA 30342
18	EAST FERRY DR		DAVIES CHERYL A	2341 SKYLINE DR	GAINESVILLE GA 30501
5555	PEACHTRE RD	220	5555 PEACHTREE DUNWOODY RD 2 BALUCOM PROPERTIES LLC	1006 STOVALL BLVD NE	ATLANTA GA 30319
5555	PEACHTRE RD	#245	5555 PEACHTREE DUNWOODY RD # TRITT RAMIE A	5555 PEACHTREE DUNWOODY RD # 245	ATLANTA GA 30342
6 NE	EAST FERRY DR		COOMBS SUSAN M	6 WEST FERRY DR NE	SANDY SPRINGS GA 30319
27	EAST FERRY DR		CATTIE HOWARD J JR & DENISE M	27 EAST FERRY DR NE	SANDY SPRINGS GA 30319
5490	GLENRIDGI	2104 UNIT	5490 GLENRIDGE VIEW UNIT 2104 CUMMINS J MICHAEL	5490 GLENRIDGE VIEW NE	ATLANTA GA 30342
25 NE	PEACHTRE RD		MARTIN SONDRAS STR	25 E FERRY DR NE	ATLANTA GA 30342
5555	PEACHTRE RD		5555 PEACHTREE DUNWOODY RD GRIFIN & KAREMPELIS REAL ESTATE PRTNSHIP	5555 PEACHTREE DUNWOODY RD # 190	ATLANTA GA 30342
12	WEST FERT CT	106	5555 PEACHTREE DUNWOODY RD 1 TRITT RAMIE A	12 WEST FERRY CT	ATLANTA GA 30342
5478	GLENRIDGI	2009 UNIT	5478 GLENRIDGE VIEW UNIT 2009 PARKER KEVIN E	5478 GLENRIDGE VIEW UNIT 2010	SANDY SPRINGS GA 30319
5476	GLENRIDGI		5476 GLENRIDGE VIEW	5476 GLENRIDGE VIEW NE	ATLANTA GA 30342
41 NE	WEST FERT DR		41 WEST FERRY DR NE HUDSON JOE R	41 WEST FERRY DR NE	ATLANTA GA 30342
5555	PEACHTRE RD	276	5555 PEACHTREE DUNWOODY RD 2 C N INVESTMENT PARTNERS L P	5555 PEACHTREE DUNWOODY RD # 285	SANDY SPRINGS GA 30319
4	WEST FERT DR		4 WEST FERRY DR FIELD NANCY A	4 WEST FERRY DR	ATLANTA GA 30342
32	JOHNSON I PKWY		32 JOHNSON FERRY PKWY WILSON TANYA M	32 JOHNSON FERRY PKWY NE	SANDY SPRINGS GA 30319
5673	PEACHTRE RD		5673 PEACHTREE DUNWOODY RD RREE AMERICA REIT II CORP III	5673 PEACHTREE DUNWOODY RD	ATLANTA GA 30342
5489	GLENRIDGI	2314 UNIT	5489 GLENRIDGE VIEW UNIT 2314 PARAI ANINDITA	5489 GLENRIDGE VW NE	ATLANTA GA 30342
16	EAST FERT DR		16 EAST FERRY DR SHANNON CURT	16 E FERRY DR NE	ATLANTA GA 30319
5555	PEACHTRE RD	G 51	5555 PEACHTREE DUNWOODY RD GIFTY ONE FIFTY FIVE FIFTY FIVE PEACHTREE DUNWOODY LLC	5555 PEACHTREE DUNWOODY RD # G 51	SANDY SPRINGS GA 30342
34	JOHNSON I PKWY		34 JOHNSON FERRY PKWY ABIDE AIMEE	34 JOHNSON FERRY PKWY NE	SANDY SPRINGS GA 30319
5673	PEACHTRE RD	2203 UNIT	5673 PEACHTREE DUNWOODY RD 3 RATH-BURN MELISA A DDS	5673 PEACHTREE DUNWOODY RD NE	ATLANTA GA 30342
5555	PEACHTRE RD	306	5555 PEACHTREE DUNWOODY RD KENNETH MURPHY L L C	5555 PEACHTREE DUNWOODY RD	SANDY SPRINGS GA 30342
5555	PEACHTRE RD		5555 PEACHTREE DUNWOODY RD 1450 SOUTH JOHNSON FERRY ROAD LLC	5555 PEACHTREE DUNWOODY RD	ATLANTA GA 31145
5466	GLENRIDGI		5466 GLENRIDGE VIEW LAUE JENNIFER	5466 GLENRIDGE VW NE	ATLANTA GA 30342
5498	GLENRIDGI	2201 UNIT	5498 GLENRIDGE VIEW UNIT 2201 LECKITNER CLAUDE EDWIN	5498 GLENRIDGE VW NE	ATLANTA GA 30342
0	JOHNSON I RD		0 JOHNSON FERRY RD SAINT JOSEPH HOSPITAL OF ATLANTA INC	0 JOHNSON FERRY RD	ATLANTA GA 30342
1430	SOUTH JOI		1430 SOUTH JOHNSON FERRY	1430 SOUTH JOHNSON FERRY	ATLANTA GA 30342
20	EAST FERT DR		20 EAST FERRY DR WEINTRAUB SAMUEL	20 EAST FERRY DR	ATLANTA GA 30342
5555	PEACHTRE RD	281	5555 PEACHTREE DUNWOODY RD 2 CUCHER BOBB G	5555 PEACHTREE DUNWOODY RD NE	ATLANTA GA 30342
5555	PEACHTRE RD		5555 PEACHTREE DUNWOODY RD GRYER ROBERT M	5555 PEACHTREE DUNWOODY RD	ATLANTA GA 30328
1001	JOHNSON I RD	G 56	1001 JOHNSON FERRY RD SCOTTISH RITE HOSPITAL FOR CRIPPLED CHILDREN	5555 PEACHTREE DUNWOODY RD # G 56	ATLANTA GA 30329 3303
21 NE	EAST FERT DR		21 EAST FERRY DR NE CARCAR NOEMI A	21 EAST FERRY DR NE	SANDY SPRINGS GA 30319
2	WEST FERT DR		2 WEST FERRY DR RICE JONATHAN	2 WEST FERRY DR	ATLANTA GA 30342
5468	GLENRIDGI		5468 GLENRIDGE VIEW TOMHE REM	5468 GLENRIDGE VW NE	ATLANTA GA 30342
5485	GLENRIDGI	2313 UNIT	5485 GLENRIDGE VIEW UNIT 2313 BRACKENRIDGE CLARE	5485 GLENRIDGE VW UNIT 2313	ATLANTA GA 30319 0598
40 NE	WEST FERT DR		40 WEST FERRY DR NE ANDERSON BRENT L & SUSAN C	40 WEST FERRY DR NE	ATLANTA GA 30342
5555	PEACHTRE RD	156	5555 PEACHTREE DUNWOODY RD 1 GK & H LLC	5555 PEACHTREE DUNWOODY RD # 19C	ATLANTA GA 30342
5482	GLENRIDGI	2007 UNIT	5482 GLENRIDGE VIEW UNIT 2007 CRESPO MANUEL G	5482 GLENRIDGE VIEW UNIT 2007	SANDY SPRINGS GA 30319
3 NE	WEST FERT DR		3 WEST FERRY DR NE CIMINO JUSTEN E	3 WEST FERRY DR	SANDY SPRINGS GA 30319
37	WEST FERT DR		37 WEST FERRY DR NORTH AMERICAN PROPERTY CORP	37 WEST FERRY DR	TUCKER GA 30084
5505	PEACHTRE RD		5505 PEACHTREE DUNWOODY RD DONNELLY PARTNERS LP	5505 PEACHTREE DUNWOODY RD # 19C	ATLANTA GA 30342
5491	GLENRIDGI	2315 UNIT	5491 GLENRIDGE VIEW UNIT 2315 SHULTZ MARIYLN K	5491 GLENRIDGE VIEW UNIT 2315	SANDY SPRINGS GA 30319
15 NE	WEST FERT CT		15 WEST FERRY CT NE BRAATEN JEANINE A	15 WEST FERRY CT NE	SANDY SPRINGS GA 30319
39	WEST FERT DR		39 WEST FERRY DR QUARLES STEPHEN P	39 WEST FERRY DR	SANDY SPRINGS GA 30319
38	WEST FERT DR		38 WEST FERRY DR HARDTKE ARNO S JR	38 WEST FERRY DR	SANDY SPRINGS GA 30319
23	EAST FERT DR		23 EAST FERRY DR GROSSMAN JENNY	23 EAST FERRY DR	SANDY SPRINGS GA 30319
5555	PEACHTRE RD		5555 PEACHTREE DUNWOODY RD DE LOZIER ARTHUR C	5555 PEACHTREE DUNWOODY RD # 3522	DUNWOODY GA 30938 3522
1	WEST FERT DR		1 WEST FERRY DR 5555 PEACHTREE DUNWOODY RD 1 GRIFIN EDMOND J	570 GLEN MANOR CT	ATLANTA GA 30328
5555	PEACHTRE RD	190	5555 PEACHTREE DUNWOODY RD 1 GRIFIN EDMOND J	2234 CHESTERFIELD DR	MARYVILLE TN 37803 6537
1000	JOHNSON I RD		1000 JOHNSON FERRY RD MCRI 5570 PEACHTREE DUNWOODY LLC	5555 PEACHTREE DUNWOODY RD # 19C	SANDY SPRINGS GA 30342
22	EAST FERT DR		22 EAST FERRY DR WALTER ROBERT C & WALTER PRISCILLA D	4500 DORR ST	TOLEDO OH 43615
5555	PEACHTRE RD		5555 PEACHTREE DUNWOODY RD GRIFIN EDMOND I	5555 PEACHTREE DUNWOODY RD	ATLANTA GA 30319
5555	PEACHTRE RD	339	5555 PEACHTREE DUNWOODY RD 3 RLN PROPERTIES L L C	5555 PEACHTREE DUNWOODY RD	SANDY SPRINGS GA 30342
5555	PEACHTRE RD		5555 PEACHTREE DUNWOODY RD MEDICAL QUARTERS UNIT THREE FORTY NINE PARTNERSHIP	5555 PEACHTREE DUNWOODY RD # 325	ATLANTA GA 30342
0	PEACHTRE RD		0 PEACHTREE DUNWOODY RD TRITT RAMIE A	5555 PEACHTREE DUNWOODY RD # 345	ATLANTA GA 30342

ZM16-0015 Neighbors 500' Mailing

36	WEST FERRY DR	36 WEST FERRY DR	WEINTRAUB MARVIN	SANDY SPRINGS GA 30319
5555	PEACHTRE RD	5555 PEACHTREE DUNWOODY RD 3 BLYTHE BECKY S		ATLANTA GA 30319
5555	PEACHTRE RD	5555 PEACHTREE DUNWOODY RD 2 C N INVESTMENT PARTNERS LP		ATLANTA GA 30358
0	PEACHTRE RD	D PEACHTREE DUNWOODY RD	MC LAURIN NANCY G	ATLANTA GA 30342
5555	PEACHTRE RD	5555 PEACHTREE DUNWOODY RD # FOWLER HEATHER		ATLANTA GA 30342
0	PEACHTRE RD	D PEACHTREE DUNWOODY RD	TRITT RAMIE A	ATLANTA GA 30342
5555	PEACHTRE RD	5555 PEACHTREE DUNWOODY RD	EDMONDSON STEPHEN W	CLAYTON GA 30525
5555	PEACHTRE RD	5555 PEACHTREE DUNWOODY RD	BLYTHE BRUCE T	ATLANTA GA 30305
5555	PEACHTRE RD	5555 PEACHTREE DUNWOODY RD	TRITT RAMIE A	ATLANTA GA 30342
7840	ROSWELL RD	7840 ROSWELL RD BLDG 500	LINNEA VANCE	SANDY SPRINGS GA 30350
145	RIVER NOR DRIVE	145 RIVER NORTH DRIVE	THOMPSON TRISHA	SANDY SPRINGS GA 30328
		337		
		262		
		#215		
		500 BLDG		

PUBLIC PARTICIPATION PLAN

Exhibit B – Letter of Notice



600 East 96th Street, Suite 100
Indianapolis, IN 46240
317.808.6000
dukerealty.com

Zoning Case: ZM16-0015

Re: Community Information Meeting

Meeting Date: February 4th, 2016 (UPDATED)

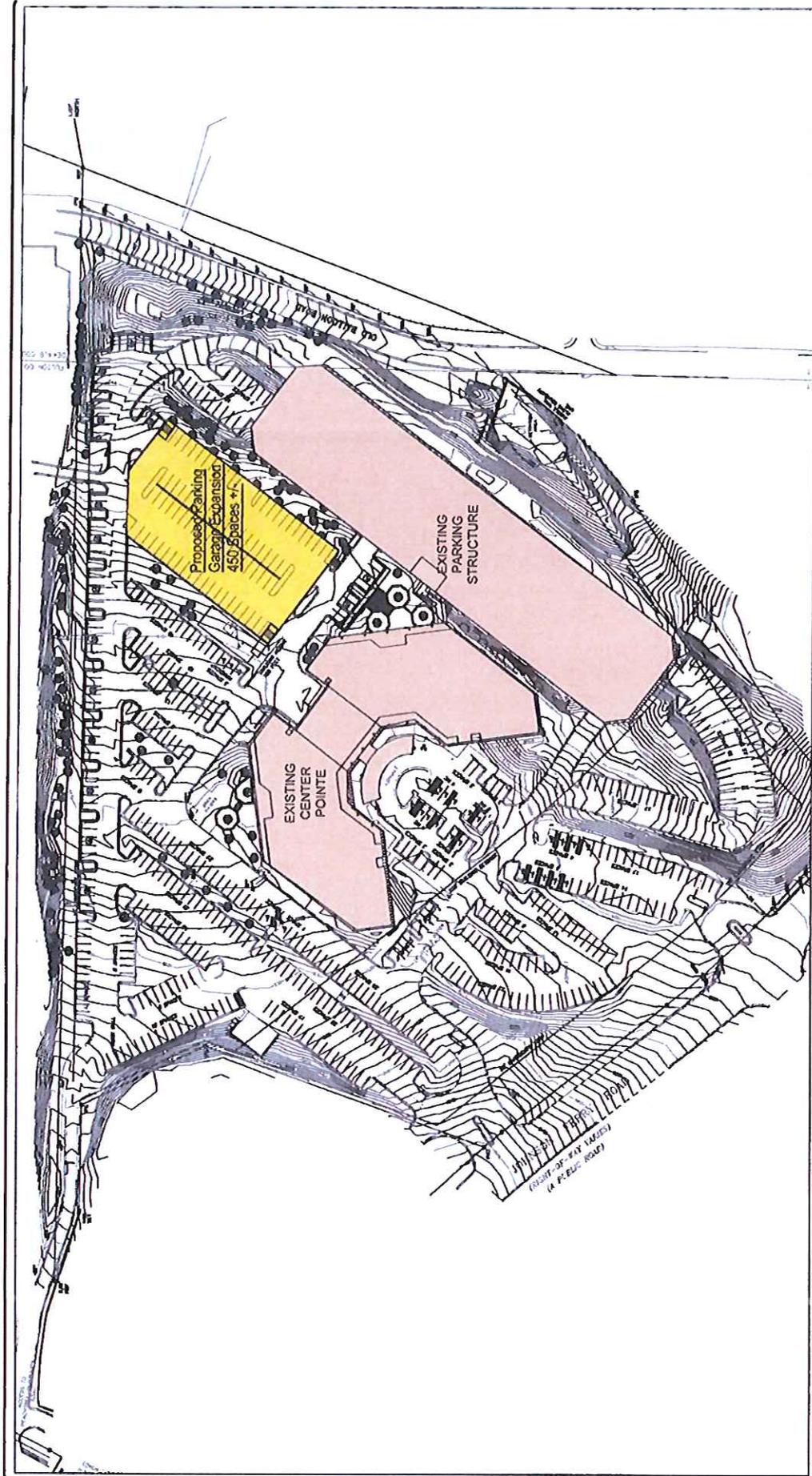
Time: 6:30 PM

Location: 1100 Johnson Ferry Road Northeast
Center Pointe Two Bldg.
Lower Lobby, Suite 70

Duke Realty Corporation is requesting a modification of zoning conditions from the City of Sandy Springs at our Center Pointe property located at 1100 Johnson Ferry Road Northeast. The condition to be modified references an approved site plan. The site plan modification will request approval to construct an approximate 450 space parking garage on the property that will provide a net additional approximate 350 parking spaces for the facility to manage the current parking at the site. Please see the attached site plan for information regarding the planned location of the parking garage.

As part of the Sandy Springs approval process, Duke Realty will host an information meeting at the property at the above referenced date, time and meeting room. Please see the attached site information regarding the meeting room in the Center Pointe Two Bldg., Lower Lobby, Suite 70. In addition, our facility has controlled parking and parking passes/validation will be provided for those that attend the meeting.

Please contact Duke Realty at 317-808-6453 for any questions.



Scale: 1" = 100'-0"
 Date: 01/11/2016
 (to scale on 11"x17" paper)

PROPOSED SITE PLAN



PROPOSED PARKING GARAGE EXPANSION
 CENTER POINTE OFFICE PROPERTY

110 JOHNSON FERRY ROAD NORTHEAST
 SANDY SPRINGS, GA



Center Pointe Property
1100 Johnson Ferry Road
Northeast

Center Pointe 1

Center Pointe 2
Lower Lobby
Suite 70

Main Entrance to
Center Pointe

Johnson Ferry Road

Google earth

Imagery Date: 5/5/2014 33°54'23.27" N 84°20'57.58" W elev: 101.0 ft view: 103.0 ft

PUBLIC PARTICIPATION PLAN
Exhibit C – Community Meeting 1 Sign-In Sheets

Case ZM-16-0015 – Community Information Meeting
 February 4th, 2016 at 6:30 PM
 1100 Johnson Ferry Road NE, Center Pointe Two Bldg, Lower Lobby, Suite 70

Name and Organization	Address	Email Address
Sandra Reeves ^{Duke Realty} Realty		
Darrell Phillipps - Duke		
Mark Duke		
Tosha Clay		
Ron Penix		
Woody Galloway	Galloway Law Group	
Jordan Edwards		

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 16 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, AND IN LAND LOT 328 OF THE 18TH DISTRICT OF DEKALB COUNTY, CITY OF SANDY SPRINGS, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT A POINT MARKED BY AN IRON PIN ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF OLD JOHNSON FERRY ROAD (HAVING AN 80-FOOT RIGHT-OF-WAY) AT ITS INTERSECTION WITH THE LINE DIVIDING FULTON AND DEKALB COUNTIES, AND RUNNING THENCE NORTH 68 DEGREES 13 MINUTES 50 SECONDS WEST ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF OLD JOHNSON FERRY ROAD A DISTANCE OF 354.36 FEET TO A POINT;

CONTINUING THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF OLD JOHNSON FERRY ROAD AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF JOHNSON FERRY ROAD, BEING THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 716.20 FEET AND A CHORD BEARING NORTH 62 DEGREES 39 MINUTES 27 SECONDS WEST 139.05 FEET, AN ARC DISTANCE OF 139.27 FEET TO A POINT MARKED BY AN IRON PIN SET ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF JOHNSON FERRY ROAD (VARIABLE WIDTH RIGHT-OF-WAY), WHICH POINT IS THE POINT OF BEGINNING;

FROM SAID POINT OF BEGINNING, RUNNING THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF JOHNSON FERRY ROAD ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 716.20 FEET AND A CHORD BEARING NORTH 51 DEGREES 03 MINUTES 50 SECONDS WEST 150.30 FEET, AN ARC DISTANCE OF 150.58 FEET TO A POINT ON SAID RIGHT-OF-WAY LINE;

RUNNING THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 45 DEGREES 02 MINUTES 30 SECONDS WEST A DISTANCE OF 26.58 FEET TO A POINT ON SAID RIGHT-OF-WAY LINE; RUNNING THENCE ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 954.93 FEET AND A CHORD BEARING NORTH 41 DEGREES 08 MINUTES 31 SECONDS WEST 129.90 FEET, AN ARC DISTANCE OF 130.00 FEET TO A POINT ON SAID RIGHT-OF-WAY LINE;

RUNNING THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 37 DEGREES 12 MINUTES 49 SECONDS WEST A DISTANCE OF 228.59 FEET TO A POINT ON SAID RIGHT-OF-WAY LINE; RUNNING THENCE ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 548.05 FEET AND A CHORD BEARING OF NORTH 38 DEGREES 34 MINUTES 40 SECONDS WEST 25.77 FEET, AN ARC DISTANCE OF 25.78 FEET TO A POINT MARKED BY A PARKER-KALON NAIL SET ON SAID RIGHT-OF-WAY LINE;

THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING NORTH 20 DEGREES 06 MINUTES 00 SECONDS EAST A DISTANCE OF 326.51 FEET TO A POINT MARKED BY AN IRON PIN SET;

RUNNING THENCE NORTH 24 DEGREES 54 MINUTES 00 SECONDS WEST A DISTANCE OF 150.59 FEET TO A POINT MARKED BY AN IRON PIN SET; RUNNING THENCE NORTH 88 DEGREES 19 MINUTES 50 SECONDS WEST A DISTANCE OF 118.24 FEET TO A POINT MARKED BY A NAIL SET;

RUNNING THENCE NORTH 69 DEGREES 54 MINUTES 00 SECONDS WEST A DISTANCE OF 79.08 FEET TO A POINT MARKED BY A 5/8 INCH REINFORCING BAR FOUND;

RUNNING THENCE SOUTH 88 DEGREES 19 MINUTES 50 SECONDS EAST A DISTANCE OF 802.86 FEET TO A POINT MARKED BY A 5/8 INCH REINFORCING BAR FOUND;

RUNNING THENCE SOUTH 88 DEGREES 36 MINUTES 30 SECONDS EAST A DISTANCE OF 201.60 FEET TO A POINT ON THE COUNTY LINE DIVIDING DEKALB AND FULTON COUNTIES;

RUNNING THENCE SOUTH 88 DEGREES 36 MINUTES 30 SECONDS EAST A DISTANCE OF 169.05 FEET TO A POINT MARKED BY AN IRON PIN SET; RUNNING THENCE SOUTH 21 DEGREES 19 MINUTES 00 SECONDS WEST A DISTANCE OF 421.45 FEET TO A POINT MARKED BY A PARKER-KALON NAIL SET;

RUNNING THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 458.41 FEET AND A CHORD BEARING SOUTH 38 DEGREES 42 MINUTES 16 SECONDS WEST 273.98 FEET, AN ARC DISTANCE OF 278.23 FEET TO A POINT MARKED BY AN IRON PIN SET;

RUNNING THENCE SOUTH 56 DEGREES 05 MINUTES 33 SECONDS WEST A DISTANCE OF 300.97 FEET TO A POINT MARKED BY AN IRON PIN SET;

RUNNING THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 286.16 FEET AND A CHORD BEARING SOUTH 44 DEGREES 47 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 112.98 FEET, AN ARC DISTANCE OF 113.71 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 596,626 SQUARE FEET OR 13.6966 ACRES.

**FIRST AMENDMENT
TO APPLICATION FOR ZONING MODIFICATION
SANDY SPRINGS, GEORGIA**

RECEIVED

MAR 4 2016

*City of Sandy Springs
Community Development*

IN RE: ZM16-0015)
)
Duke Realty Corporation)
)
Applicant.)
)
For the property located at)
1100 Johnson Ferry Road)

COMES NOW the Applicant and respectfully requests that the above-referenced Application be amended as follows:

1.

By incorporating the enclosed Authorization Form – Part I in lieu of and in replacement of the Authorization Form – Part I that was originally filed with the Application, as the enclosed Authorization Form – Part I reflects the correct legal entity which owns the Property referenced above.

2.

By incorporating the three Disclosure of Contribution Forms in lieu of and in replacement of the two Disclosure of Contribution Forms that were originally filed with the Application, as the three enclosed Disclosure of Contribution Forms reflect the correct legal entity which owns the Property referenced above.

WHEREFORE, the Applicant respectfully requests that this First Amendment be filed; that the Application be amended in accordance with this First Amendment; and that the Applicant has such other and further relief as is just and proper under the circumstances.

Accordingly, the Applicant respectfully requests that the City Council of the City of Sandy Springs grant the Application as requested.

Respectfully submitted,

THE GALLOWAY LAW GROUP, LLC



William Woodson Galloway
Attorney for Applicant

3500 Lenox Road, N.E., Suite 760
Atlanta, Georgia 30326
(404) 965-3680



MAR 4 2016

City of Sandy Springs
Community Development

AUTHORIZATION FORM - PART I

A- If the applicant is also the owner of the subject property, fill out the following section:

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: BD Center Pointe, LLC	Sworn and subscribed before me this <u>3rd</u> day of <u>March</u> 20 <u>16</u> Notary public: Seal: Commission expires <u>10/27/2021</u>
Address: 600 East 96th Street Suite 100	
City, State, Zip Code: Indianapolis, Indiana 46240	
Email address: <u>Keith.Konkoli@duke-realty.com</u>	
Phone number: 317.808.6000	
Owner's signature: <u>BD CENTER POINTE, LLC, a Georgia limited liability company</u>	
By: Duke Realty Limited Partnership, an Indiana limited partnership, its sole member By: Duke Realty Corporation, an Indiana corporation, its general partner By: Printed: <u>Keith Konkoli</u> Title: <u>V.P., Healthcare, Duke Realty Corporation</u>	

B- If the applicant is *not* the owner of the subject property, fill out the following section and check the appropriate statement:

Applicant states under oath that:	
<input type="checkbox"/> He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name:	Sworn and subscribed before me this _____ th day of _____ 20____ Notary public: Seal: Commission expires:
Company name:	
Address:	
City, State, Zip Code:	
Email address:	
Phone number:	
Applicant's signature:	

MAR 4 2016

City of Sandy Springs
Community Development



DISCLOSURE OF CONTRIBUTION FORM

Within the (2) years immediately preceding the filing of this zoning application have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council? Yes No

List all individuals or business entities which have an ownership interest in the property which is the subject of this application:
BD CENTER POINTE, LLC, a Georgia limited liability company
By: Duke Realty Limited Partnership, an Indiana limited partnership, its sole member
By: Duke Realty Corporation, an Indiana corporation, its general partner

Campaign Contributions:			
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name: <i>Keith Kontogi, Exp Healthcare, Duke Realty Corporation</i>
Signature: <i>[Signature]</i> Date: <i>03/03/2016</i>

Note: Each party involved in the application must sign an individual copy of this form.



MAR 4 2016

City of Sandy Springs
Community Development

DISCLOSURE OF CONTRIBUTION FORM

Within the (2) years immediately preceding the filing of this zoning application have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council? Yes No

List all individuals or business entities which have an ownership interest in the property which is the subject of this application:
BD CENTER POINTE, LLC, a Georgia limited liability company
By: Duke Realty Limited Partnership, an Indiana limited partnership, its sole member
By: Duke Realty Corporation, an Indiana corporation, its general partner

Campaign Contributions:			
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name: Darrell G. Phillips - DEVELOPMENT SERVICES MANAGER - DUKE REALTY CORPORATION
Signature: <i>[Handwritten Signature]</i> Date: MARCH 3, 2016

Note: Each party involved in the application must sign an individual copy of this form.

MAR 4 2016



City of Sandy Springs
Community Development

DISCLOSURE OF CONTRIBUTION FORM

Within the (2) years immediately preceding the filing of this zoning application have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council? Yes No

List all individuals or business entities which have an ownership interest in the property which is the subject of this application:
BD Center Pointe, LLC, a Georgia limited liability company
By: Duke Realty Limited Partnership, an Indiana limited partnership, its sole member
By: Duke Realty Corporation, an Indiana corporation, its general partner

Campaign Contributions:			
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more
Andy Bauman	\$250	1-22-2015	

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name: The Galloway Law Group, LLC, by William Woodson Galloway
Signature:  Date: 3/4/16

Note: Each party involved in the application must sign an individual copy of this form.

**FIRST AMENDMENT
TO APPLICATION FOR ZONING MODIFICATION
SANDY SPRINGS, GEORGIA**

IN RE: ZM16-0015)
)
Duke Realty Corporation)
)
Applicant.)
)
For the property located at)
1100 Johnson Ferry Road)

COMES NOW the Applicant and respectfully requests that the above-referenced Application be amended as follows:

1.

By incorporating the enclosed Authorization Form – Part I in lieu of and in replacement of the Authorization Form – Part I that was originally filed with the Application, as the enclosed Authorization Form – Part I reflects the correct legal entity which owns the Property referenced above.

2.

By incorporating the three Disclosure of Contribution Forms in lieu of and in replacement of the two Disclosure of Contribution Forms that were originally filed with the Application, as the three enclosed Disclosure of Contribution Forms reflect the correct legal entity which owns the Property referenced above.

WHEREFORE, the Applicant respectfully requests that this First Amendment be filed; that the Application be amended in accordance with this First Amendment; and that the Applicant has such other and further relief as is just and proper under the circumstances.

RECEIVED

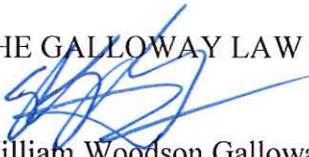
MAR 4 2016

City of Sandy Springs
Community Development

Accordingly, the Applicant respectfully requests that the City Council of the City of Sandy Springs grant the Application as requested.

Respectfully submitted,

THE GALLOWAY LAW GROUP, LLC



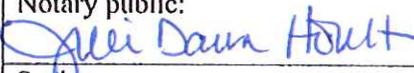
William Woodson Galloway
Attorney for Applicant

3500 Lenox Road, N.E., Suite 760
Atlanta, Georgia 30326
(404) 965-3680



AUTHORIZATION FORM - PART I

A- If the applicant is also the owner of the subject property, fill out the following section:

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: BD Center Pointe, LLC	Sworn and subscribed before me this <u>3rd</u> th day of <u>March</u> 20 <u>16</u> Notary public:  Seal: 
Address: 600 East 96th Street Suite 100	
City, State, Zip Code: Indianapolis, Indiana 46240	
Email address: <u>Keith.Konkoli@duker Realty.com</u>	
Phone number: 317.808.6000	
Owner's signature: <u>[Signature]</u> BD CENTER POINTE, LLC, a Georgia limited liability company	
By: Duke Realty Limited Partnership, an Indiana limited partnership, its sole member By: Duke Realty Corporation, an Indiana corporation, its general partner By: <u>[Signature]</u> Printed: <u>Keith Konkoli</u> Title: <u>EXP, Healthcare, DUKE Realty Corporation</u>	

B- If the applicant is *not* the owner of the subject property, fill out the following section and check the appropriate statement:

Applicant states under oath that:	
<input type="checkbox"/> He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name:	Sworn and subscribed before me this <u> </u> th day of <u> </u> 20 <u> </u> Notary public: Seal: Commission expires:
Company name:	
Address:	
City, State, Zip Code:	
Email address:	
Phone number:	
Applicant's signature:	

RECEIVED

MAR 4 2016



RECEIVED

MAR 4 2016

DISCLOSURE OF CONTRIBUTION FORM

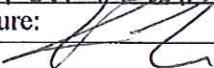
City of Sandy Springs
Community Development

Within the (2) years immediately preceding the filing of this zoning application have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council? Yes No

List all individuals or business entities which have an ownership interest in the property which is the subject of this application:
BD CENTER POINTE, LLC, a Georgia limited liability company
By: Duke Realty Limited Partnership, an Indiana limited partnership, its sole member
By: Duke Realty Corporation, an Indiana corporation, its general partner

Campaign Contributions:			
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name: Keith Kontogi, Exp Healthcare, Duke Realty Corporation
Signature:  Date: 03/03/2016

Note: Each party involved in the application must sign an individual copy of this form.



RECEIVED

MAR 4 2016

City of Sandy Springs
Community Development

DISCLOSURE OF CONTRIBUTION FORM

Within the (2) years immediately preceding the filing of this zoning application have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council? Yes No

List all individuals or business entities which have an ownership interest in the property which is the subject of this application:
BD CENTER POINTE, LLC, a Georgia limited liability company
By: Duke Realty Limited Partnership, an Indiana limited partnership, its sole member
By: Duke Realty Corporation, an Indiana corporation, its general partner

Campaign Contributions:			
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name: Darrell G. Phillips - DEVELOPMENT SERVICES MANAGER - DUKE REALTY CORPORATION
Signature: <i>[Handwritten Signature]</i> Date: MARCH 3, 2016

Note: Each party involved in the application must sign an individual copy of this form.



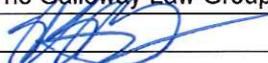
DISCLOSURE OF CONTRIBUTION FORM

Within the (2) years immediately preceding the filing of this zoning application have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council? Yes No

List all individuals or business entities which have an ownership interest in the property which is the subject of this application:
BD Center Pointe, LLC, a Georgia limited liability company
By: Duke Realty Limited Partnership, an Indiana limited partnership, its sole member
By: Duke Realty Corporation, an Indiana corporation, its general partner

Campaign Contributions:			
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more
Andy Bauman	\$250	1-22-2015	

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name: The Galloway Law Group, LLC, by William Woodson Galloway
Signature:  Date: 3/4/16

Note: Each party involved in the application must sign an individual copy of this form.