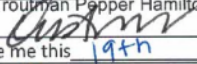

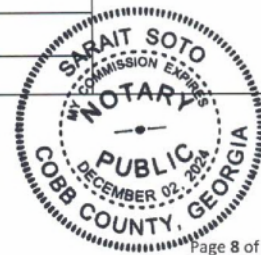
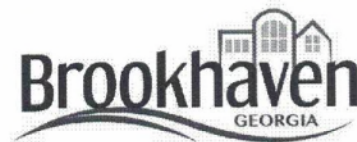


Special Land Use Permit Application

Applicant	Name: Chicken Coup VIII, LLC & Chicken Coup VIII RE, LLC c/o Troutman Pepper Hamilton Sanders LLP		
	Address: 600 Peachtree Street, Suite 3000; Atlanta, Georgia 30308		
Property Owner	Phone: 404.885.3348	Fax:	Email: henry.bailey@troutman.com
	Owner's Name: Port Pad Land Partners LLC		
Property Information	Owner's Address:		
	Phone:	Fax:	Email:
	Property Address: 2535 Briarcliff Road, Brookhaven, Georgia		Acreage:
	Parcel ID: 18 153 04 009		
Special Land Use Permit Type	Current Zoning Classification: C-1		
	Proposed Use of Property: Restaurant with drive thru facility		
	<input type="checkbox"/> Adult day care facility <input type="checkbox"/> Alcohol outlets, except as accessory to a major retail establishment <input type="checkbox"/> Amateur radio service antenna exceeding seventy (70) feet <input type="checkbox"/> Automobile gas stations <input type="checkbox"/> Automobile wrecking yard or junk yard <input type="checkbox"/> Biomedical waste disposal facility, disposal facility, landfill, materials recovery center, solid waste disposal facility, solid waste landfill, private industry solid waste disposal facility, recovered materials processing facility, solid waste handling facility, solid waste thermal treatment technology facility, and disposal facility for hazardous and/or toxic materials including radioactive materials <input type="checkbox"/> Building exceeding five (5) stories in height <input type="checkbox"/> Building exceeding two (2) stories in height <input type="checkbox"/> Bus and rail stations and terminals for passenger service or freight service <input type="checkbox"/> Cemetery, columbarium, or mausoleum <input type="checkbox"/> Check cashing establishments <input type="checkbox"/> Child caring institution, group <input type="checkbox"/> Child day care facility		
	<input type="checkbox"/> Convent or monastery <input type="checkbox"/> Crematory <input checked="" type="checkbox"/> Drive-through restaurants Emissions testing station <input type="checkbox"/> Explosive manufacture or storage <input type="checkbox"/> Heliport <input type="checkbox"/> High-rise apartment development <input type="checkbox"/> Home occupation involving any customer contact <input type="checkbox"/> Home stay bed and breakfast residence <input type="checkbox"/> Industrial or business service activities which utilize, manufacture, or process radioactive materials which emit or could emit radioactive levels of one thousand (1,000) curies or more and are licensed by the radiological health division of the Georgia Department of Human Resources <input type="checkbox"/> Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal <input type="checkbox"/> Kindergarten <input type="checkbox"/> Late-night establishment <input type="checkbox"/> Major automobile repair and maintenance shops <input type="checkbox"/> Manufacturing operations not housed within a building		
	<input type="checkbox"/> Mines and mining operations, quarries, asphalt plants, gravel pits, and sand pits <input type="checkbox"/> Minor automobile repair and maintenance shops <input type="checkbox"/> Neighborhood recreation club <input type="checkbox"/> Nightclub <input type="checkbox"/> Pawn shops <input type="checkbox"/> Personal care home, group <input type="checkbox"/> Petroleum refining <input type="checkbox"/> Place of worship <input type="checkbox"/> Private elementary, middle and high school <input type="checkbox"/> Railroad car classification and repair yards and team truck yards <input type="checkbox"/> Shelter for homeless persons for no more than six (6) persons <input type="checkbox"/> Smelting of metal ores or drop forge industry <input type="checkbox"/> Stations and terminal for bus and rail passenger service <input type="checkbox"/> Storage yard for damaged or confiscated automobiles <input type="checkbox"/> Telecommunications tower or antenna <input type="checkbox"/> Transitional housing facility <input type="checkbox"/> Truck stop or terminal <input type="checkbox"/> Utility generation facilities		
	<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: Chicken Coup VIII, LLC & Chicken Coup VIII RE, LLC		Date: 12-19-23
	Applicant's Signature: 		Date: 12-19-23
	Sworn to and subscribed before me this 19th		Day of December, 2023
	Notary	Notary Public: Sargit Soto	
Signature: 			
My Commission Expires: December 2, 2024			

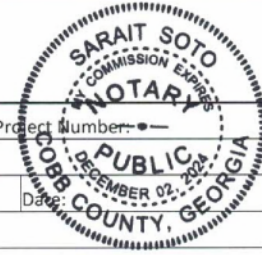


P&Z 12-27-23



Variance Application

Type	Type of Request: <input checked="" type="checkbox"/> Zoning/Special Exception <input type="checkbox"/> Sign <input type="checkbox"/> Stream Buffer <input type="checkbox"/> Other <input type="checkbox"/> Administrative (Zoning/Special Exception or Stream Buffer)				
	Applicable Zoning/Sign Code Section:				
	Nature of Request:	Required:	Proposed:	Minimum Setback Requirements	Proposed Setback Requirements
	<input type="checkbox"/> Setback	(See Chart to the Right)		Front	Front
	<input type="checkbox"/> Sign			Side	Side
Project	<input type="checkbox"/> # Parking Spaces			Rear	Rear
	<input type="checkbox"/> Other			Other	Other
	Name of Project/Subdivision:			Present Zoning:	
	Property Address/Location: 2535 Briardliff Road, Brookhaven, Georgia				
	District: 18	Land Lot: 153	Block:	Property ID: 18 153 04 009	
Owner Information	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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
	Name: Port Pad Land Partners LLC				
	Address:				
	Phone:		Fax:		
	Cell:		Email:		
Applicant	Name: Chicken Coup VIII, LLC & Chicken Coup VIII RE, LLC c/o Troutman Pepper Hamilton Sanders LLP				
	Address: 600 Peachtree Street, Suite 3000, Atlanta, Georgia 30308				
	Phone: 404.885.3348		Fax:		
	Cell: 404.885.3348		Email: henry.bailey@troutman.com		
	<p><i>To the best of my knowledge, this variance 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 understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Brookhaven Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included</i></p>				
Affidavit	Applicant's Name: Chicken Coup VIII, LLC & Chicken Coup VIII RE, LLC c/o Troutman Pepper Hamilton Sanders LLP				
	Applicant's Signature:			Date: 12/19/23	
	Sworn to and subscribed before me this 19 Day of December 20 23				
	Notary Public: Sarait Soto				
	Signature:				
Notary	Date: 12/19/23				
	Application Received By:			Project Title:	
	<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee (\$135 per 500 feet per frontage) <input type="checkbox"/> Legal Fee (\$20)			Project Number: -	
	Fee: \$		Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC		Date:
	<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied			Date:	
Office Use					



4362 Peachtree Road, Brookhaven, GA 30319
 Phone: 404-637-0500 • Fax: 404-637-0501
www.BrookhavenGA.gov

Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Land Use 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 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)	Port Pad Land Partners, LLC, By: VPDC 2015, LLC, its manager		Date: 12/18/2023
	Signature: By: <u>Debra L. Perry</u> Debra L. Perry, Vice President		
	Address: 940 Emmett Avenue, Suite 200	City, State: Belmont, CA	Zip: 94002
	Phone: 415-227-2206		
Property Owner (If Applicable)	Sworn to and subscribed before me this _____ day of _____, 20_____		
	(see attached)		
	Notary Public:		
Property Owner (If Applicable)	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
Property Owner (If Applicable)	Notary Public:		
	Signature:		Date:
	Address:	City, State:	Zip:
Property Owner (If Applicable)	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		

P&Z 12-27-23

ATTACHMENT TO
PROPERTY OWNER NOTARIZED CERTIFICATION
BROOKHAVEN, GEORGIA
(Port Pad Land Partners, LLC)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

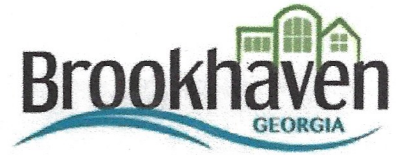
STATE OF CALIFORNIA §
 §
COUNTY OF PLACER §

Subscribed and sworn to (or affirmed) before me on this 18th day of December, 2023,
by Debra L. Perry, proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.



(Seal)

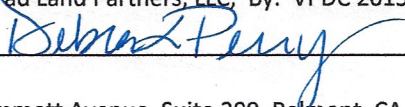
Signature 



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	OWNER:	Port Pad Land Partners, LLC, By: VPDC 2015, LLC, its manager		
	Signature:	By:		Debra L. Perry, Vice President
	Address:	940 Emmett Avenue, Suite 200, Belmont, CA 94002		
	Date:	12/18/2023		

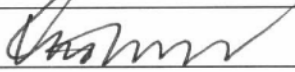
If you answered yes above, please complete the following section:

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:	
	Address:	324 CHEROKEE ST NE, MARIETTA GA 30067
	Date:	12-19-23

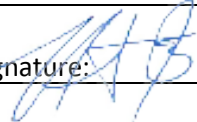
If you answered yes above, please complete the following section:

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

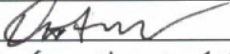


Applicant / Owner	Signature: 
	Address: Troutman Pepper Hamilton Sanders LLP 600 Peachtree Street, Suite 3000 Atlanta, GA 30308
	Date: December 27, 2023

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

Date	Government Official	Official Position	Description	Amount

Applicant/Petitioner Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Applicant / Petitioner	Signature: 	Date: 12/19/23
	Address: 324 CHARLES ST	City, State: Marietta GA Zip: 30066
	Phone:	
	Sworn to and subscribed before me this 19 day of December, 2023	
Attorney / Agent	Notary Public: 	
		
	Signature:	Date:
	Address:	City, State: Zip:
	Phone:	
	Sworn to and subscribed before me this _____ day of _____, 20____	
Notary Public:		

Legal Description
2535 Briarcliff Road

All that tract or parcel of land lying and being in Land Lot 153 of the 18th District of DeKalb County, Georgia, containing 0.835 acres and being more particularly described as follows:

To find the true point of beginning, begin at a 1/2" rebar at the intersection of the Northeast right of way of Briarcliff Road, a 100 foot right of way at this point, and the Southwest right of way of North Druid Hills Road, a 100 foot right of way at this point, thence running along the Southeast right of way of said Briarcliff Road South 54 degrees 04 minutes 07 seconds West a distance of 67.48 feet to an iron pin set on said right of way said iron pin being the True Point of Beginning:

Thence leaving said right of way and running South 25 degrees 03 minutes 20 seconds East a distance of 138.00 feet to an iron pin set; thence running South 69 degrees 25 minutes 10 seconds East a distance of 17.86 feet to an iron pin set; thence running South 10 degrees 03 minutes 58 seconds East a distance of 191.09 feet to a 1-1/2" crimp top pipe found; thence running South 87 degrees 08 minutes 52 seconds West a distance of 65.00 feet to a 3/4" crimp top pipe found; thence running North 33 degrees 13 minutes 42 seconds West a distance of 314.45 feet to an iron pin set on the Southeast right of way of Briarcliff Road, a 100 foot right of way at this point; thence running along said right of way along a curve to the left, having a radius of 2341.83 feet, an arc distance of 110.62 feet to a point on said right of way, said arc being subtended by a chord bearing and distance of North 65 degrees 25 minutes 19 seconds East, 110.61 feet thence continuing along said right of way North 64 degrees 04 minutes 07 seconds East a distance of 28.80 feet to an iron pin set on said right of way, said iron pin being the true point of beginning.

Appurtenant Easement No. 1:

Together with easement rights created under that certain Reciprocal Easement Agreement by and between Samuel L. Gipson and Janet M. Gipson and QuikTrip Corporation, an Oklahoma corporation, dated as of March 27, 1992, filed for record April 3, 1992 at 9:22 a.m., recorded in Deed Book 7230, Page 578, Records of DeKalb County, Georgia; as amended by Reciprocal Easement Agreement by and between CNL American Properties Fund, Inc., a Maryland corporation, and QuikTrip Corporation, an Oklahoma corporation, dated as of December 17, 1996, filed for record December 18, 1996 at 12:53 p.m., recorded in Deed Book 9253, Page 543, aforesaid Records.

Appurtenant Easement No. 2:

Further together with easement rights created under that certain Sanitary Sewer Easement Agreement by and between Branch Properties, L.P., a Georgia limited partnership, and Platinum Rotisserie, L.L.C., a Delaware limited liability company, for the benefit of Platinum Rotisserie, L.L.C., a Delaware limited liability company, and CNL American Properties Fund, Inc., a Maryland corporation, dated as of December 17, 1996, filed for record December 18, 1996 at 12:53 p.m., recorded in Deed Book 9253, Page 576, aforesaid Records.

PRE-APPLICATION FORM LAND USE PETITIONS AND VARIANCE PETITIONS

Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es)/procedure(s) and fees required to process and review the application(s). To schedule a meeting contact a member of the Planning and Zoning Department by calling (404) 637 – 0500. This form will be completed during the pre-application meeting, and must be submitted at the same time you submit your application in order for your submittal to be deemed complete.

Applicant Name: Henry Bailey Phone: _____

Applicant E-mail: Henry.Bailey@troutman.com Fax: _____

Representative Name: _____ Phone: _____

Representative E-mail: _____ Fax: _____

Site Address: 2535 Briarcliff Road Parcel Size: +/- 36,800-sf

Tax Parcel #: 18 153 04 009 City Council District: 4 - Funny

Existing Zoning and Case Number: C-1 (Local Commercial) Proposed Zoning: _____

Comprehensive Plan Character Area Map Designation: Briar-Hills Innovation District

Application Type: ☐ Rezoning ☒ Special Land Use Permit ☒ Variance ☐ Special Exception

Variance Type: ☐ Administrative ☐ Zoning Board of Appeals ☐ Stream Buffer

Overlay District: ☐ Brookhaven-Peachtree Subarea I ☐ Brookhaven-Peachtree Subarea II

Additional Studies: ☒ Trip Generation Report ☒ Traffic Impact Study
☐ Development of Regional Impact Review ☐ Environmental Impact Review

Proposal Description: Special Land Use Permit to allow a Drive-in/Drive-through Service.

Potential Concurrent variances, TBD.

Applicant Signature: 

Date: December 27, 2023

Planner Signature: 

Date: 12-20-23

ENVIRONMENTAL SITE ASSESSMENT FORM RESPONSES

2535 Briarcliff Road

1. CONFORMANCE TO THE COMPREHENSIVE PLAN:

a. Describe the proposed project and the existing environmental conditions on the site.

The proposed project includes the redevelopment and reuse of an improved property. The existing restaurant and drive-through will be repurposed with a new restaurant and drive-through use. There are no existing environmental conditions on the site that warrant discussion as vegetation is limited, there are no floodplains, streams or wetlands and no apparent wildlife habitats.

b. Describe adjacent properties. Include a site plan that depicts the proposed project.

The property fronts on Briarcliff Road and is abutted by a QT gas station and an office complex. The property is oddly shaped nearly in the form of a triangle with only the two aforementioned abutting properties.

c. Describe how the project conforms to the Comprehensive Land Use Plan.

The property is located in the Briar Hills Innovation District Character Area. Appropriate land uses in the Briar Hills Innovation District Character Area include neighborhood commercial and retail uses. The proposed redevelopment of the property is directly aligned as it includes a restaurant with drive-thru use which is a neighborhood commercial use. The site plan for the property is included herein.

d. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan.

See the attached future land use map.

e. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

As stated in Subsection C above, the proposed development of the property is directly aligned with the policy and intent of the comprehensive plan.

2. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.

For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

- a. **Wetlands** – Not present.
- b. **Floodplain** – Not present.
- c. **Streams/stream buffers** – Not present.
- d. **Slopes exceeding 25 percent over a 10-foot rise in elevation** – Not present.
- e. **Vegetation** – vegetation inclusive of trees and shrubbery as shown on the included plans are present on the property primarily located along the southern portion of the property.
- f. **Wildlife Species (including fish)** – Beyond the typical urban wildlife such as birds and squirrels, no wildlife is present.
- g. **Archeological/Historical Sites** – Not present.

3. PROJECT IMPLEMENTATION MEASURES

Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

Not applicable.

b. Protection of water quality.

The property will include stormwater management systems to protect water quality by detaining runoff on site to the extent possible.

c. Minimization of negative impacts on existing infrastructure.

The property will minimize negative impacts on existing infrastructure by complying with the requirements of the City of Brookhaven zoning ordinance as it relates to ingress/egress to and from the property and stormwater runoff.

d. Minimization on archeological/historically significant areas.

Not applicable.

e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

Not applicable.

f. Creation and preservation of green space and open space.

The project includes existing green space and landscaping that will be enhanced as a part of the redevelopment.

g. Protection of citizens from the negative impacts of noise and lighting.

Not applicable.

h. Protection of parks and recreational green space.

Not applicable.

i. Minimization of impacts to wildlife habitats.

Not applicable.

Troutman Pepper Hamilton Sanders LLP
Bank of America Plaza, 600 Peachtree Street NE, Suite 3000
Atlanta, GA 30308



troutman.com

Henry A. Bailey, Jr.
D 404.885.3348
henry.bailey@troutman.com

January 16, 2024

VIA CERTIFIED MAIL

Re: 2535 Briarcliff Road Public Participation Meeting

Dear Neighbor,

Chicken Coup VIII, LLC and Chicken Coup VIII RE, LLC, as the applicant, has filed a special use permit application along with a concurrent variance for the redevelopment of the property located at 2535 Briarcliff Road, Brookhaven, Georgia (the "Property"). The concurrent variance is to waive the requirements of Section 27-855 that requires a Bypass Lane for the drive-through. As a part of these applications, we want to invite you to participate in a public participation meeting on January 30, 2024 in the building located on the Property at 6:00 pm to discuss the project. Generally, the project proposes the redevelopment of the existing restaurant and drive-thru facility with a new restaurant and drive-thru facility. A copy of the proposed site plan is enclosed.

We look forward to meeting you all and answering your questions. Should you have any questions or you are unable to attend please feel free to reach out to me at the information contained herein.

Best regards,

A handwritten signature in blue ink, appearing to read "HAB", written over a light blue circular background.

Henry A. Bailey, Jr.