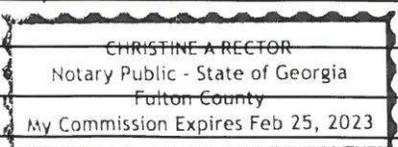


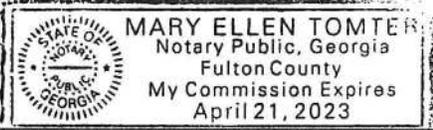
### Amendment Application

Applicant Information	Name: Related Development, LLC c/o William Woodson Galloway, The Galloway Law Group			
	Address: 3500 Lenox Rd., Suite 760, Atlanta, GA 30326			
	Phone: 404-965-3680	Fax:	Email: laurel@glawgp.com	
Owner Information	Owner's Name: Scarlett & Associates, Inc. c/o Fellers, Schewe, Scott and Roberts			
	Owner's Address: P.O. Box 450233, Atlanta, GA 31145			
	Phone: 404-965-3680	Fax:	Email: laurel@glawgp.com	
Property Information	Property Address: 2601 Briarcliff Rd.		Parcel Size: 6.75 acres	
	Parcel ID: 18 152 01 058			
	Current Zoning Classification: C-1			
	Requested Zoning Classification: C-1			
	Is this development and/or request seeking any incentives or tax abatement through the City of Brookhaven or any entity that can grant such waivers, incentives, and/or abatements? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
	1. Is the zoning proposal in conformity with the policy and intent of the comprehensive plan? See attached			
	2. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? See attached			
	3. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned? See attached			
	4. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? See attached			
	5. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal? See attached			
Questionnaire	6. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources? See attached			
	7. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? See attached			
	<i>To the best of my knowledge, this zoning application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Brookhaven Zoning Ordinance.</i>			
	Applicant's Name: <u>William E. Allen</u>		For Related Development, LLC	Date:
	Applicant's Signature: <u>William E. Allen</u>			Date: <u>12/4/19</u>
	Sworn to and subscribed before me this <u>4<sup>th</sup></u> Day of <u>December</u> , 20 <u>19</u>			
	Affidavit	Notary Public: <u>Christine A. Rector</u>		
Signature: <u>Christine A. Rector</u>				
My Commission Expires: <u>February 25, 2023</u>				
Notary	<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee (\$135 x number required)* - <input type="checkbox"/> Legal Fee (\$10)			
	Fee: \$	Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC	Date:	

\* One sign is required per street frontage and/or every 500 feet of street frontage

## Property Owner(s) Notarized Certification

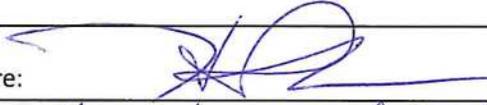
The owner and petitioner acknowledge that this Zoning Map Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for zoning amendment, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner (If Applicable)	Signature: <i>[Signature]</i> as receiver		Date: 12/3/19
	Address: 125 Claremont Ave Suite 460		City, State: Decatur Ga Zip: 30030
	Phone:		
Property Owner (If Applicable)	Sworn to and subscribed before me this <u>4</u> day of <u>Dec</u> , 20 <u>19</u>		
	Notary Public: <i>Mary Ellen Tomter</i>		
	Signature:		Date:
Property Owner (If Applicable)	Address:		City, State:
	Phone:		Zip:
	Sworn to and subscribed before me this _____ day of _____, 20 _____		
Property Owner (If Applicable)	Notary Public:		
	Signature:		Date:
	Address:		City, State:
Property Owner (If Applicable)	Phone:		Zip:
	Sworn to and subscribed before me this _____ day of _____, 20 _____		
	Notary Public:		

## Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

Yes       No

Applicant / Owner	Signature: 
	Address: HENRY LOABERT ASSOCIATES 125 CLARENCE AVE Decatur GA 30030
	Date: 12/2/19

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount

## Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

Yes  No

Applicant / Owner	Signature: <i>William E. Allen</i> / <i>William E. Allen</i>
	Address: Related Development, LLC, 3424 Peachtree Rd. NE, Suite 1775, Atlanta GA 30326
	Date: <i>12/4/19</i>

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



### Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

Yes       No

<b>Applicant / Owner</b>	Signature: <i>Laurel Dawson</i>
	Address: The Galloway Law Group, LLC 3500 Lenox Road, N.E., Suite 760 Atlanta GA 30326
	Date: November 26, 2019

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount
10/2/17	Joe Gebbia	City Council		\$1,000.00
10/7/19	John Ernst	Mayor		\$1,000.00

**LETTER OF INTENT  
REZONING APPLICATION  
CITY OF BROOKHAVEN, GEORGIA**

The Applicant, Related Development, LLC (“Related” or the “Applicant”), on behalf of the Owner, requests the rezoning of approximately 6.74 acres located at 2601 Briarcliff Road (Tax ID No. 18 152 01 058)(collectively, the “Property”). The Applicant and the Owner desire to annex into the City of Brookhaven and, concurrent with this application for rezoning, have filed a petition for annexation by the 100% Method. As part of the annexation, the Applicant requests the rezoning of the Property from the Dekalb County zoning classification C-1 (Local Commercial) to the City of Brookhaven zoning classification C-1 (Local Commercial). Related plans to redevelop the Property based on the conceptual site plan that accompanies this Application.

The Applicant responds as follows to the Standards of Rezoning required by the City of Brookhaven Zoning Ordinance.

**(a) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan?**

Bolstered by easy access to Interstate 85, the Property and the immediate area have been used for commercial and office uses for many years. The Property is designated as “Neighborhood Center” (NC) in the DeKalb County Comprehensive Plan, which consists of a neighborhood focal point with a concentration of activities such as general retail, neighborhood commercial, professional office, higher-density housing, and appropriate public and open space uses that are easily accessible by pedestrians. The implementation policies for NC include the recommendation that each center have a “very high density mix of retail, office, services, and employment opportunities to serve several neighborhoods.” However, the maximum density allowed by NC is 24 units per acre, which seems contrary to this recommendation unless the policy is to calculate the density across the entire NC area node. A limitation of 24 units per acre also seems a lost opportunity to address an increased need for housing spurred by development on the Emory and CHOA properties.

As the Property is not yet part of the City of Brookhaven, it is not included in the City’s Comprehensive Plan 2034. The Property is in an area adjacent to the Buford Highway Corridor character area within the current City of Brookhaven boundary. The Buford Highway Corridor

is a character area earmarked for redevelopment at high intensity with a more walkable urban corridor that features compact pedestrian-friendly development. This character area designates higher intensity land uses (10-story building heights or greater) as appropriate in the areas along the North Druid Hills corridor, adjacent to I-85, with a step-down in intensity near surrounding residential areas.

The vision for the Buford Highway Corridor character area is for a denser more walkable urban corridor that features compact pedestrian friendly development instead of its current state an auto-orientated suburban corridor. Large shopping centers within the corridor are seen as appropriate areas for this type of mixed-use redevelopment. The area is poised for the highest intensity growth based on its close proximity to I-85, existing development, proposed future development on nearby properties and depiction within the Atlanta Regional Commission's Unified Growth Policy Map as part of the Region Employment Corridor and Maturing Neighborhood. High intensity development of 100-150 units per acre with building heights in excess of ten (10) stories is envisioned close to I-85. The Brookhaven Comp Plan recommends transitioning to mixed-use developments of 3-6 stories towards surrounding neighborhoods. Applicant's proposal supports the policies and intent of Brookhaven's Buford Highway Corridor character area.

**(b) Whether the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties?**

The zoning proposal would permit a use that is suitable in view of the use and development of adjacent and nearby properties. Adjacent properties have been used for dense commercial and office uses. The Property is adjacent to CHOA's campus that will include Children's Healthcare of Atlanta's new hospital and medical and administrative office campus. In Executive Park, Emory proposes a health innovation district consisting of 3 million square feet of mixed-use development with office, medical services, commercial space, a hotel and multifamily. Brighten Park shopping center is developed with a dense mix of commercial uses. Other adjacent uses are generally retail, commercial and restaurant. Related's zoning proposal includes uses that are suitable given the use of nearby properties and will provide much needed multi-family housing for employees of these nearby uses, which will make efficient use of area infrastructure and create opportunities for pedestrian connectivity to commercial uses.

**(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned?**

The Property does not have a reasonable economic use as currently zoned. It is developed with older one-story commercial buildings that are reaching functional obsolescence and do not include amenities that are appropriate for this location. Therefore, the value of the Property suffers significant detriment by virtue of its current zoning and its underdevelopment.

**(d) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property?**

The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby properties. The Property has been used for commercial uses for many years. The current use of the Property naturally complements the surrounding CHOA and Emory campuses and commercial, retail and restaurant uses. It and adjacent properties are zoned to the C-1 classification. It is anticipated that the proposed rezoning would have a positive impact on the commercial viability and property values of adjacent and nearby property.

**(e) Whether there are other existing or changing conditions affecting the existing use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal?**

The Property has existed with commercial uses for many years near high intensity commercial uses and highly trafficked intersections. The rezoning conforms with its current use and is compatible with the adjacent uses. Further, the intensification of land development in the area provides supporting grounds for the anticipated future redevelopment of the Property, due partly to its location near the interchange of North Druid Hills Road and I-85. The proposed development would meet the need for residential and commercial uses in a location that facilitates regional commute patterns.

**(f) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources?**

The Dekalb County Comprehensive Plan does not show any natural or cultural resources, historic districts or areas, or nationally and locally registered historic sites on the Property. The Applicant is not aware of any historic buildings, sites, districts or archaeological resources on the site.

**(g) Whether the zoning proposal result will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?**

If approved, the zoning proposal will not result in a use that will cause excessive or burdensome use of utilities, as capacity exists to serve the Property and intended uses. Commercial uses do not generate school children so will not cause a burdensome use of schools. Multi-family residential does not generate as many school children as single family homes. The Applicant will work with City officials to address excessive or burdensome use of existing streets.

**(h) Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the Comprehensive Plan, the Character Area Study, and any Overlay District?**

The Applicant proposes a high quality development and will conform to the Buford Highway Overlay District requirements should the Property be annexed.

Accordingly, the Applicant respectfully requests that the Mayor and City Council of the City of Brookhaven grant the zoning as requested.

THE GALLOWAY LAW GROUP, LLC

By:   
William Woodson Galloway  
Laurel David  
Attorneys for Owner-Applicant

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

**CONSTITUTIONAL OBJECTIONS**  
**APPLICATION FOR REZONING**  
**CITY OF BROOKHAVEN, GEORGIA**

Georgia Law and the procedures of City of Brookhaven require us to raise Federal and State Constitutional objections during the Rezoning application process. While the Owner/Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Owner/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 Brookhaven, Georgia, as applied to the Property, that would result in a denial of the Rezoning as requested, are, or would be, unconstitutional in that they would destroy 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 Brookhaven or the Brookhaven Zoning Ordinance to the Property which restricts its use to any use in a manner other than that requested is unconstitutional, illegal and null and void because such an application constitutes a taking of 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 Owner/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 Brookhaven 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 Rezoning as requested would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner/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 Rezoning subject to conditions that are different from the conditions requested, to the extent such different conditions would have the effect of further restricting the 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 Brookhaven, pursuant to O.C.G.A. § 36-33-5, that the Owner/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 Brookhaven. 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 Owner/Applicant respectfully requests that the Mayor and City Council of the City of Brookhaven grant the Rezoning as requested.

THE GALLOWAY LAW GROUP, LLC



William Woodson Galloway  
Laurel David  
Attorneys for Applicant

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

## **PUBLIC PARTICIPATION PLAN**

**Applicant:** Related Development, LLC, c/o The Galloway Law Group, LLC

**1. Property owners within 500 feet of the property will be notified in accordance with the requirements of § 27-826(a)(5) of the Zoning Ordinance:**

- See list beginning on the following page of all property owners within 500 feet of the Property, including name, street address, and tax parcel identification

**2. The individuals and others listed will be notified of the requested rezoning using the following method:**

- A notice letter will be mailed by U.S. Mail to property owners listed on the following pages.

**3. Individuals and others listed above will be invited to participate in the following manner:**

- Attend the public meeting to be held on Thursday, January 2, 2020. The meeting will be held from 6:30 p.m. to 7:30 p.m. at the Hellenic Community Center (to be confirmed)(see copy of invitation letter attached).
- Directly contact The Galloway Law Group, LLC by telephone, email or U.S. mail

Received December 5,  
2019 by P&Z

**INFORMATION MEETING CONCERNING PROPERTY LOCATED AT  
2601 BRIARCLIFF ROAD, BROOKHAVEN, GEORGIA**

We are notifying all nearby property owners of an informational meeting open to the public to discuss a proposed rezoning for the property indicated above. The rezoning is proposed in conjunction with a proposed annexation into the City of Brookhaven. The informational meeting will take place on Thursday, January 2, 2020, from 6:30 PM to 7:30 PM. This information meeting will be held at the Hellenic Community Center at 2500 Clairmont Road. Please feel free to attend this meeting should you have any questions. If you are unable to attend but would like to obtain information, please contact The Galloway Law Group at (404) 965-3680.

Sincerely,

THE GALLOWAY LAW GROUP, LLC

# MEMORANDUM

Received December 5, 2019  
by P&Z

**To:** Antonio Sample, Eberly & Assoc  
**From:** John Karnowski, PTOE, AICP ([John.Karnowski@NV5.com](mailto:John.Karnowski@NV5.com))  
**Date:** December 4, 2019  
**Re:** Trip Generation Study  
 Druid Hill Manor Mixed-Use  
 Brookhaven, GA

We have completed an analysis of the expected trip for the proposed mixed-use development along Druid Hills Road in Brookhaven, GA. The site is expected to have 382 apartment units, 25,000 sq. ft. of general office space, a 140-room hotel, 10,000 sq.ft. of restaurant space and 10,000 sq.ft. of general retail space.

Using the rates and equations in Trip Generation, 10<sup>th</sup> Ed., ITE, and accounting for both internal capture (trips between uses) and pass-by trips (traffic that is not unique to the site), the following table describes the estimated trips.

Project Land Use	Project Trips			
	Total	Inbound	Outbound	
Multifamily Housing (Mid-Rise); Hotel; Office Retail; Restaurant	Daily	8,228	4,114	4,114
	AM Peak Hour	1,132	651	481
	PM Peak Hour	653	333	320
	Reduction for Internal Capture			
	Daily	-822	-411	-411
	AM Peak Hour	-57	-33	-24
	PM Peak Hour	-65	-33	-32
	Reductions for Pass-By Trips			
	Daily	-1,644	-822	-822
	AM Peak Hour	-178	-107	-71
	PM Peak Hour	-164	-81	-83
<b>TOTAL PROJECT TRIPS</b>	Daily	<b>5,762</b>	<b>2,881</b>	<b>2,881</b>
	AM Peak Hour	<b>897</b>	<b>511</b>	<b>386</b>
	PM Peak Hour	<b>424</b>	<b>219</b>	<b>205</b>



**Multi-Use Development**Based upon methodology from ITE's *Trip Generation*, 10th Edition (2017)

Project Land Use	Project Density	Project Trips		
		Total	Inbound	Outbound
<b>Multifamily Housing (Mid-Rise)</b>				
Hotel	Daily	<b>8,228</b>	4,114	4,114
General Office Building	AM Peak Hour	<b>1,132</b>	651	481
Shopping Center	PM Peak Hour	<b>653</b>	333	320
<b>Fast Food Restaurant without Drive-Through Window</b>				
Reduction for Internal Capture				
	Daily	10%	<b>-822</b>	-411
	AM Peak Hour	5%	<b>-57</b>	-33
	PM Peak Hour	10%	<b>-65</b>	-33
Reductions for Pass-By Trips				
	Daily		<b>-1,644</b>	-822
	AM Peak Hour		<b>-178</b>	-107
	PM Peak Hour		<b>-164</b>	-83
<b>TOTAL PROJECT TRIPS</b>				
	Daily		<b>5,762</b>	2,881
	AM Peak Hour		<b>897</b>	511
	PM Peak Hour		<b>424</b>	219

**Multifamily Housing (Mid-Rise) (221)**

Based upon methodology from ITE's Trip Generation, 10th Edition (2017)

Received December 5, 2019  
by P&Z

Project Land Use	Project Density	Project Trips			
		Total	Inbound	Outbound	
Multifamily Housing (Mid-Rise)	382 DU	Daily	2,080	1,040	1,040
		AM Peak Hour	127	33	94
		PM Peak Hour	160	98	62
Reductions for Pass-By Trips		Daily	0	0	0
		AM Peak Hour	0	0	0
		PM Peak Hour	0	0	0
TOTAL PROJECT TRIPS		Daily	2,080	1,040	1,040
		AM Peak Hour	127	33	94
		PM Peak Hour	160	98	62

**Hotel (310)**

Based upon methodology from ITE's Trip Generation, 10th Edition (2017)

Received December 5, 2019 by  
P&Z

Project Land Use	Project Density	Project Trips			
		Total	Inbound	Outbound	
Hotel	140 Rooms	Daily	1,154	577	577
		AM Peak Hour	65	38	27
		PM Peak Hour	79	40	39
		Reductions for Pass-By Trips			
		Daily	0	0	0
		AM Peak Hour	0	0	0
		PM Peak Hour	0	0	0
TOTAL PROJECT TRIPS		Daily	1,154	577	577
		AM Peak Hour	65	38	27
		PM Peak Hour	79	40	39

**General Office Building (710)**

Based upon methodology from ITE's *Trip Generation*, 10th Edition (2017)

Received December 5, 2019 by  
P&Z

Project Land Use	Project Density	Project Trips			
		Total	Inbound	Outbound	
General Office Building	25,000 S.F.	Daily	276	138	138
		AM Peak Hour	50	43	7
		PM Peak Hour	31	5	26
Reductions for Pass-By Trips		Daily	0	0	0
		AM Peak Hour	0	0	0
		PM Peak Hour	0	0	0
TOTAL PROJECT TRIPS		Daily	276	138	138
		AM Peak Hour	50	43	7
		PM Peak Hour	31	5	26

## Shopping Center (820)

Based upon methodology from ITE's Trip Generation, 10th Edition (2017)

Received December 5,  
2019 by P&Z

Project Land Use	Project Density	Project Trips			
		Total	Inbound	Outbound	
Shopping Center	Daily	10,000 SF	1,256	628	628
	AM Peak Hour		157	97	60
	PM Peak Hour		99	48	51
Reductions for Pass-By Trips	Daily	40%	-502	-251	-251
	AM Peak Hour	20%	-31	-19	-12
	PM Peak Hour	50%	-50	-24	-26
TOTAL PROJECT TRIPS	Daily		754	377	377
	AM Peak Hour		126	78	48
	PM Peak Hour		49	24	25

# Fast Food Restaurant without Drive-Through Window (933)

Based upon methodology from ITE's Trip Generation, 10th Edition (2017)

Received December 5, 2019  
by P&Z

Project Land Use	Project Density	Project Trips			
		Total	Inbound	Outbound	
Fast Food Restaurant without Drive-Through Window	Daily	10,000 S.F.	3,462	1,731	1,731
	AM Peak Hour		733	440	293
	PM Peak Hour		284	142	142
Reductions for Pass-By Trips	Daily	33%	-1,142	-571	-571
	AM Peak Hour	20%	-147	-88	-59
	PM Peak Hour	40%	-114	-57	-57
TOTAL PROJECT TRIPS	Daily		2,320	1,160	1,160
	AM Peak Hour		586	352	234
	PM Peak Hour		170	85	85