

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



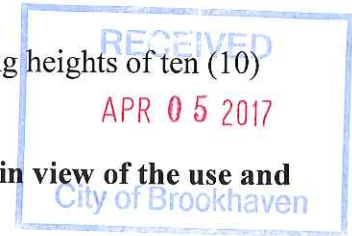
Children’s Healthcare of Atlanta (the “Applicant”) requests, on behalf of the Property Owners specified in this Application, that the City of Brookhaven annex 1571, 1577 and 1597 Northeast Expressway, and 1911 and 1935 Cliff Valley Way (Parcel Identification Numbers 18 156 07 005, 18 157 01 044, 18 157 01 042, 18 157 01 049, and 18 157 01 018, respectively) (collectively known as the “Property”). In compliance with Section 36-66-4(d) of the Official Code of Georgia Annotated, which requires the City to first zone any land it intends to annex, the Applicant also requests that the City of Brookhaven rezone the Property to the zoning districts corresponding to its existing DeKalb County classification: Industrial (M) for 1571 Northeast Expressway (Parcel Identification Numbers 18 156 07 005), and Office-Institutional (O-I) for the balance of the Property. The Property Owners 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. The five parcels comprising the Property are currently being used for office and institutional uses.

The Applicant respectfully submits this request, and asks that the City Council approve the Rezoning as the proposal is consistent with the standards and factors set forth in Section 27-1549 of the Zoning Ordinance of the City of Brookhaven:

**1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;**

This Rezoning is in conformity with the policy and intent of the City of Brookhaven’s 2034 Comprehensive Plan. Though currently in unincorporated DeKalb County, the Property is adjacent to the Buford Highway Corridor Character Area of the City of Brookhaven’s Comprehensive Plan. Comp. Plan at Appx. 3, Page 1. The Buford Highway Corridor Character Area expressly allows office uses as appropriate land uses. Comp. Plan at Section 3.5., Page 73. The Property is also within this Character Area’s High Intensity District, which is intended for “the highest intensity growth based on its close proximity to I-85, existing development, and depiction within the Atlanta Regional Commission’s Unified Growth Policy Map as part of the

Region Core.” Id. at 74. The High Intensity District recommends building heights of ten (10) stories or greater.



**2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;**

This Rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other parcels in the vicinity and to the west of the Property are zoned to Brookhaven’s M district and are developed for commercial, office and institutional uses. Parcels to the north, across I-85, are also zoned M and are developed for commercial, office, and institutional uses, or are zoned to the RM-75 district and used for multi-family dwellings. Adjacent parcels to the south and west are all zoned to DeKalb County’s O-I district and are improved with commercial, institutional, multi-family dwelling, or single family residential uses.

**3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;**

Before it may annex the Property, the City must first zone the Property. Currently, the Property is appropriately zoned to DeKalb County’s M and O-I districts, which allow reasonable economic use of the Property. To comply with Georgia’s annexation procedure, the Applicant seeks the Property’s assignment to the City’s corresponding M and O-I districts.

**4. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property;**

The office and institutional uses on the Property are allowed under the existing DeKalb County O-I and M zoning classifications. Because this zoning proposal only seeks assignment to the corresponding, and substantially similar, City of Brookhaven zoning districts, this zoning proposal will not affect the existing use or usability of adjacent or nearby property.

**5. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;**

The surrounding area has been densely developed since the existing structures on the Property were first built many years ago. As mentioned above, the area is adjacent to the Buford Highway Corridor Character Area and is located within the boundary of DeKalb County’s North



Druid Hills Livable Centers Initiative (LCI) Plan adopted in 2009. Both of these plans recommend further redevelopment.



**6. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archeological resources;**

The Applicant is unaware of any historic buildings, sites, districts, or archeological resources that this zoning proposal would adversely affect.

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

This zoning proposal will not cause excessive or burdensome use of infrastructure facilities as it would simply extend the City's boundaries. Simply annexing and rezoning the Property would maintain the status quo regarding use of streets, transportation facilities, and utilities as these services will continue to be provided largely by DeKalb County, the Georgia Department of Transportation or third party companies. The uses on the Property currently do not generate school students.

Because this Rezoning proposal meets all the standards and factors set forth in Section 27-1549 of the Zoning Ordinance of the City of Brookhaven, the Applicant respectfully asks that the City Council grant the Rezoning as requested by the Applicant above.

Sincerely,

THE GALLOWAY LAW GROUP, LLC

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**PUBLIC PARTICIPATION PLAN  
APPLICATION FOR REZONING  
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In accordance with Sec. 27-1544 of the Code of the City of Brookhaven, Georgia, the Applicant submits this Public Participation Plan.

1. Mailing List. Using the Brookhaven GIS WebApp and the DeKalb County Parcel Viewer, the Applicant has identified the owners of property within 500 feet of the Property that is the subject of this Application. Please see Exhibit A – Mailing List.
2. Letter of Notice. The Applicant will host an informational meeting to discuss the proposed Rezoning. A letter giving at least two weeks' notice of this meeting will be sent through the United States Postal Service to the property owners identified in the Mailing List. Please see Exhibit B – Letter of Notice.
3. Additional Meetings. In addition to the informational meeting that is the subject of the Letter of Notice, the Applicant anticipates hosting further meetings throughout the application process to discuss the proposed Rezoning request with area residents.

As required in Sec. 27-1544 of the Code, the Applicant will file a Public Participation Report with the Community Development Department at such time that it is required.