

# CITY OF ALPHARETTA

## PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #:

PH #:

Property Taxes & Code Violations Verified

Fee Paid

Initial: \_\_\_\_\_

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta." Please note that a 3% convenience fee will be added to all credit card transactions.
5. Applications will be accepted on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

### Contact Information:

Contact Name: Tractor Supply Company c/o Kathryn M. Zickert (Smith, Gambrell, and Russell, LLP)

Telephone: 404.815.3704

Address: 1105 W. Peachtree St. NE

Suite: 1000

City: Atlanta

State: GA

Zip: 30309

Fax: 404.685.7004

Mobile Tel: 404.815.3704

Email: kzickert@sgrlaw.com

### Subject Property Information:

Address: 6800 North Point Parkway, Alpharetta, GA 30022

Current Zoning: PSC

District: 1st

Section: 2nd

Land Lot: 687 & 702

Parcel ID: 12 261006870276

Proposed Zoning: PSC

Current Use: Vacant Retail Shopping Center

### This Application For (Check All That Apply):

Conditional Use

Master Plan Amendment

Comprehensive Plan Amendment

Rezoning

Master Plan Review

Variance

Public Hearing

Exception

Other (Specify): \_\_\_\_\_

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# APPLICANT REQUEST AND INTENT

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What is the proposed use(s) of the property?

See attached Statement of Intent.

Applicant's Request (Please itemize the proposal):

See attached Statement of Intent.

Applicant's Intent *(Please describe what the proposal would facilitate).*

See attached Statement of Intent.

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# ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

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How will this proposal be compatible with surrounding properties?

How will this proposal affect the use and value of the surrounding properties?

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

What would be the increase to population and traffic if the proposal were approved?

What would be the impact to schools and utilities if the proposal were approved?

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

Are there existing or changing conditions which affect the development of the property and support the proposed request?

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

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# BOARD OF ZONING APPEALS REVIEW CRITERIA

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Please respond to the following ONLY if you are applying for a zoning variance.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography? Please describe them.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

Are there conditions that are peculiar to the subject property? Please describe them in detail.

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

# PROPERTY OWNER AUTHORIZATION

## Property Owner Information:

Contact Name: Alpha Land Partners, LLC Telephone: \_\_\_\_\_  
Address: 289 S. Culver Street Suite: \_\_\_\_\_  
City Lawrenceville State: GA Zip: 30046

## Authorization:

*I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.*

*As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.*

- |   |   |
|---|---|
| <input type="checkbox"/> Annexation           | <input checked="" type="checkbox"/> Special Use |
| <input type="checkbox"/> Rezoning             | <input type="checkbox"/> Conditional Use        |
| <input checked="" type="checkbox"/> Variance  | <input checked="" type="checkbox"/> Master Plan |
| <input type="checkbox"/> Land Use Application | <input type="checkbox"/> Other                  |

## Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: Alpha Land Partners, LLC c/o Kathryn M. Zickert Telephone: 404.815.3704  
(Smith, Gambrell, and Russell, LLP)  
Address: 1105 W. Peachtree St. NE Suite: 1000  
City Atlanta State: GA Zip: 30309

## So Sworn and Attested:

Owner Signature:  Date: 2/26/24  
(Authorized Agent for Alpha Land Partners, LLC)

## Notary:

**See Attached Certificate**

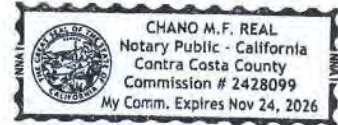
Notary Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Attachment to: Property Owner Authorization**

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                   §

Subscribed and sworn to (or affirmed) before me on this 26 day of February 2024, by Damian Cano who proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Signature           *Chano*          

(Seal)

# DISCLOSURE FORM

*The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).*

*Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.*

Name of Owner or Opponent: Damian M. Cano  
(Authorized Agent for Alpha Land Partners, LLC)  
Subject Public Hearing Case: 6800 North Point Parkway

## Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: N/A Position: N/A

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

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Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

## Campaign Contribution Information:

*I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1*

Signature: Damian M. Cano

Date: 2.23.2024

(Authorized Agent for Alpha Land Partners, LLC)

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Name of Applicant or Opponent: Robert L. Rogers III  
(Authorized Agent for Tractor Supply Company)  
Subject Public Hearing Case: Tractor Supply Co. / 6800 North Point Pkwy

## Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: N/A Position: N/A

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

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Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

## Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: Robert L. Rogers III Date: Feb 22, 2024  
Robert L. Rogers III (Feb 22, 2024 12:35 CST)

(Authorized Agent for Tractor Supply Company)



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Name of Applicant or Opponent: Kirk R. Fjelstul (Smith, Gambrell, and Russell, LLP)

Subject Public Hearing Case: Tractor Supply Co. - 6800 North Point Pkwy.

## Campaign Contribution Information:

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Name of Official: N/A Position: N/A

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## Campaign Contribution Information:

*I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.*

Signature: \_\_\_\_\_



Date: 2.28.2024

Kirk R. Fjelstul (Smith, Gambrell, and Russell, LLP)

# DISCLOSURE FORM

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Name of Applicant or Opponent: Dennis J. Webb, Jr. (Smith, Gambrell, and Russell, LLP)

Subject Public Hearing Case: Tractor Supply Co. - 6800 North Point Pkwy.

## Campaign Contribution Information:

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Name of Official: N/A Position: N/A

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## Campaign Contribution Information:

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Signature: \_\_\_\_\_



Dennis J. Webb, Jr. (Smith, Gambrell, and Russell, LLP)

Date: 2.28.2024

# DISCLOSURE FORM

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Name of Applicant or Opponent: Kathryn M. Zickert (Smith, Gambrell, and Russell, LLP)

Subject Public Hearing Case: Tractor Supply Co. - 6800 North Point Pkwy.

## Campaign Contribution Information:

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Name of Official: N/A Position: N/A

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## Campaign Contribution Information:

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Signature: Kathryn M Zickert

Date: 2.28.2024

Kathryn M. Zickert (Smith, Gambrell, and Russell, LLP)

# DISCLOSURE FORM

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Name of Applicant or Opponent: William J. Diehl (Smith, Gambrell, and Russell, LLP)

Subject Public Hearing Case: Tractor Supply Co. - 6800 North Point Pkwy.

## Campaign Contribution Information:

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Signature: 

William J. Diehl (Smith, Gambrell, and Russell, LLP)

Date: 2.28.2024

# DISCLOSURE FORM

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Name of Applicant or Opponent: J. Alexander Brock (Smith, Gambrell, and Russell, LLP)

Subject Public Hearing Case: Tractor Supply Co. - 6800 North Point Pkwy.

## Campaign Contribution Information:

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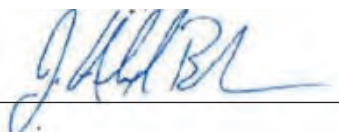
Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

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## Campaign Contribution Information:

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Signature: 

Date: 2.28.2024

Transfer Tax: \$3,929.20

After recordation, return to:  
Piedmont Title Insurance Agency, Inc.  
150 East Ponce de Leon Avenue  
Suite 330  
Decatur, Georgia 30030  
Attn: Isabel M. Garcia

STATE OF GEORGIA

COUNTY OF FULTON

**LIMITED WARRANTY DEED**

THIS INDENTURE is made as of the 11 day of September, 2007, by and between FRE 359, LLC, a Delaware limited liability company ("Grantor"), and VILLAGE/CREATIVE LABS PARTNERS, L.P., a California limited partnership ("Grantee"). The words "Grantor" and "Grantee" shall include their respective successors and assigns where the context requires or permits.

**WITNESSETH:**

GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged by Grantor, has granted, bargained, sold, aliened, conveyed and confirmed and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee the following real property described on Exhibit "A" attached hereto and by reference made a part hereof (the "Land"), together with the reversionary interest of Grantor in the improvements on the Land pursuant to the lease(s) identified on Exhibit "B" attached hereto and by reference made a part hereof (the Land together with such reversionary interest hereinafter collectively referred to as the "Property");

TO HAVE AND TO HOLD the Property, together with all and singular the rights, members and appurtenances thereto, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE.

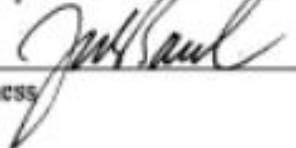
AND GRANTOR WILL WARRANT and forever defend the right and title to the Property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise.

As between Grantor and Grantee, this conveyance and the foregoing warranty of title are expressly subject to those matters more particularly set forth on Exhibit "C" attached hereto and by this reference made a part hereof. The foregoing shall not extend or modify any such exceptions nor shall it create any rights in parties who do not expressly have rights under such referenced items.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.


**GRANTOR:**

Signed, sealed and delivered  
in the presence of:

  
\_\_\_\_\_  
Witness

FRE 359, LLC,  
a Delaware limited liability company

By: First American Exchange Company,  
a Delaware limited liability company,  
its sole member

By:   
Name: By: Paulo L. Sanchez, Assistant Secretary  
Its: \_\_\_\_\_

STATE OF CALIFORNIA       §  
  §  
COUNTY OF Santa Clara   §

On Sept. 7, 2007 before me, Maria G. Boone, a Notary Public in and for said County and State, personally appeared Paulo L. Sanchez, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
Signature of Notary

(For notary seal or stamp)



**Exhibit "A"****LEGAL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 687 and 702 of the 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at a point which would form the intersection of the southerly right-of-way line of North Point Parkway (having a variable right-of-way width) and the westerly right-of-way line of Haynes Bridge Road (having a variable right-of-way width) if such rights-of-way were extended to form an angle; running thence along such extension of the southerly right-of-way line of North Point Parkway South 83 degrees 16 minutes 29 seconds West a distance of 20.00 feet to a point; running thence along the southerly right-of-way line of North Point Parkway the following courses and distances: South 83 degrees 16 minutes 29 seconds West a distance of 68.56 feet to a point; along the arc of a curve to the left (said arc being subtended by a chord bearing South 73 degrees 45 minutes 39 seconds West a chord distance of 191.07 feet and having a radius of 578.00 feet) an arc distance of 191.95 feet to a point; South 75 degrees 44 minutes 23 seconds West a distance of 50.00 feet to a point; along the arc of a curve to the left (said arc being subtended by a chord bearing South 67 degrees 14 minutes 54 seconds West a chord distance of 392.03 feet and having a radius of 710.00 feet) an arc distance of 397.19 feet to a point; South 51 degrees 13 minutes 19 seconds West a distance of 423.00 feet to a point; along the arc of a curve to the right (said arc being subtended by a chord bearing South 56 degrees 28 minutes 26 seconds West a chord distance of 285.60 feet and having a radius of 1,560.00 feet) an arc distance of 286.00 feet to a point; South 61 degrees 43 minutes 34 seconds West a distance of 1,538.26 feet to a point; along the arc of a curve to the right (said arc being subtended by a chord bearing South 69 degrees 42 minutes 00 seconds West a chord distance of 697.76 feet and having a radius of 2,515.00 feet) an arc distance of 700.02 feet to an iron pin set, which iron pin set marks the POINT OF BEGINNING; FROM SAID POINT OF BEGINNING AS THUS ESTABLISHED, thence leaving the southerly right-of-way line of North Point Parkway and running South 12 degrees 19 minutes 35 seconds East a distance of 78.35 feet to an iron pin set on a 100-year flood plain line (typical) (hereinafter referred to as "Point A"); running thence in a generally southwesterly, northwesterly and northerly direction along said 100-year flood plain line a distance of 1,149 feet, more or less, to an iron pin set, which iron pin set is located South 07 degrees 23 minutes 07 seconds East a distance of 66.23 feet from an iron pin set on the southerly right-of-way line of North Point Parkway (hereinafter referred to as "Point B") (the aforesaid distance along said 100-year flood plain line being traversed by a line from Point A to Point B as follows: South 23 degrees 39 minutes 43 seconds West a distance of 264.48 feet to an iron pin set; South 63 degrees 36 minutes 54 seconds West a distance of 199.93 feet to an iron pin set; South 74 degrees 23 minutes 27 seconds West a distance of 116.32 feet to an iron pin set; South 61 degrees 23 minutes 26 seconds West a distance of 159.22 feet to an iron pin set; North 49 degrees 58 minutes 31 seconds West a distance of 63.46 feet to an iron pin set; North 16 degrees 57 minutes 41 seconds West a distance of 83.25 feet to an iron pin set; North 09 degrees 09 minutes 23 seconds East a distance of 249.98 feet to Point B); thence leaving said 100-year flood plain line and running North 07



degrees 23 minutes 07 seconds West a distance of 66.23 feet to an iron pin set on the southerly right-of-way line of North Point Parkway; running thence along the southerly right-of-way line of North Point Parkway the following courses and distances: North 82 degrees 36 minutes 53 seconds East a distance of 351.25 feet to a point; along the arc of a curve to the left (said arc being subtended by a chord bearing North 80 degrees 08 minutes 39 seconds East a distance of 216.81 feet and having a radius of 2,515.00 feet) an arc distance of 216.88 feet to an iron pin set, which iron pin set marks the POINT OF BEGINNING; containing 4.600 acres, more or less, or 200,380 square feet, as shown on Survey for Cousins Properties Incorporated, prepared by Engineering & Inspections Systems, Inc., certified by John Evan Norton, Georgia Registered Land Surveyor No. 1848, dated June 15, 1994.

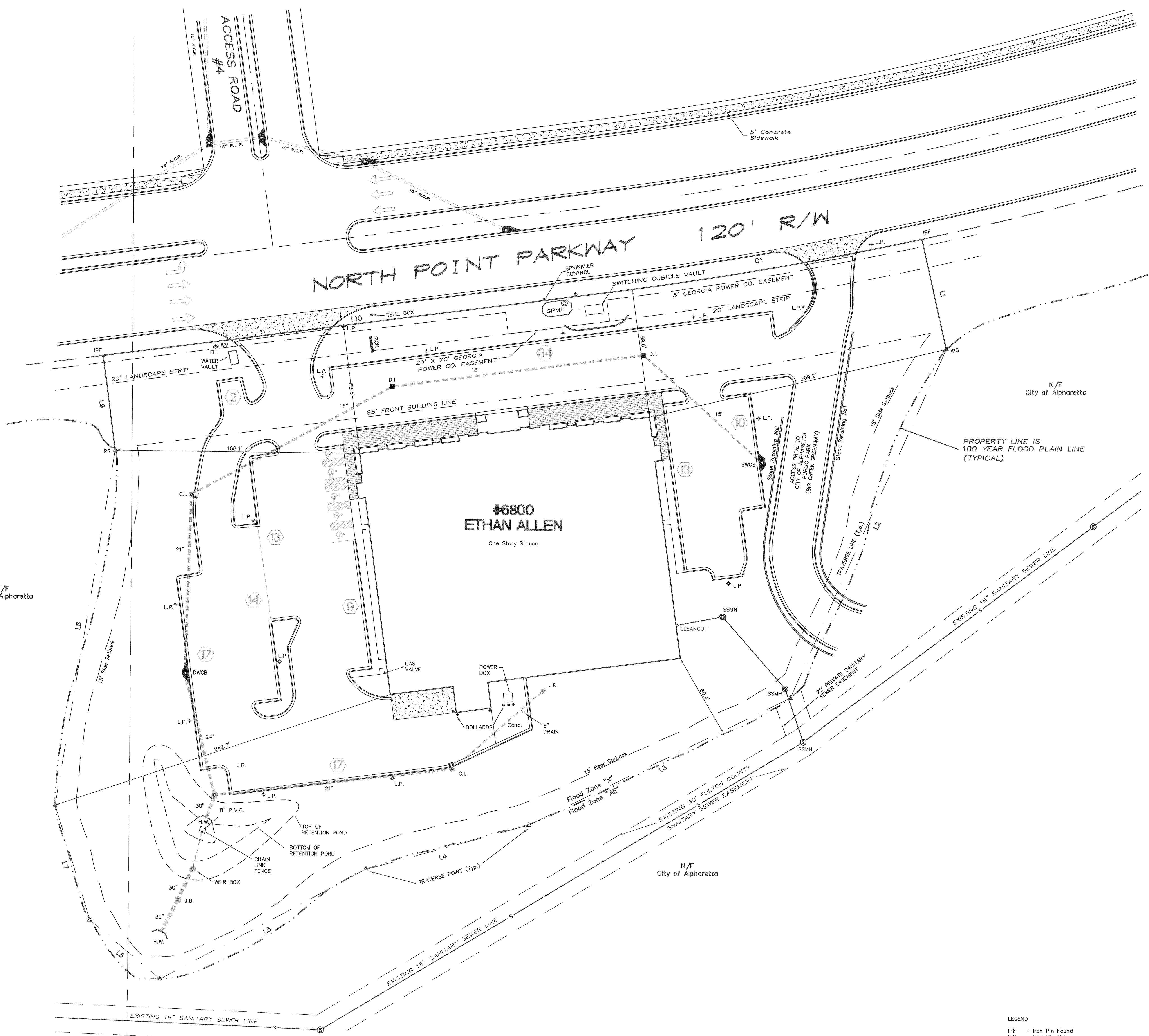
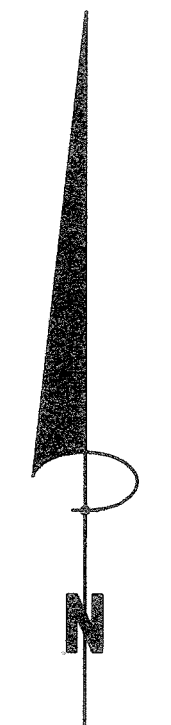
TOGETHER WITH appurtenant easements contained in the following documents:

1. Easement Agreement with Covenants and Restrictions Affecting Land by and between Cousins Properties Incorporated and Northpoint Mall Limited Partnership, dated February 18, 1992, recorded in Deed Book 15003, page 51, aforesaid records; as affected by that certain First Amendment to Easement Agreement with Covenants and Restrictions Affecting Land by and between Cousins Properties Incorporated, and Northpoint Mall Limited Partnership, dated November 2, 1992, recorded in Deed Book 15954, page 25, aforesaid records.
2. Master Declaration of Covenants and Easements for North Point by Cousins Properties Incorporated and Spring/Haynes Associates, a Georgia general partnership comprised of ACCBC Holding Company and Cousins Properties Incorporated, dated February 22, 1993, recorded in Deed Book 16331, page 207, aforesaid records; as affected by that certain First Amendment to Master Declaration of Covenants and Easements for Northpoint by Cousins Properties Incorporated, dated October 29, 1993, recorded in Deed Book 17304, page 135, aforesaid records; as further affected by that certain Property Designation by Cousins Properties Incorporated, dated May 31, 1996, recorded in Deed Book 21026, page 180, aforesaid records; as further affected by that certain Second Amendment to Master Declaration of Covenants and Easements for North Point, by Cousins Properties Incorporated and joined in by Dayton Hudson Corporation, dated July 16, 1996, recorded in Deed Book 21208, page 257, aforesaid records; as further affected by that certain Third Amendment to Master Declaration of Covenants and Easements for North Point, by Cousins Properties Incorporated, dated November 21, 2006, recorded in Deed Book 43924, page 263, aforesaid records.

**Exhibit "B"**

**Description of Lease**

Ground Lease between Cousins Properties Incorporated and Sears, Roebuck and Co. dated April 7, 1995 as (i) supplemented by the Lease Supplement dated June 17, 1996, (ii) assigned to Ethan Allen, Inc. by the Assignment and Assumption of Ground Lease Agreement dated November 15, 2001, (iii) supplemented by the Memorandum of Assignment and Assumption of Ground Lease dated December 6, 2001, (iv) amended by the First Amendment to Ground Lease dated May 31, 2002, (v) amended by the Tenant notice change of invoice address notification dated March 26, 2003 and (vi) affected by that certain Assignment and Assumption of Lease and Security Deposit by Cousins Properties Incorporated ("Assignor") to FRE 359, LLC ("Assignee") dated March 16, 2007.

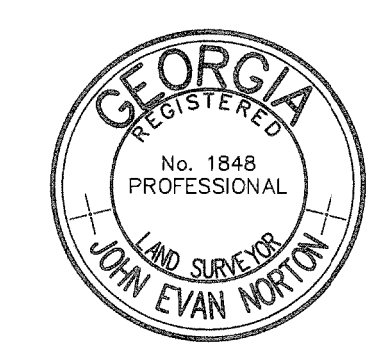


AREA =  
200,380 sq. ft.  
or 4.600 ac. ±

LINE	DIRECTION	DISTANCE
L1	S 12°19'35" E	78.35'
L2	S 23°39'43" W	264.48'
L3	S 63°36'54" W	199.93'
L4	S 74°23'27" W	116.52'
L5	S 61°23'26" W	159.22'
L6	N 49°58'31" W	63.46'
L7	N 16°57'41" W	83.25'
L8	N 09°09'23" E	249.98'
L9	N 07°23'07" E	66.23'
L10	N 82°36'53" E	351.25'

CURVE	BEARING	CHORD	ARC	DELTA	RADIUS
C1	N 80°08'39" E	216.81'	216.88'	4°56'27"	2515.00'

The field data upon which this plot is based has a closure precision of one foot in 31,520 feet and an angular error of 00'01" per angle point and was adjusted using the Crandall Rule, and this plot has been calculated for closure by the coordinate method and is found to be accurate within one foot in ±100,000 feet; and the linear and angular measurements shown on this plot were obtained by using in the field survey a Leica TCA - 1100 Total Station.

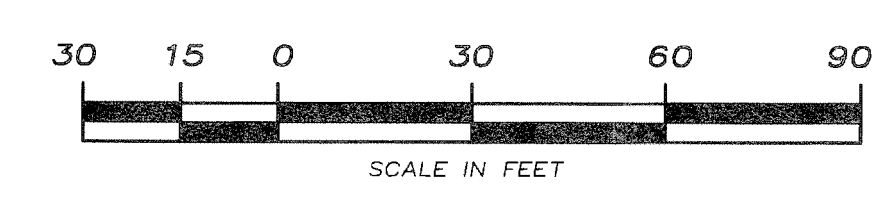


I CERTIFY THAT IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE REAL PROPERTY SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.  
*John E. Norton*  
JOHN E. NORTON  
GEORGIA REGISTERED LAND SURVEYOR  
NO. 1848

TO WHOM IT MAY CONCERN:

I have this date examined the FIRM Flood Hazard Boundary Map, Panel #13120006 E, dated June 22, 1998, covering incorporated and unincorporated Fulton County, Georgia. Referenced property is located on said map, and a portion of the property is located in an area with special flood hazards, designated as Zone "X".  
ZONE "X" (OTHER FLOOD AREAS)-  
AREAS OF 500-YEAR FLOOD;  
AREAS OF 100-YEAR FLOOD  
WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS OF LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD

- LEGEND
- IPF - Iron Pin Found
  - IPS - Iron Pin Set
  - N/F - Now or Formerly
  - RE - Rebar
  - R/W - Right of Way
  - D.E. - Drains Easement
  - S- - Sanitary Sewer Line
  - SSMH - Sanitary Sewer Manhole
  - SWCB - Singlewing Catchbasin
  - DWCB - Doublewing Catchbasin
  - JB - Junction Box
  - D.I. - Drop Inlet
  - O.C.S. - Outlet Control Structure
  - HW - Headwall
  - A.C. - Air Conditioner
  - Tele - Telephone Marker
  - SBTMH - Southern Bell Telephone Manhole
  - P.B. - Power Box
  - P.M. - Power Meter
  - F.H. - Fire Hydrant
  - W.V. - Water Valve
  - W.M. - Water Meter
  - L.P. - Light Pole
  - F.O.M. - Fiber Optic Marker
  - L.L. - Land Lot
  - S.P. - Signal Pole



**SURVEY**  
For  
**COUSINS PROPERTIES INCORPORATED**

Located in  
Land Lots 687,702 1<sup>st</sup> Dist, 2<sup>nd</sup> Sect.  
CITY OF ALPHARETTA  
FULTON COUNTY, GEORGIA

Engineering & Inspection Systems, Inc.  
625 HENRIE PARKWAY SUITE 101  
ROSELLE, GEORGIA 30076

Scale: 1" = 30'  
Date: 09/18/06  
Sh. 1 of 1

(770) 343-8800  
JOB No: 06.1.047 DESIGN: CSC DRAWN: CSC CHECKED: JEN DWG. FILE: 601047-G

687

702

1105 W. Peachtree St. NE, Suite 1000  
Atlanta, Georgia 30309-9813  
Tel: 404 815-3500  
www.sgrlaw.com



William (Bill) Diehl  
Direct Tel: 404-815-3627  
Direct Fax: 404-685-6927  
wdiehl@sgrlaw.com

March 29, 2024

Ms. Kathi Cook, Director  
Community Development  
City of Alpharetta, Georgia  
287 South Main Street  
Alpharetta, Georgia 30004

**Re: Amended Letter of Intent: Tractor Supply Company MP-24-02/CU-24-05/V-24-13 Tractor Supply Company/ North Point Business Center Master Plan Pod 7**

This amended letter of intent is being provided to amend the variance review criteria provided in the original Letter of Intent. Applicant is requesting a variance to reduce the parking requirements from the 138 spaces required by the Unified Development Code in §§ 2.5.1B & 2.10.6. The Property is currently developed with 124 spaces, making it possible that a variance or condition was previously approved to reduce the required spaces on the Property. The proposed plan reduces the parking on site to 105 spaces—19 less than currently provided and 33 less than required by code.

As discussed below, this reduced parking is adequate to accommodate the intended business and will not burden surrounding properties.

**THE VARIANCE REQUESTS TO THE UDO'S PARKING REQUIREMENTS**

**A. Are there exceptional conditions pertaining to the property to the subject property because of its size, shape, or topography?**

Yes. The Property as currently developed provides 124 spaces. There are no feasibly developable portions of the Property that could provide additional parking spaces given topographical challenges and the Property's proximity to the Big Creek greenway, an important and popular public outdoor recreational facility. Moreover, the conversion of the 17 spaces on the western portion of the parking lot is necessary for the Applicant's operations and for the operations of numerous other retailers whose business requires exterior facilities to display certain merchandise.

**B. Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship?**

Yes. The Property does not meet the current requirements under the Unified Development Code and there is no opportunity for expansion of parking facilities on the parcel due to topography and adjacent uses. The parking study provided with the Application indicates that the Property would require between 59 and 67 parking spaces during regular weekend activities. The proposal exceeds that need by 38 spaces (nearly 60%). The hardship on this development is particularly acute here, where the Property has already been developed and opportunities for redesign or expansion are limited.

**C. Are there conditions that are peculiar to the subject property?**

Yes. As previously stated, the topography, geography, and development conditions of the Property limit the extent to which new parking facilities or other merchandising could be developed. Here, the Property's proximity to the Big Creek Greenway also makes expansion beyond the existing footprint or parking facility undesirable. Without developable space, Tractor Supply must look to existing developed area for the expansion of its merchandizing. Unused and unnecessary parking areas are the only available locations in which this activity can occur.

**D. Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code?**

No. The parking variance is unlikely to affect the use and/or value of any surrounding properties. The reduced parking numbers are sufficient to service the Subject Property and its use. The reduction in parking is unlikely to have any impact on the surrounding properties. The Subject Property is relatively isolated from other retail centers, being 500 ft. from the Auto Indulgence business to the west and 1,200 ft. from the Dave & Buster's to the east. Accordingly, the likelihood of customers walking between the properties (particularly one carrying packages) unlikely. Any reductions of parking minimums on the Subject Property would not result in customers using other lots to access the Subject Property.

Operational procedures will be implemented to ensure that customers will not use the Big Creek Greenway parking for this facility. Those include signage to direct all customers to the parking facilities on site and away from the Big Creek parking facility and enforcement measures.

**E. Additional support for the variance request:**

The proposal seeks a reduction in the parking spaces by 19 spaces (from 124 to 104, or a reduction of about 15%). The proposal results in a parking ratio of 321 sq. ft./space. The amounts and ratios are consistent with the parking designated for other freestanding commercial uses, which have similar or less parking spaces and similar parking ratios:

Ethan Allen (approx.. 60 spaces; 12,190 sq. ft.<sup>1</sup>; 203 sq. ft./ space)  
Haverty's (approx.. 100 spaces; 53,299 sq. ft.; 532.99 sq. ft./space)  
Rooms To Go (approx.. 75 spaces; 13,193 sq. ft.; 175 sq. ft./space)  
American Backyard (approx.. 75 spaces; 15,474 sq. ft.; 206 sq. ft./space)

The Comprehensive Plan identifies the North Point District as being an important component of its economic development and land use plans. The Comprehensive plan identifies that vacancy rates have increased in the retail sector, particularly in this corridor. (Comprehensive Plan Pg. 17). This application provides an opportunity to address the vacancy on the Subject Property by permitting a nationally recognizable brand with a reputation for providing quality goods and services. That brand requires outdoor merchandising space to display quality goods related to residential home care.

The Subject Property is in the Mixed-Use Character Area and a part of the North Point LCI. The Mixed-Use Character Area envisions a variety of commercial uses (including retail uses). While the PSC zoning district is not identified as a future zoning district applicable to this character area, the application does not seek a change in the zoning district, but only a change in the parking area requirements and a conditional use permit that would expand the . The North Point Livable Centers Initiative ("LCI"), updated in 2018, identifies that surface parking lots predominate the land uses in the North Point overlay. (LCI pg. 27). The need to reevaluate parking requires is also identified as a plan for the City within five-years. (LCI, pg. 98).

SMITH GAMBRELL & RUSSELL



William J. Diehl  
[wdiehl@sgrlaw.com](mailto:wdiehl@sgrlaw.com)

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<sup>1</sup> All of the figures here are based on total square footage from Fulton County Tax Assessors.



Pet Supply Superstore (866)		(not available)	(not available)	(not available)	57.46	57.46	114.92	237.32 (peak hour)
Tractor Supply Store (810) <sup>1</sup>		(not available)	(not available)	(not available)	22.37	25.23	47.6	107.78 (peak hour)

(Source: Institute of Transportation Engineers, Trip Generation Manual (9<sup>th</sup> Ed.)).

By way of comparison to other retail uses that exist within the area and would be permitted by the Master Plan, TSC’s use of the Subject Property will not result in a material increase in traffic. A Discount Supermarket, which includes the sale of foods (Land Use: 854) would generate 328.1 trips per hour on weekends (3,802.9 trips per day). A restaurant/bar (Land Use: 932) would generate 422.1 trips per hour on weekends (using only the retail floor space—30,000 sq. ft.—as the multiplier for trip generation). Such a use would generate significantly greater trips than the amount of trips that would be expected of other uses in the area. Even a Furniture Store (Land Use: 890), such as the former Ethan Allen, would generate approximately 32.3 trips per hour on weekends (167.96 daily trips).

In addition, the planned parking is sufficient to accommodate the use. The analysis of the parking requirements, performed according to TSC’s parking requirements (based on extensive parking analysis of operating TSC stores) indicates that TSC demands on weekends are approximately 59-67 parking spaces used per hour. (See, Parking Evaluation Report). The 104 spaces provided in the site plan clearly provide adequate capacity for this use.

Moreover, the parking ratio is generally consistent with the existing parking ratios surrounding the Subject Property. The following are demonstrative:

- Ethan Allen (approx.. 60 spaces; 12,190 sq. ft.; 203 sq. ft./ space)
- Haverty’s (approx.. 100 spaces; 53,299 sq. ft.; 532.99 sq. ft./space)
- Rooms To Go (approx.. 75 spaces; 13,193 sq. ft.; 175 sq. ft./space)
- American Backyard (approx.. 75 spaces; 15,474 sq. ft.; 206 sq. ft./space)

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<sup>1</sup> The Tractor Supply Store land use code in the Trip Generation Manual details uses that include the “sale of agricultural and garden equipment, power tools, vehicle maintenance parts and heavy-duty outdoor machinery.” While this use generally speaks to TSC’s operations, the land use code speaks to more agricultural and commercial users, whereas TSC’s users are traditional consumers. Nevertheless, the traffic counts are instructive of the anticipated traffic counts here.





**OXFORD  
ARCHITECTURE**

2934 Soko Drive  
Suite 102  
Nashville, TN 37204

Architecture  
Planning  
Interior Architecture



**TRACTOR SUPPLY COMPANY**

ALPHARETTA,  
GEORGIA

Tractor Supply Company shall not be responsible for the payment of any work performed or material supplied by the Contractor or any of its sub-contractors, sub-subcontractors and anyone claiming through or under any of them which is not identified in writing and signed by one of the following Tractor Supply Company personnel: Vice President Real Estate, Director of Construction, or a Construction Project Manager. No action, conduct, omission, prior failure, or course of dealing by Tractor Supply Company shall act to waive, modify, change or alter the requirement that all work, whether by contract, change order or change directive, must be in writing and signed by the personnel identified in this provision. Any work performed or material provided by the Contractor, any of its sub-contractors, sub-subcontractors contrary to this provision shall be at its own risk and own expense and Tractor Supply Company shall not be obligated to reimburse or pay the Contractor or any of its sub-contractors, sub-subcontractors for same.

All measurements and items portrayed on this sheet are deemed to be accurate by architect, however all bidding General Contractors should field verify the actual conditions. Any changes to the scope of work, and thus potential change orders, should be identified and communicated in your bid submittal to TSC.

This drawing and the design shown is the property of the architect. The reproduction, copying or use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.

Job Number: 2383

Date: 01.25.2024

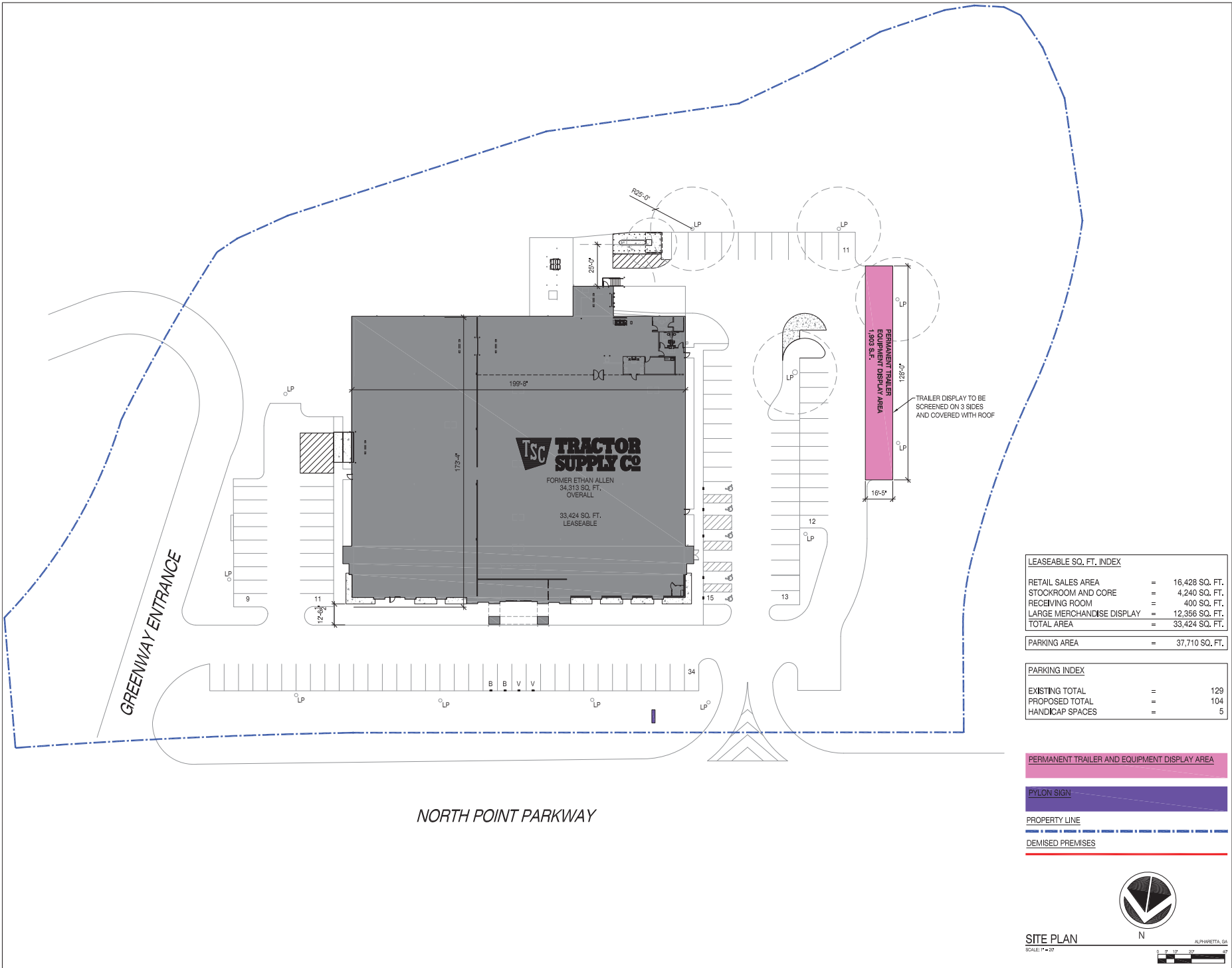
Revisions:

Revisions:

Revisions:

Revisions: SITE PLAN

Sheet Number: AS-1



LEASEABLE SQ. FT. INDEX	
RETAIL SALES AREA	= 16,428 SQ. FT.
STOCKROOM AND CORE	= 4,240 SQ. FT.
RECEIVING ROOM	= 400 SQ. FT.
LARGE MERCHANDISE DISPLAY	= 12,356 SQ. FT.
TOTAL AREA	= 33,424 SQ. FT.
PARKING AREA	= 37,710 SQ. FT.

PARKING INDEX	
EXISTING TOTAL	= 129
PROPOSED TOTAL	= 104
HANDICAP SPACES	= 5

PERMANENT TRAILER AND EQUIPMENT DISPLAY AREA

PYLON SIGN

PROPERTY LINE

DEMISED PREMISES



**SITE PLAN**  
SCALE: 1" = 20'



NORTH POINT PARKWAY

# CITIZEN PARTICIPATION FORM - PART A

*This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.*

Public Hearing or Project Name: Tractor Supply Company, 6800 North Point Parkway

Contact Name: Kathryn Zickert, Smith, Gambrell & Russell, LLP Telephone: 404-815-3704

*The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.*

All persons in the attached mailing matrix.

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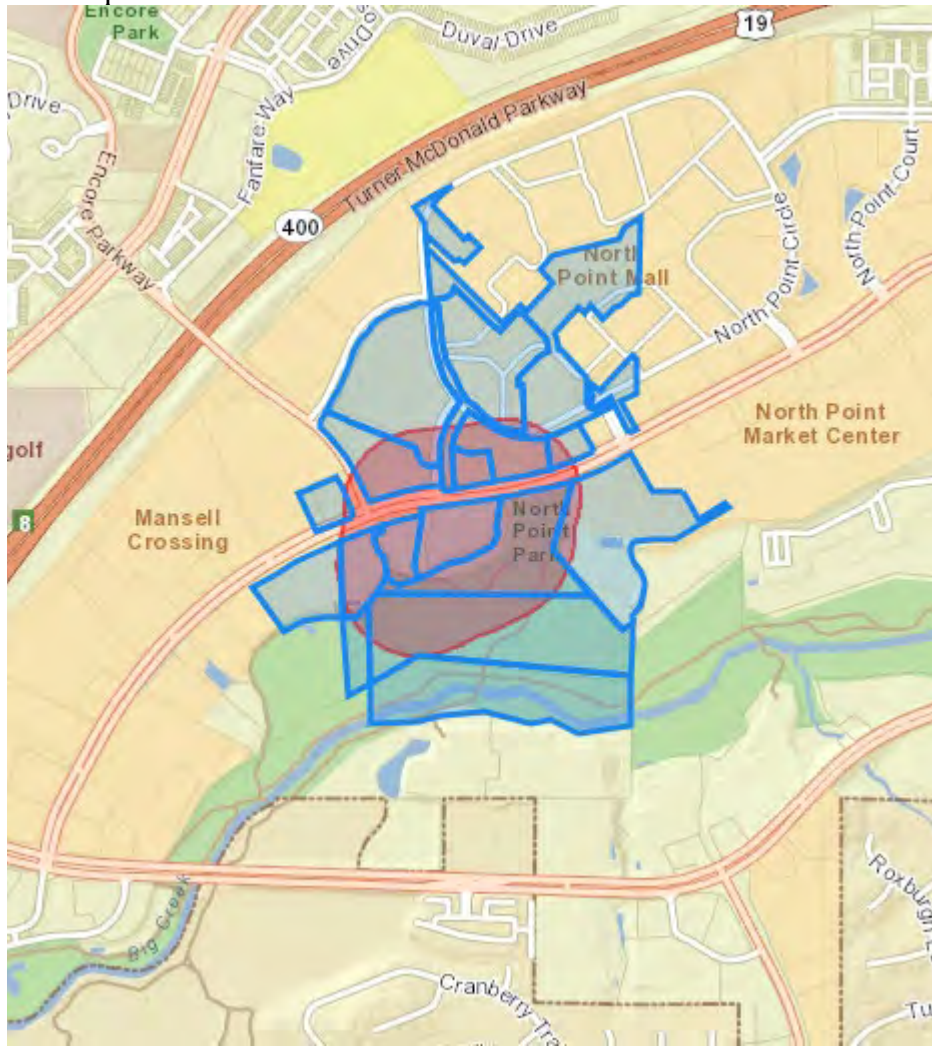
Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Personal Visits               |
| <input type="checkbox"/> Telephone         | <input type="checkbox"/> Group Meeting                 |
| <input type="checkbox"/> Email             | <input type="checkbox"/> Other <i>(Please Specify)</i> |

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

Persons within the surrounding area will be contacted by letter with information concerning the project. The applicant's representative will provide contact information to answer any questions concerning the proposal and will be available to listen to community concerns and feedback and willing to discuss accommodations to address those concerns.

500' notification requirement



12 261006870292	BLUE VENTURES LLC	12274 CRABAPPLE RD	ALPHARETTA GA 30004
12 261006880341	VON MAUR INC	6565 N BRADY ST	DAVENPORT IA 52806-2054
12 261007020392	HOLLYWOOD CAMARILLO PARTNERS L P	P.O. BOX 250509	ATLANTA GA 30305
12 261006870326	WACHOVIA BANK OF GEORGIA	P.O. BOX 2609	CARLSBAD CA 92018-2609
12 261007020384	ALPHA Z-BOY PARTNERS LLC	940 EMMETT AVE STE 200	BELMONT CA 94002-3881
12 261006870466	BRI 1870 NORTH POINT LLC	P O BOX 1368	CARLSBAD CA 92018
12 261006880440	REEP RTL NPM GA LLC	51 MADISON AVE	NEW YORK NY 10010
12 261007020400	HUBERT PROP LLLP	850 KENNESAW AVE NW STE 2	MARIETTA GA 30060-1095
12 273007020355	NPMC RETAIL LC	2100 MC KINNEY AVE STE 700	DALLAS TX 75201
12 262006860093	THOMAS L M JR	P.O. BOX 538	SUMMERVILLE GA 30747
12 262006550181	CORO NORTH POINT LLC	3715 NORTHSIDE PKWY STE 100	ATLANTA GA 30327
12 262006860192	CITY OF ALPHARETTA	2 SOUTH MAIN ST	ALPHARETTA GA 30004
12 262006860200	CITY OF ALPHARETTA THE	2 S MAIN ST	ALPHARETTA GA 30009
12 261006870458	BRI 1870 NORTH POINT LLC	P O BOX 1368	CARLSBAD CA 92018
12 261006870474	BRI 1870 NORTH POINT LLC	1140 E HALLANDALE BEACH BLVD	HALLANDALE FL 33009
12 261006870276	ALPHA LAND PARTNERS LLC	289 S CULVER ST	LAWRENCEVILLE GA 30046-4805
12 261006870482	CITY OF ALPHARETTA THE	2 S MAIN ST	ALPHARETTA GA 30009

BLUE VENTURES LLC  
12274 CRABAPPLE RD  
ALPHARETTA GA 30004

CORO NORTH POINT LLC  
3715 NORTHSIDE PKWY STE 100  
ATLANTA GA 30327

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DAVENPORT IA 52806-2054

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ALPHARETTA GA 30004

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P.O. BOX 250509  
ATLANTA GA 30305

CITY OF ALPHARETTA THE  
2 S MAIN ST  
ALPHARETTA GA 30009

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LAWRENCEVILLE GA 30046-4805

REEP RTL NPM GA LLC  
51 MADISON AVE  
NEW YORK NY 10010

CITY OF ALPHARETTA THE  
2 S MAIN ST  
ALPHARETTA GA 30009

HUBERT PROP LLLP  
850 KENNESAW AVE NW STE 2  
MARIETTA GA 30060-1095

NPMC RETAIL LC  
2100 MC KINNEY AVE STE 700  
DALLAS TX 75201

THOMAS L M JR  
P.O. BOX 538  
SUMMERSVILLE GA 30747



# Real Estate

## View Bill

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**As of**

2/29/2024

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**Bill Year**

2023

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**Bill**

2306987

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**Owner**

ALPHA LAND PARTNERS LLC

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**Parcel ID**

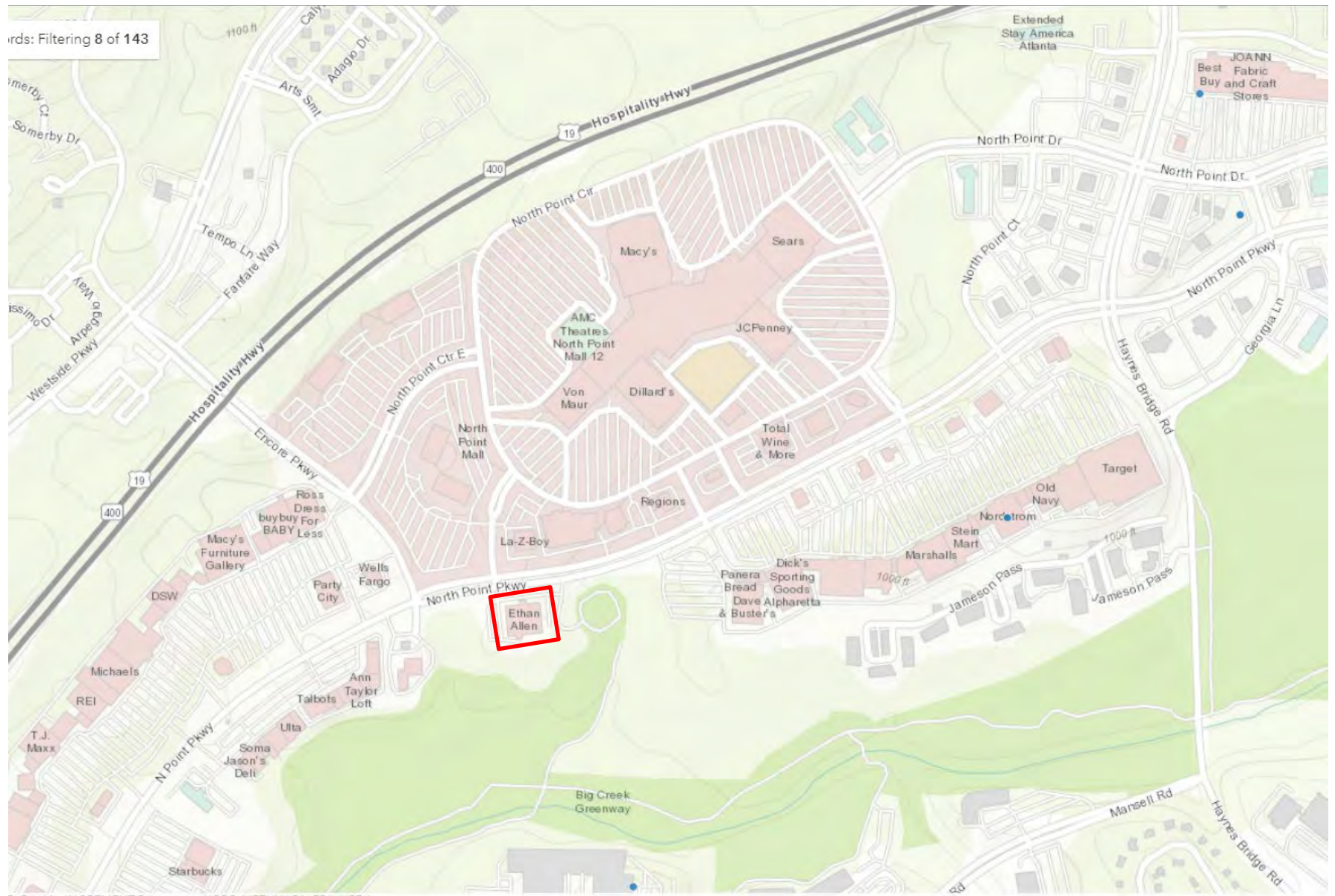
12 -2610-0687-027-6

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Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	12/1/2023	\$13,308.49	\$13,308.49	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>		\$13,308.49	\$13,308.49	\$0.00	\$0.00	\$0.00

# Evidence of No Code Enforcement Violations

ards: Filtering 8 of 143





Parking Evaluation	Existing	Code	ITE		ITE
			General Retail 3.5/ 1 K	4.0/ 1K	Tractor Supply Approx 50% *
Leaseable Area	33,424		117	134	59 - 67
Current Spaces	129	167			
Ratio	1 / 259 sf	1 / 200 sf			
TSC Proposed					
Spaces	104				
Ratio	1 /321 sf				

\* Institute of Traffic Engineers

Parking Manual & Trip Generation Data

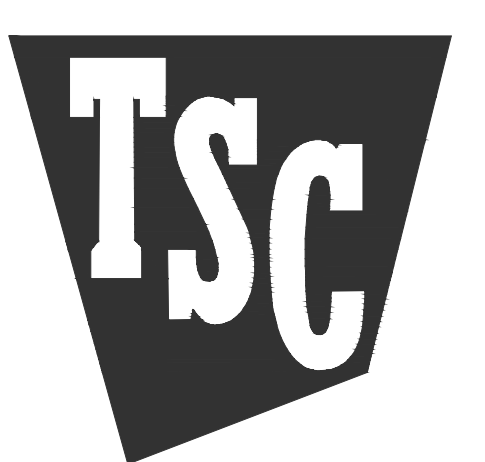
Within Trip Generation data, Tractor Supply Co (category #810)  
50% of General Retail

Saturday Peak Hour Trips are approx



**OXFORD  
ARCHITECTURE**

2934 Sidco Drive  
Suite 120  
Nashville, TN 37204  
Architecture  
Planning  
Interior Architecture



**TRACTOR SUPPLY COMPANY**  
**ALPHARETTA,  
GEORGIA**

Tractor Supply Company shall not be responsible for the payment of any work performed or material supplied by the Contractor or any of its sub-contractors, sub-subcontractors and anyone claiming by through or under any of them which is not identified in writing and signed by one of the following Tractor Supply Company personnel: Vice President Real Estate, Director of Construction, or a Construction Project Manager. No action, conduct, omission, prior failure, or course of dealing by Tractor Supply Company shall act to waive, modify, change or alter the requirement that all work, whether by contract, change order or change directive, must be in writing and signed by the personnel identified in this provision. Any work performed or material provided by the Contractor, any of its sub-contractors, sub-subcontractors contrary to this provision shall be at its own risk and own expense and Tractor Supply Company shall not be obligated to reimburse or pay the Contractor or any of its sub-contractors, sub-subcontractors for same.

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Job Number: **2363**

Date: **09.21.2023**

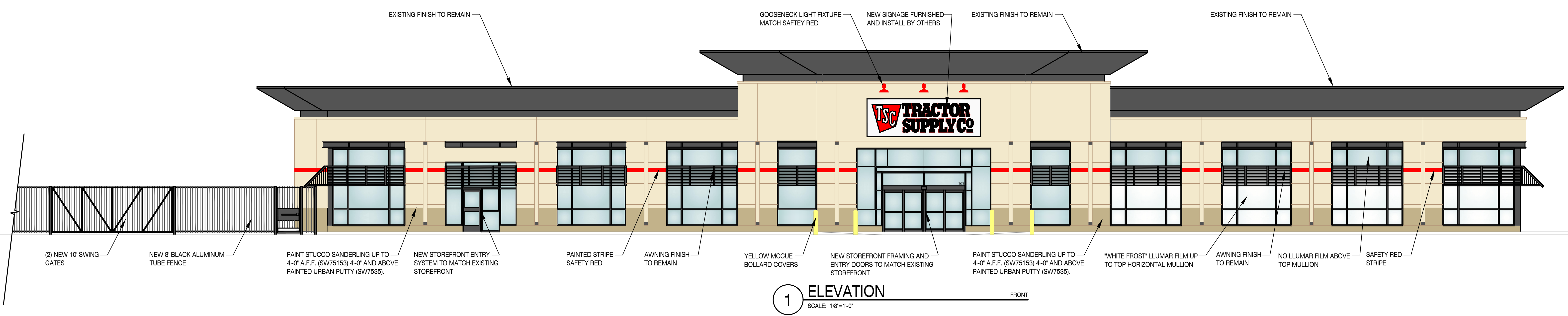
Revisions:

Revisions:

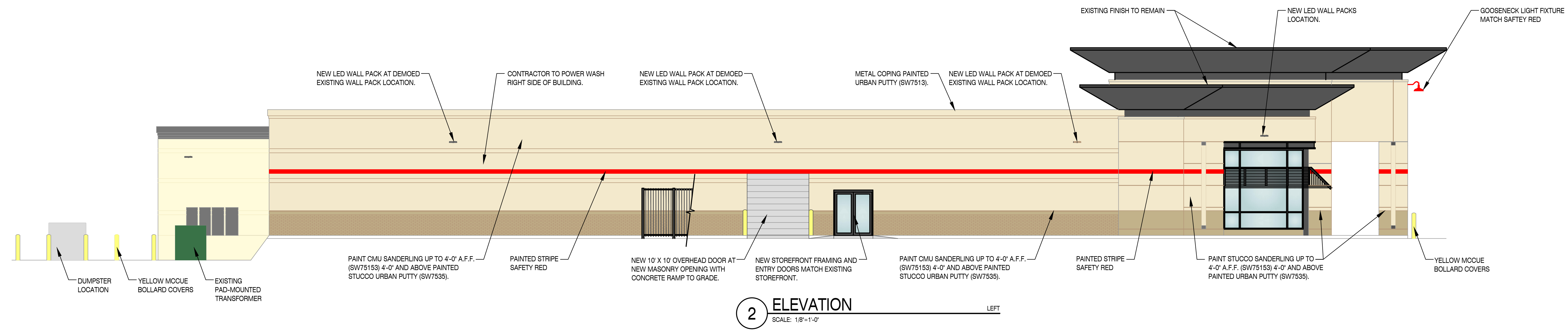
Revisions:

ARCHITECTURAL ELEVATIONS

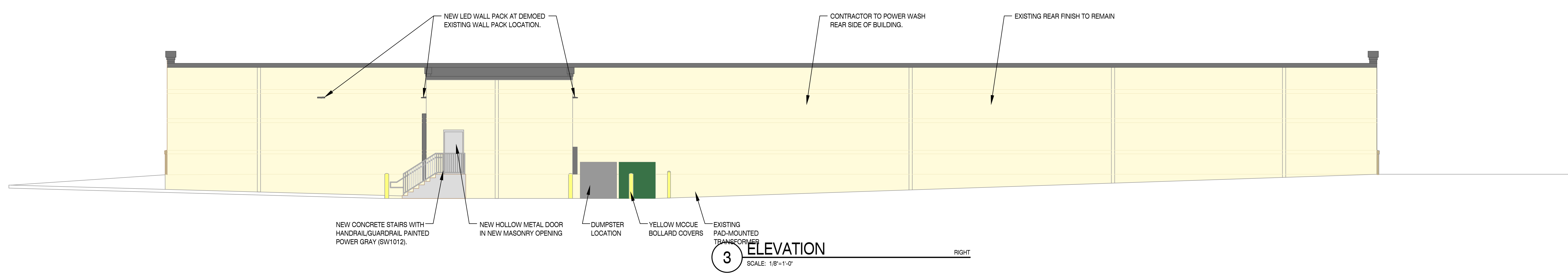
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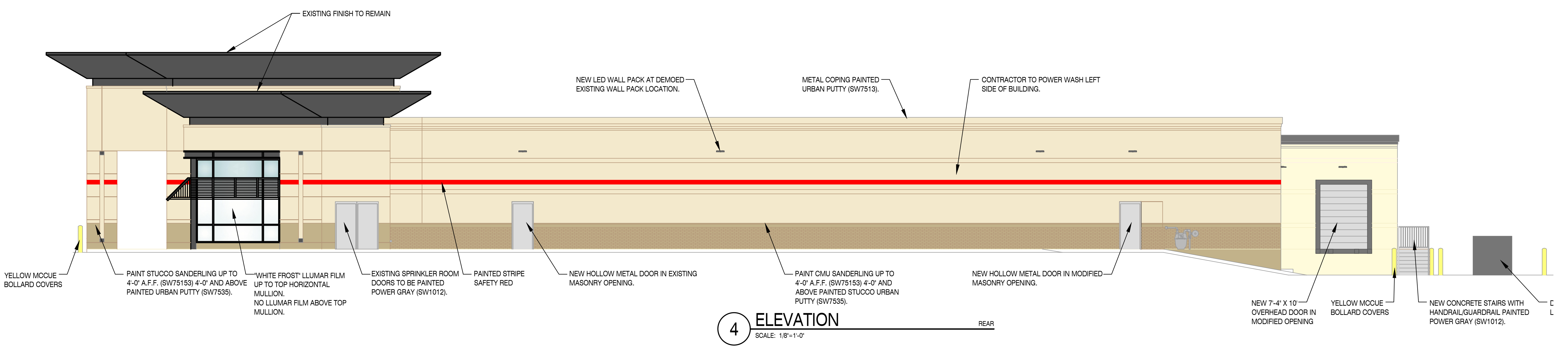
**1 ELEVATION**  
SCALE: 1/8"=1'-0"  
FRONT



**2 ELEVATION**  
SCALE: 1/8"=1'-0"  
LEFT



**3 ELEVATION**  
SCALE: 1/8"=1'-0"  
RIGHT



**4 ELEVATION**  
SCALE: 1/8"=1'-0"  
REAR