

Duluth



Greg Whitlock, Mayor
Jamin Harkness, Post 1
Marline Thomas, Post 2

Lamar Doss, Post 3
Manfred Graeder, Post 4
Shenée Holloway, Post 5

**AGENDA
MAYOR AND COUNCIL
CITY OF DULUTH, GA
3167 Main Street
Duluth, GA 30096**

MARCH 10, 2025

CITY HALL COUNCIL CHAMBERS

6:00 pm

***The leaders and staff of the City of Duluth are dedicated to ensuring that Duluth is:
an Attractive Destination, a Quality Community, a World Class Government,
and promotes a Sustainable Economic Environment.***

5:30 P.M. – AGENDA REVIEW

Main St. Conference Room

6:00 P.M. - CALL TO ORDER

Mayor Whitlock or Mayor Pro tem Thomas

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. APPROVAL OF MEETING AGENDA

II. APPROVAL OF MINUTES

III. ANNOUNCEMENTS

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IV. CEREMONIAL MATTER

1. KEY TO THE CITY – HADONG COUNTY, SOUTH KOREA

Mayor Whitlock will present a Key to the City to Mayor of Hadong County, South Korea to symbolize friendship between the two cities.

V. MATTERS FROM CITIZENS

Maximum of five (5) minutes per person. Sign-up sheet available.

VI. CONSENT AGENDA

1. RESOLUTION – CITY OF ETHICS RECERTIFICATION

In order to meet the requirements to remain a certified “City of Ethics,” approval of this resolution R2025-07 continues the process of being certified through the Georgia Municipal Association. Every five years cities are required to adopt a resolution of recertification, which applies to elected officials, board members and employees of the City. Some of the requirements to remain as certified are as follows: "to serve others, not ourselves, use resources with efficiency and economy, treat all people fairly, use power of positions for wellbeing of constituents, and create an environment of honesty, openness, and integrity."

2. ORDINANCE TO APPOINT ALCOHOL REVIEW BOARD

Pursuant to Section 3-115 of the Duluth Code of Ordinances, approval of this item approves ordinance O2025-12 to reappoint William Corley, Richard Hill and Bethany Marcinik to the Alcohol Beverage Review Board with terms ending March 31, 2029.

3. ORDINANCE TO APPOINT EMPLOYEE BENEFIT/AUDIT REVIEW

Pursuant to Section 2-96 Approval of this item approves ordinance O2025-14 to reappoint Margaret Middleton to the EBARC board with term ending March 31, 2029.

4. ORDINANCE TO APPOINT ETHICS BOARD

Pursuant to Section 2-226 of the Duluth Code of Ordinances, approval of this item approves ordinance O2025-13 to appoint Marlene Tucker to the Ethics Board with term ending March 31, 2029.

5. ORDINANCE TO APPOINT MUNICIPAL COURT JUDGES

The Duluth City Charter provides for the appointment of the municipal court judges, by ordinance. State law mandates that appointed municipal court judges be appointed for a term of not less than two years. OCGA 36-32-2. Such term is to be memorialized by agreement, ordinance, or a charter provision. Accordingly, the approval of this item approves ordinance O2025-15 to reappoint municipal court judges until March 31, 2027.

6. ORDINANCE TO APPOINT PARKS & REC BOARD MEMBERS

Pursuant to Section 2-87 of the Duluth Code of Ordinances, approval of this item approves ordinance O2025-16 to appoint Jane Yang and Kim Kelkenberg (Alternate) to the Parks & Recreation Board with terms ending March 31, 2029.

7. ORDINANCE TO APPOINT PLANNING COMMISSION

Per 1302.01 of the Unified Development Code, approval of this item approves ordinance O2025-17 to appoint Joe Nunes and Shafayat Ahmed and to reappoint Catherine Stringer and Niti Gajjar to the Zoning Board of Appeals with terms ending March 31, 2029.

8. ORDINANCE TO APPOINT URBAN REDEVELOPMENT AGENCY

Pursuant to Georgia Code 36-61-18, approval of this item approves ordinance O2025-21 to reappoint Brandon Odum to the URA with term ending March 31, 2029.

9. ORDINANCE TO APPOINT VETERAN'S MARKER COMMITTEE

Pursuant to Section 2-289 of the Duluth Code of Ordinances, approval of this item approves ordinance O2025-18 to Appoint Alana Moss as the Planning Commission Chairperson to serve on the Veteran Marker Committee until 2026 (due to term limits on the Planning Commission) and reappoint Catherine Ramadei and Michael Ashley until March 31, 2029.

10. ORDINANCE TO APPOINT ZONING BOARD OF APPEALS

Per 1303.01 of the Unified Development Code, approval of this item approves ordinance O2025-19 to appoint Greg Stewart to the Planning Commission with term ending March 31, 2029.

11. SOLID WASTE CONTRACT RENEWAL – REPUBLIC SERVICES

Approval of this item approves the first amendment to the Municipal Material Management Agreement replacing Exhibit "C" – Pricing, acknowledging a 6% rate increase for solid waste services beginning on May 1, 2025 and extending to May 1, 2026.

12. ORDINANCE TO AMEND BUDGET - \$33,604- VEHICLES

Approval of this item authorizes ordinance BA-FY25-26 to amend the FY24 budget. The Police Department received an insurance settlement of \$33,604.41 from a third party insurance company for a police vehicle involved in an accident in which the other driver was determined to be at fault. Staff is requesting \$33,604 be added to Police Vehicles - Consolidated Vehicle Maintenance - Vehicles line item, including associated transfers.

13. 2025 EVENT CALENDAR AUTHORIZATION AND WAIVERS

Approval of this item acknowledges that the following events are deemed sponsored or cosponsored by the City of Duluth. Approval of this item also waives food service requirements per Section 26-2-370 of OCGA, which exempts food vendors from having to obtain said permits provided that the event lasts 120 hours or less.

Duluth Farmers & Artisan Market Series - Town Green

1st and 3rd Sundays from March – May and September – November (2pm – 5pm) –

Duluth Live Series – Parsons Alley

April-October. Live Music in Parsons Alley Every Friday & Saturday (6-9pm)

March Events

29 – GWB Presents: Little Beer (1pm-5pm) – Town Green

April Events

4 – Peachtree Ridge Band Concert (5:30-7:30) 5:30 Main Stage with the full orchestra and 7pm in Parsons Alley: Jazz Band.

24 – Duluth Cluster Band Concert and STEAM Night (5pm-7pm) Town Green. 5-6pm STEAM displays; 6pm: Duluth Cluster Band on the Main Stage

(26 – Rogers Bridge Community Event) – Date to be confirmed after completion of warrantee bridge repairs

Flavors on Main: Main Street

Wednesdays, May 28 – September 17 (6pm-9pm)

Parsons Thursday Nights Out: Parsons Alley

May 29 – September 18 (6pm-9pm)

Rock the Block: Live & Loud Fridays: Town Green

May 30 – September 19 (6pm – 9pm)

May Events

2&3: – Duluth Chalk Art Festival (Friday 6pm-9pm; Saturday 10am-10pm)
Downtown Duluth
3 – Duluth Derby Day (2:30-7:30) Town Green
17 – Duluth Spring Arts Festival (10am – 5pm) Town Green
18 – Duluth Spring Arts Festival (11am-5pm) Town Green
30 – Lantern Parade (5pm – 9pm: Parade Begins at 9pm) Town Green
– Art Month: Variety of subsidized art classes and activities hosted in the Duluth Festival Center. Ticketing opens in April

June Events

21 – Rotary Club Car Show (10am-2pm): Downtown Duluth
21 – GWB Presents: Mighty Fine West Coast IPA Fest (1pm-5pm): Town Green

July Event

12 – Summer Stage Concert (6pm – 10pm): Town Green

August Events

8 – Multicultural Night (6pm – 9pm): Downtown Duluth
30 – Viva Las Duluth (6pm – 10pm): Downtown Duluth

September Events

13 - GWB Presents: Les Bon (1pm – 5pm): Parsons Alley
13 – Dogtoberfest: (5-9pm): Town Green
20 – Duluth Fall Festival Concert (6pm-10pm) Town Green
27 & 28 – Duluth Fall Festival: Downtown Duluth

October Events

4 – S’mores ‘N Snores (Saturday 4pm – Sunday 10am): Rogers Bridge Park.
Registration Opens September 13
11 – Haunted Duluth Tours (5pm-10pm): Downtown Duluth
(*18 - S’mores ‘N Snores (Saturday 4pm – Sunday 10am) 2nd date to be confirmed based on ticket sales and staffing. Will not be on City Calendar)
24 – Howl on the Green (6pm-9pm): Downtown Duluth

December Events

6 – Deck the Hall (2-7pm): Downtown Duluth

Frosty Fun -Seasonal Activities on Town Green during Thanksgiving and Winter Breaks.

Night at Red Clay: 3 Concert Dates to be Announced

VII. PUBLIC HEARINGS

1. ORDINANCE OF SPECIAL USE – CASE SU2024-007 – OUTDOOR STORAGE

Mayor and Council to consider an ordinance to allow a special use permit on Parcel R6265 247 located at 3570-B Buford Highway, Suite 101 for Case SU2024-007. This case was heard and tabled at the February 10, 2025 Council Meeting. Another hearing was advertised and will be held on March 10.

Owner Lee Merritt and Applicant Gricelda Arizmendi are requesting a special use permit for suite 101 of the property located at 3570-B Buford Highway. This property is zoned HC-A (Highway Commercial - Auto District), which does not allow for outdoor storage. The owner and applicant wish for the property to include a special use permit allowing for outdoor storage, in this case specific to the parking of construction equipment.

The Planning Commission recommended approval with conditions at their January 6, 2025 hearing. Mayor and Council tabled this case at their February 10, 2025 meeting with a request that the applicant address citizen concerns. The applicant has responded offering less in the way of conditions than they originally indicated they would accommodate. Staff is recommending denial. Ordinance is attached for reference in the event Council votes to approve the request.

2. ORDINANCE OF REZONING – CASE Z2024-005 - R6264 496 & R 6264 037

The Mayor and Council to consider an ordinance to rezone Parcels R6264 496 and R 6264 037 located at 3282 Davenport Road for Case Z2024-005.

Owner Estate of Nelly Kate Beck, and applicant, 4RNJ3, LLC are requesting the rezoning of 3282 Davenport Road from R-100 to Planned Unit Development "PUD" to allow for a single family detached residential subdivision.

The Planning Commission recommended approval with conditions at their February 3, 2025 hearing. Staff is also recommending approval with conditions and will outline those conditions in the public hearing. Ordinance and staff report are attached for reference.

VIII. NEW BUSINESS

1. AWARD OF BID - SR 120 FLASHING BEACON CROSSWALK UPGRADE

As approved by Mayor & Council, in an effort to slow vehicular traffic on SR 120 at the Rectangular Rapid Flashing Beacon (RRFB), staff has coordinated with Georgia Dept. of Transportation for the design and construction of a raised pedestrian crossing, which essentially doubles as a speed table. Bids were received as follows:

IP Construction -	\$99,275.00
Tri-scapes -	\$95,678.45
Ryals Brothers, LLC -	\$70,005.00

Staff is recommending approval of a bid award to Ryals Brothers, LLC with a contract price of \$70,005.00. Work can be completed within 60 days of Notice to Proceed, barring any unforeseen circumstances or weather delays.

Staff is requesting Council approval of the contract, which has been reviewed by the City's attorney and signed by the contractor. Budget amendment would also be required.

IX. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND BUDGET - \$98,005 – SR 120 CROSSWALK

Upon bid award for the SR 120 Rectangular Rapid Flashing Beacon (RRFB) crosswalk upgrade, a budget amendment would be required as follows:

- \$70,005 for Ryals Brothers, LLC (contractor)
- \$14,000 in construction contingency (20%)
- \$ 7,000 in materials testing and observation
- \$ 7,000 in construction administration and engineer time
- \$98,005 total request

This project was approved to be paid for 100% with LMIG and supplemental LMIG funds received from Georgia DOT. No local match is required. Staff is requesting approval of a budget amendment BA-FY25-27 to add \$98,005 in LMIG and LMIG supplemental funds to SR 120 Pedestrian Crossing - Sidewalk/Crosswalk - Infrastructure line item, including associated transfers.

2. ATHLETIC FIELD LIGHTING UPGRADE REQUEST – BUNTEN PARK

Mayor and Council to consider a request from Parks and Recreation to upgrade the current Musco athletic field lighting system at Bunten Road Park to greatly improve the functionality and efficiency of the lighting system, ensuring that our facilities remain top-notch for all users.

The new system will allow our staff to control the athletic field lighting remotely, providing greater flexibility in managing lighting needs based on seasonal use and specific scheduling requirements. With this upgrade, staff can easily program the lights to switch on and off according to game schedules, practices, and community events. This is not only a convenience but also contributes to energy efficiency, as lighting can be optimized based on actual usage.

Furthermore, the upgrade includes advanced features that will allow for proactive management of maintenance issues. The new computer system is cellular based, enabling staff to monitor the lighting system 24/7. This capability means that any issues can be detected and addressed promptly, reducing downtime and ensuring that the fields remain safe and well-lit for all activities. Instead of waiting for a problem to be reported, our staff can take immediate action upon detecting any irregularities, which is crucial for maintaining the quality of our athletic facilities.

Park's staff has received a quote for \$30,000 from Musco Sports Lighting, LLC to upgrade the athletic field lighting. The agreement include the necessary equipment, installation and comes with a 10 year parts and labor warranty on all equipment. Funding for the upgrade will come for the 2023 SPLOST unallocated Recreation Facilities funds.

Staff is requesting approval of a budget amendment BA-FY25-28 to add \$30,000 in unallocated 2023 SPLOST Recreation Facilities funds to PK-35 Bunten Raod Park - Sport Facilities - Site Improvements line item, including associated transfers.

X. MATTERS FROM MAYOR & COUNCIL

XI. MATTERS FROM CITY MANAGER

XII. EXECUTIVE SESSION (if necessary)

It may be necessary to hold an executive session on Real Estate, Pending/Potential Litigation, or Personnel, which is properly excluded from the Georgia Open and Public Meeting Law (O.C.G.A. 50-14).

XIII. ADJOURNMENT

The next scheduled meeting of the Mayor and Council is a work session for March 24, 2025 at 5:30 p.m.



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
FEBRUARY 10, 2025**

PRESENT: Mayor Whitlock, Councilmembers Harkness, Thomas, Graeder, and Holloway, City Manager, Asst. City Managers, Department Directors, City Attorney

ABSENT: Councilmember Doss

A work session was held prior to the regular scheduled meeting to allow the elected officials to discuss this evening's agenda items. No other items were discussed, and no action was taken.

Mayor Whitlock called the meeting to order at 5:50pm. and called for a motion to enter into an Executive Session for the purpose of discussing pending/potential litigation, personnel and or real estate matters.

I. EXECUTIVE SESSION

A motion was made by Councilmember Harkness, seconded by Councilmember Holloway, to adjourn to executive session at 5:50 p.m.

**Voted for: Councilmembers Harkness, Thomas, Graeder, and Holloway
Motion carried.**

After the discussion, a motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to return to regular session at 5:56 p.m.

**Voted for: Councilmembers Harkness, Thomas, Graeder, and Holloway
Motion carried.**

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. APPROVAL OF MEETING AGENDA

A motion was made by Councilmember Harkness, seconded by Councilmember Holloway, to approve the February 10, 2025 Council agenda as presented.

**Voted For: Council members Harkness, Thomas, Graeder, and Holloway
Motion carried.**

III. APPROVAL OF MINUTES

A motion was made by Councilmember Holloway, seconded by Councilmember Graeder, to approve the January 13 and 27, 2025 meeting minutes as presented.

**Voted For: Council members Harkness, Thomas, Graeder, and Holloway
Motion carried.**

IV. ANNOUNCEMENTS

1. UPCOMING EVENTS – www.duluthga.net/events

Check the City of Duluth website calendar for February/March meetings. Community events resume in the spring.

V. MATTERS FROM CITIZENS

Mark Rood of 3730 Oak Street, Duluth questioned item 3 under the Consent Agenda, Budget amendment/transfer of \$5,318,306 from the General fund to the Water- Sewer improvements project.

Mayor Whitlock directed the City Manager to contact Mr. Rood and provide a detailed explanation.

VI. CONSENT AGENDA

1. APPROVAL OF CONTRACT/AMEND FY25 BUDGET {A,B}

Approval of this item authorizes the City Manager to execute a contract for the painting of six (6) storm drains located on George Rogers Ave. Additionally, staff is requesting approval of a budget amendment BA-FY25-20 to add \$7,500 of prior year reserves to Public Art Fund-Spectator Recreation-Technical Services line item for this project.

2. ORD TO AMEND BUDGET – \$41,540 - SIGNAGE & ACCESS CONTROL {C}

At the January work session, staff discussed repurposing several decorative road signs that had been placed in storage and installing them at various park locations. A quote of \$41, 540 was received by Image Manufacturing Group (IMG) to sand, repaint, regraph, and install the signs. Approval of this item authorizes ordinance BA-FY25-23 to add \$41, 540 in unallocated 2023 SPLOST Recreation Facilities funds to Park Improvements – Park Areas – Signage – Signs/Banners line item, including associated transfers.

3. ORD TO AMEND BUDGET -\$5,318,306 - WATER SEWER IMPROVEMENT {D}

Under the rules governing the federal funds received through the American Rescue Plan Act 2021, the City claimed replacement revenue (loss revenue) of \$10 million. Replacement revenue funds are allowed to be spent on general government services including any service traditionally provided by government including covering salaries of public safety personnel.

This resulted in \$5,318,305.58 in replacement revenue being transferred to the General Fund to cover the salaries of police uniform officers. If necessary for the project, Council intended to allow the transfer of these funds from the General Fund to the Water Sewer Improvement project for the Pine Crest and Hill Communities. Approval of this item authorizes ordinance BA-FY25-25 to transfer \$5,318,306 from the General Fund - Other Financing Sources - Transfer to Water/Sewer line item to the Water/Sewer Improvements - New Sewer Services - Transfer from General Fund line item.

4. ORDINANCE TO AMEND BUDGET -\$2,495 -SCOTT HUDGENS PK {E}

Staff received a proposal from Net Planner for \$12,043.41 to add access control to the restroom buildings at Scott Hudgens Park. A purchase order needs to be issued before the work can begin. The remaining project funds of \$9,551 are available, therefore it is requested that \$2,495 in unallocated 2017 SPLOST Recreation Facility funds be added to the project for work to proceed. Approval of this item authorizes ordinance BA-FY25-24 to add \$2,495 in 2017 SPLOST Recreation Facilities funds to S. Hudgens Park - Park Areas - Buildings, including associated transfers.

A motion was made by Councilmember Thomas, seconded by Councilmember Holloway to approve the Consent Agenda as presented.

**Voted For: Council members Harkness, Thomas, Graeder, and Holloway
Motion carried.**

VII. PUBLIC HEARINGS

The mayor noted the procedures for conducting public hearings as follows:

- *Staff will come forward to summarize the project that's under consideration.*
- *The Mayor will call for discussions from council members for clarifications and general questions.*
- *The Mayor will call forward the applicant for comments.*
- *The Mayor will call for comments from the public related to the project.*
- *Speakers will direct their comments to the mayor and council and be made in an orderly manner.*
- *Speakers will be asked to come to the podium and state their name and address for the record.*
- *Speakers in favor of the project will have a total of 10 minutes to speak and the speakers in opposition will have a total of 10 minutes to speak.*
- *Once the public hearing is closed, no further comments will be heard.*

1. ORD OF SPECIAL USE- CASE SU2024-007 – OUTDOOR STORAGE

Mayor Whitlock opened the public hearing for case SU2024-007.

Margie Pozin, Director of Community Development & Engineering, came forward to present.

Owner Lee Merritt and applicant Gricelda Arizmendi requested a special use permit for suite 101 of the property located at 3570-B Buford Highway (R265 247). This property is zoned HC-A (Highway Commercial - Auto District), which does not allow for outdoor storage. The total property consists of five three-quarter acres, but the special use is just for suite 101. The owner and applicant wish for the property to include a special use permit allowing for outdoor storage, in this case, specifically, to the parking of construction equipment.

The proposed use is compatible with the surrounding auto and industrial uses that are already occurring throughout the area. The property abuts an RM zoned, residential multifamily property, but it is well buffered with an evergreen hedge and staff is recommending approval with the following conditions.

General conditions in this case include obtaining an occupational tax certificate within three months and if the use changes, the special use is terminated. If the property is abandoned for 90 days, the special use is terminated, or if it's extended in any way, the special use is terminated. Signage and lighting must still be submitted to the Planning Department for approval should any additions is required. The property has to be in a good state of good repair at all times, and code compliance staff will be back there to make sure of that.

This is a privilege, not a right and all of the outdoor storage will be limited to construction vehicles in striped parking spaces only.

The Planning Commission recommended approval with conditions at their January 6, 2025, hearing. Staff recommends approval with conditions.

Mayor Whitlock called for discussion from Council.

Councilmember Harkness asked if the special use permit stay with the property if the property changes hands, and what the intended storage is. Ms. Pozin confirmed that it does stay with the property and if during the time of transition from one owner to another, if the use is abandoned for 90 days, the special use does terminate. The storage is for construction vehicles that will be on a striped parking lot and not stored inside the storage facility.

Councilmember Graeder asked how to define what belongs to the suite, or how is the parking handled. It was confirmed that this will not affect the parking already striped for customers.

Councilmember Harkness asked if the property abuts a neighborhood and if it could be considered a nuisance. Ms. Pozin responded that it does, but there is a well-established buffer.

Councilmember Graeder asked what kind of business is operating there.

Mayor Whitlock called forward the applicant.

Vianney Garcia of 5207 Duncan Creek Road, Buford came forward to address questions from council relating to the use of property and possible impact on other businesses.

Councilmember Harkness asked if there could be conditions placed with the approval that limit the hours of the day that heavy equipment could be operated so as not to intrude on nearby neighbors.

City Attorney Stephen Pereira noted his preference not to add a condition during a motion without discussion with staff and the applicant to ensure there are no unintended consequences.

Owner Warren Barrett, 296 Forrest Lake Road of Lawrenceville came forward. The parcel of property that is being discussed is for storage of heavy equipment such as bobcats, small dump trucks, trailers, etc. The storage area outside the building is located under Georgia Power's high-voltage power lines. The equipment will not be serviced on the site. He discussed the parking challenges and noted the striping would not hold up. Most of the other adjacent uses are auto repair.

Mr. Barrett already said that the property use was there before the townhomes were annexed into the city. There have not been any complaints regarding noise or anything that he is aware of. He also felt that the SUP shouldn't be limited to one suite due to the nature of the other businesses.

Mayor Whitlock called for questions/comments from the public.

Ann-Marie Noyman of 4077 Howell Park Road, Duluth came forward to speak in opposition, due to concern with the noise being disruptive to the adjoining residents.

There being no further comments or questions, Mayor Whitlock closed the public hearing and called for a motion.

A motion was made by Councilmember Holloway, seconded by Council member Harkness to postpone ordinance O2025-08 for case number SU2024-007 to allow a special use permit for outdoor storage with conditions until the next meeting with the Mayor and Council.

**Voted For: Council members Harkness, Thomas, Graeder, and Holloway
Motion carried.**

2. ORDINANCE OF SPECIAL USE -CASE SU2024-008 – SHORT TERM RENTAL {F}

Mayor Whitlock opened the public hearing for Case number SU2024-008 and called forward Margie Pozin, Director of Community Development and Engineering to present.

The owners/applicants Richard and Misti Billing are requesting a special use permit for 3873 Howell Ferry Rd. (R6295 007) to allow for short-term rentals. This property is approximately .46 acres and zoned R-100 (Single Family - Residential District), which does not allow for short-term rentals without a special use permit. The owner's wish is for the property to include a special use permit allowing for short-term rentals in their in-law suite. The applicants reside in the home full-time and have stated they will maintain a homestead exemption.

The subject property is located in the Chattahoochee Residential District. FORWARDuluth envisions this Character Area to serve as the City's premier residential district for large lot, executive style homes. The applicants reside in the home full-time and have stated they will maintain a homestead exemption. Code Enforcement found the short-term listing on Airbnb's website. This was not complaint driven. Staff has not received any calls regarding this property.

Ms. Pozin outlined all the conditions and pointed out that having a special use will not allow the owners to deviate from any of the standards in the Unified Development Code.

The Planning Commission recommended approval with conditions at their January 6, 2025 hearing. Staff is also recommending approval with conditions.

Mayor Whitlock called for discussion from Council. Councilmember Thomas asked how long it has been operating.

The Mayor called the applicant forward to respond.

Rich and Misty Billing of 3873 Howell Ferry Road, Duluth came forward to address questions/concerns from the Mayor and Council. He described the site and amenities and said they have been renting since last June with no issues or complaints.

Mayor called for questions/comments from the public.

Ann-Marie Noyman of 4077 Howell Park Road came forward representing several people in the audience. Ms. Noyman voiced concerns about allowing short-term rentals. She voiced her concerns about the increase in parking, crime, and being disruptive to the dynamic of the neighborhood. Ms. Nyoman requested the Council to consider not allowing short-term rentals in residential neighborhoods and offered her service in assisting the applicants to find longer term residents to rent.

Mary Ledin of 4053 Howell Ferry Road, Duluth came forward to speak in opposition to the proposal.

Mayor Whitlock noted that the Council received an e-mail from Elaine Serrano and Stephanie Howell of 3873 Howell Ferry Road who voiced support for the proposal.

Councilmember Thomas noted the requirements for a special use permit and explained that requests go through several city boards to determine the appropriateness of the request. Council has the responsibility of ensuring protection of the homeowner's rights as well as the community. She feels that the homestead exemption condition generally assures that safety is a top priority for the renters as well and minimizes the risk. Limiting the number of people renting is also a component to limiting any disruptions.

Councilmember Harkness questioned if there was a difference between the location of attached space vs. a basement area rental. Ms. Pozin confirmed there was no difference.

Mayor Whitlock closed the public hearing and called for a motion.

A motion was made by Councilmember Thomas, seconded by Council member Graeder to approve ordinance O2025-09 for case number SU2024-008 to allow short-term rentals with conditions as presented.

Voted For: Council members Thomas, Graeder and Holloway
Voted Against: Councilmember Harkness
Motion carried.

3. ORDINANCE OF TEXT AMENDMENT-CASE TA2025-01 {G}

Mayor Whitlock opened the public hearing for Case TA2025-01 and called forward Margie Pozin, Director of Community Development & Engineering, to present.

The City of Duluth is the applicant and recommends two text amendments to the current Unified Development Code to allow for more consistency in special uses. Ms. Pozin said In June of 2024 Planning Commission recommended approval and Mayor and Council approved changes to Table 2-C under “Other Transient Lodging”, which refers to short-term rental of a unit not exceed 30 days. During that change, staff overlooked R-TH (Residential Townhouse District). Staff is recommending there be a request for a special use for “Other Transient Lodging” in R-TH (Residential Townhouse District).

Staff is also recommending that “Community Food and Housing, and Emergency and Other Relief Services” be amended from being allowed by-right (A) in O-I (Office-Institutional District) to being allowed by special use (S) in O-I (Office-Institutional District).

The Planning Commission recommended approval of both text amendments at their February 3, 2025 hearing. Staff is also recommending approval.

Mayor Whitlock called for discussion from Council. Being none, the Mayor called for questions/comments from the public. Hearing none, the Mayor closed the public hearing and called for a motion.

A motion was made by Council member Harkness, seconded by Council member Thomas to approve ordinance O2025-10 for case number TA2025-01 to allow text amendments in the UDC as presented.

Voted For: Councilmembers Harkness, Thomas, Graeder and Holloway
Motion carried.

4. ORDINANCE OF REZONING-CASE Z2024-004 - 3407 DULUTH HWY {H}

Mayor Whitlock opened the public hearing for Case Z2024-004 and called forward Margie Pozin, Director of Community Development & Engineering, to present the request to rezone parcel R6293 118 located at 3407 Duluth Hwy.

Ms. Pozin said the Owner/Applicant ANM Homes, LLC is requesting rezoning of property located on the West corner of Northwestern most intersection of Duluth Highway (SR 120) and Hall Circle. The property is currently split- zoned with half existing as RM (Residential Multi-Family District) and half existing as C-1

(Neighborhood Business District). The owner/applicant wishes to rezone the property to RM to allow for the development of a 17-unit townhome community.

Ms. Pozin described the adjacent properties. The subject property has what appears to be a single-family home on the C-1 (Neighborhood Commercial District) portion of the parcel. Some iterations of the building have been in the same location since 1955. It appears to have been used as an office since before 2008. The RM (Residential Multi-family District) portion of the parcel has been vacant since at least 1978.

The subject property is in the Core Neighborhood District Character Area. FORWARDuluth envisions this Character Area to be denser, connected neighborhoods, easily accessible to Downtown through a system of trails, sidewalks and road connections while capitalizing on existing traditional street fabric and opportunities for redevelopment and infill. The Future Land Use Map envisions this parcel as high-density. The density is in line with what is allowed by right in the RM zoning. The proposed 17 units over 1.47 acres will be the densest development in the Hall Circle Neighborhood. The Rm (Residential Multi-family district) allows for 15 units per acre, which is the densest zoning classification that the city currently has. The applicant is proposing 11.5 units per acre over the 1.47 acres. The density is also consistent with the Future Land Use Map which envisions this parcel as high-density residential. The density of this classification is 12 + units per acre.

The applicant is requesting a variance from the Unified Development Code (UDC) for four (4) out of the seventeen (17) townhomes to be front-loaded instead of the required rear-loaded townhomes configuration. This parcel is within the Downtown Overlay District which follows the standards set out in 205.15 CBD Central Business District. This section of the UDC states that townhouses shall be designed to be rear-entry. There is a single-family residence behind and the act of driving around the back of the home would make more noise for the neighbor and topographically will be better to have front-end loaded garages on these four particular units.

A neighborhood meeting was held in November 2024 where many neighbors had the chance to have their concerns addressed. Ms. Pozin outlined the conditions and said that the Planning Commission recommended approval with conditions at their January 6, 2025 hearing, and staff recommended approval as well.

Mayor Whitlock called for discussion from Council.

Councilmember Graeder questioned the process of combining the rezoning request with the variance request. Ms. Pozin responded that many times the projects haven't been engineered enough to know that a variance would be required.

City Attorney Stephen Pereira agreed in this situation it is acceptable to request rezoning at and consideration of variances on the property at this time.

Questions were asked if the variance request was related to the density of the project or more for the noise buffer. Ms. Pozin confirmed that it does not affect the density at all but was more desirable as a buffer as well as the topography of the property.

Council discussed separating the approvals.

City Manager James Riker addressed the concerns. He said one of the points that's worth considering is that historically we do a lot of planned unit developments where everything is known. Rarely do we do a lot of individual zonings to a specific district and from staff's perspective, they saw this not only from the split zoning but also reliance on the development overlay district that has what is essentially an equivalent of PUD standards, with the exception of this variance that seems to be to the benefit of an adjoining property owner. This is not necessarily an opportunity to dive into architectural requirements; those are essentially covered in the development overlay district.

Mayor Whitlock called forward the applicant.

Madhava R. Gurram of ANM Homes, LLC, 5974 Respite Ct., Johns Creek came forward. Mr. Gurram expressed his desire to reflect his own vision of developing this land here in Duluth.

Mayor Whitlock called for questions/comments from the public. Hearing none, Mayor Whitlock closed the public hearing and called for a motion.

A motion was made by Thomas and seconded by Council member Holloway to approve ordinance O2025-11 for case number Z2024-004 to allow rezoning with conditions as presented.

**Voted For: Councilmembers Harkness, Thomas, Graeder and Holloway.
Motion carried.**

VIII. NEW BUSINESS

1. ORDINANCE TO AMEND BUDGET – \$50,000 - FOX ST SIDEWALK {}

The sidewalk on the east side of Fox St just before Buford Hwy terminates at the end of the development for the District at Duluth and at the intersection with Buford Hwy. In order to allow for safe pedestrian access to downtown, staff would like to connect the sidewalk along Fox St. Staff is requesting \$50,000 in unallocated 2023 SPLOST Transportation funds to enter into a contract with Pond & Company to provide design, bid documentation, and project oversight.

Staff is requesting approval of a budget amendment BA-FY25-22 to add \$50,000 in unallocated 2023 SPLOST Transportation funds to Transportation/Infrastructure Improvements - Paved Streets - Professional Services line item, including associated transfers.

A motion was made by Councilmember Graeder seconded by Councilmember Harkness to approve BA-FY25-22 as presented.

**Voted For: Council members Harkness, Thomas, Graeder and Holloway
Motion carried.**

2. AWARD OF BID/AMEND FY25 BUDGET – 2516 MAIN ST {J,K}

The Mayor and Council considered awarding a contract for the demolition of a trailer at 2516 Main St. After the recent acquisition, annexation, and rezoning of 2516 Main Street, staff requested three bids for the demolition of the existing trailer on site.

Bids received:

Complete Demolition Services -	\$21,000
Titan Environmental Services -	\$12,300
Wrecking Corps of America -	\$9,900

Staff is recommending Wrecking Corps of America. Work can be completed within 30 days of Notice to Proceed, barring any unforeseen circumstances or weather delays. In order to complete the demo, staff is requesting an additional 10% contingency and \$600 to cover the City Engineer's time for contracting, oversight, and closeout.

Staff is also requesting approval of budget amendment BA-FY25-21 to add \$2,300 in unallocated 2023 SPLOST Administrative Facilities funds to Public Works Land Acquisition - General Government Buildings - Land line item, including associated transfers.

Being no further discussion, Mayor Whitlock called for a motion.

A motion was made by Councilmember Harkness, seconded by Council member Holloway to approve a contract with Wrecking Corps of America not to exceed \$11,500 and subsequent BA-FY25-21 as presented.

**Voted For: Council members Harkness, Thomas, Graeder and Holloway
Motion carried.**

3. RESOLUTION – PINE NEEDLE DR TAP GRANT {L}

Georgia DOT and the Atlanta Regional Commission have recently reopened the Transportation Alternatives Program (TAP). Staff has applied previously for grant

funding to assist in implementing the Pine Needle Trail from George Rogers Ave/Irwindale Road area to the new cul-de-sac at SR 120. The concepts are relatively unchanged from prior submittals. Applications are due February 28.

The required grant match is a minimum of 20%, which in this case is estimated at \$1.4M (total project estimated at \$7M). The actual dollars are determined at procurement milestones during design, right of way acquisition, and construction phases which will take place approximately 2026 through 2030. The funds would not be required until those milestones are programmed.

Staff requested approval of a resolution indicating Council support of the project funding should a grant be awarded.

A motion was made by Councilmember Thomas, seconded by Council member Harkness to approve resolution R2025-06 for Pine Needle Trail if awarded TAP funding.

**Voted For: Councilmembers Harkness, Thomas, Graeder and Holloway
Motion carried.**

IX. MATTERS FROM MAYOR & COUNCIL

- Student LEAD project going well
- HOA meeting Thursday 2/13 for downtown neighborhoods and West Lawrenceville St.
- Recognized Councilmember Thomas for completing hours of training through CVIOG
- GwMA meeting– presentation from Gwinnett Emergency Management

X. ADJOURNMENT

A motion was made by Councilmember Graeder, seconded by Thomas to adjourn at 7:22pm

**Voted For: Councilmembers Harkness, Thomas, Graeder and Holloway
Motion carried.**

The next scheduled meeting of the Mayor and Council is a work session for February 24, 2025 at 5:30 p.m.



**WORK SESSION NOTES
MAYOR AND COUNCIL
CITY OF DULUTH, GA
FEBRUARY 24, 2025**

PRESENT: Mayor Whitlock, Council members Harkness, Thomas, Doss, Graeder, and Holloway, City Manager, Asst. City Managers, Department Directors, City Attorney

Mayor Whitlock called the meeting to order at 5:30pm.

I. PUBLIC COMMENTS

None.

II. DISCUSSION ITEMS/PRESENTATIONS/UPDATES

1. COLEMAN MS 8TH GRADE STEAM PROJECT

{A}

Coleman Middle School 8th grade students created a proposal as part of their STEAM project-based learning: "How can we as citizens make our community more efficient?" One of the requirements of project-based learning is students solving real-world, community problems and presenting their solutions to community partners, typically at our showcase events.

This past semester, several student groups presented about the need for temporary storage in Downtown Duluth, specifically lockers that could be rented by members of the community while they enjoyed downtown. These students have compiled information on the need for temporary storage while people are having fun downtown, how having lockers can decrease theft of personal items, and how lockers can improve the overall look of downtown to be less cluttered.

The students' idea is that individuals who use the lockers will pay a fee for them. Their proposal includes options for monthly, daily, and hourly rental fees. The money from the payments/subscriptions will go to paying for the lockers and maintenance fees. To determine desired locations for the lockers, they surveyed their peers. The survey results are as follows: near LR Burger (42.6%), near City Hall (24.1%), near the Library (22.2%), or near the restrooms (11.1%). A screenshot of the survey results from the students' website is included at the end of this email.

2. STORMWATER ORDINANCE CHANGES

Staff has been developing potential language for policies to allow for mandatory special assessment districts. The City already has language in our ordinance that covers voluntary special assessments, and those have not been successful to date.

Community Development/Engineering Director Margie Pozin presented. She recapped the issues at hand regarding private pond repairs including scope of service, and requirements of HOAs to maintain their stormwater structures. Many of these repairs are very costly, and difficult to determine the exact proportions of causation and responsibility for causing drainage issues and therefore funding repairs. She outlined some of the options for special assessments, policy decisions to be made, and discussed the risk matrix for prioritizing funding. She also noted that formalizing a policy will also allow the City to apply for grant funding to assist the HOA's with repair costs.

A special assessment does not have to be limited to detention ponds. It can include other private stormwater repairs such as ditch maintenance, in areas where flooding is a problem. These private projects (ditch reestablishment outside of the right of way) must be completed prior to public projects in some cases for our public projects to be effective. This may be where mandatory assessments are considered either now or in the future.

Ms. Pozin provided draft language for creating voluntary and mandatory special districts for maintenance or maintenance and repair for Council's consideration and discussion.

Staff would like comments back within 2 weeks. Council will discuss this further at the March 31st 5th Monday work session.

3. SHORT TERM RENTAL REGULATION UPDATE

Planning staff has researched how our neighboring cities handle short term rental policy and presented information to Mayor and Council for discussion. It was recommended to add references to "Homestead Exemptions," design factors and/or parking requirements to the current ordinance.

This item to be placed on the next work session for further discussion.

4. BOARD AND COMMISSION APPOINTMENTS

Department Directors reported their vacancies and recommendations for 2025 appointments. Councilmember Graeder suggested hosting an annual event with board members to get to know them better and/or express appreciation.

Staff was authorized to place ordinances of appointment on the March 10th council agenda for approval.

5. GWINNETT COUNTY EMA UPDATE

{C}

City Manager James Riker gave a brief overview of our actions and communications with Gwinnett County Emergency Management Agency relating to the last weather event.

6. UPDATE ON SOLID WASTE CONTRACT RENEWAL

The City's solid waste contract with Republic Services requires they submit any proposed rate change request at least 60 days prior to expiration of the contract. Accordingly, they have submitted a requested 6% increase based on factors tied to indexes identified within the contract. Staff provided an overview of the request.

The contract amendment will be placed on the next agenda for approval.

III. MATTERS FROM MAYOR & COUNCIL

Community Development/Engineering Director Margie Pozin came forward to discuss the bridge and culvert on Pine Needle Drive. Because of the desire for connection to the Western Gwinnett Bikeway, she requested additional funding for widening.

Councilmember Holloway was congratulated on her engagement.

Councilmember Thomas attended the funeral services in Puerto Rico for MPO Bahamundi.

IV. ADJOURNMENT

Meeting adjourned at 8:50pm.

The next scheduled meeting of the Mayor and Council is March 10, 2025 at 6:00 p.m.

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2025 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2025 ANNUAL BUDGET FOR THE CITY OF DULUTH, GEORGIA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF GEORGIA.

THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS, the City of Duluth, Georgia, has previously adopted a budget for the 2025 fiscal year as follows:

Total Revenues:	<u>105,964,874</u>
Operations Expenditures:	<u>48,238,758</u>
Capital Improvement Expenditures:	<u>57,726,116</u>
Total Expenditures:	<u>105,964,874</u>

For a balanced budget in compliance with the laws of the State of Georgia.

WHEREAS the City of Duluth is proposing to undertake an upgrade to the cross walk on State Route 120 adjacent to Coleman Middle School to improve pedestrian safety while using the cross walk; and

WHEREAS the cost of the upgrade is \$98,005 which includes the contractor proposal, project contingency, materials testing and construction administration; and

WHEREAS it is requested \$98,005 in LMIG Supplemental funds be added to SR 120 Pedestrian Crossing – Sidewalk/Crosswalk – Infrastructure line item, included associated transfers; and

NOW THEREFORE, the City of Duluth 2025 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>106,062,879</u>
Operations Expenditures:	<u>48,238,758</u>
Capital Improvement Expenditures:	<u>57,824,121</u>
Total Expenditures:	<u>106,062,879</u>

IT IS SO ORDAINED this _____ day of _____, **2025**.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2025 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2025 ANNUAL BUDGET FOR THE CITY OF DULUTH, GEORGIA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF GEORGIA.

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Operations Expenditures:	<u>48,238,758</u>
Capital Improvement Expenditures:	<u>57,824,121</u>
Total Expenditures:	<u>106,062,879</u>

For a balanced budget in compliance with the laws of the State of Georgia.

WHEREAS the City of Duluth Parks and Recreation Department is upgrading the current athletic field lighting system at Bunten Road Park to enhance the functionality and efficiency of the lighting; and

WHEREAS a quote for \$30,000 was received from Musco Sports Lighting for the upgrade which includes the necessary equipment, installation and a 10 year warranty on parts and labor with funds coming from 2023 SPLOST Recreation Facilities funds; and

WHEREAS it is requested \$30,000 in unallocated 2023 SPLOST Recreation Facilities funds be add to Bunten Road Park – Sports Facilities – Site Improvements line item, included associated transfers; and

NOW THEREFORE, the City of Duluth 2025 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>106,092,879</u>
Operations Expenditures:	<u>48,238,758</u>
Capital Improvement Expenditures:	<u>57,854,121</u>
Total Expenditures:	<u>106,092,879</u>

IT IS SO ORDAINED this _____ day of _____, **2025**.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**RESOLUTION TO RECERTIFY AND CLARIFY VARIOUS PROVISIONS
RELATING TO THE REGULATIONS TO MAINTAIN THE CERTIFIED CITY OF ETHICS DESIGNATION**

WHEREAS the Board of Directors of the Georgia Municipal Association (GMA) has established a Certified City of Ethics program; and,

WHEREAS the City of Duluth, GA wishes to be certified as a Certified City of Ethics under the GMA Program; and,

WHEREAS part of the certification process requires the Mayor and Council to subscribe to the ethics principles approved by the GMA Board;

NOW THEREFORE BE IT RESOLVED by the governing authority of the City of Duluth, Georgia, that as a group and as individuals, the governing authority subscribes to the following ethical principles and pledges to conduct its affairs accordingly.

- ❖ Serve Others, Not Ourselves
- ❖ Use Resources with Efficiency and Economy
- ❖ Treat All People Fairly
- ❖ Use the Power of Our Position for the Well Being of our Constituents
- ❖ Create an Environment of Honesty, Openness, and Integrity.

IT IS SO RESOLVED, this 10th day of March, 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those council members voting in opposition:

ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

**ORDINANCE
CITY OF DULUTH
ALCOHOL BEVERAGE REVIEW BOARD**

WHEREAS, Pursuant to Section 3-115 of the Duluth Code of Ordinances establish the Alcohol Review Board. Membership is comprised of (5) members and two (2) alternates, who must all be residents of the City for a least one (1) year. Two (2) members may be an owner/manager of a business located and licensed within the City Limits for at least one (1) year prior to nomination. Members appointed must pass a background check conducted by the City Police Department.

WHEREAS, Pursuant to Section 2-49 Term Limits for Board and Commissions (established 2012). Service on each board, authority, commission, or committee of the City of Duluth shall be limited to three consecutive full four-year terms. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed as a members of the Alcohol Beverage Review Board and be authorized to serve in their positions for four-year terms unless a majority vote of Council removes such member(s).

Reappoint:

William Corley	Expires 3/31/29	Term begin date: 2017
Richard T. Hill	Expires 3/31/29	Term begin date: 2015
Bethany Marcinek	Expires 3/31/29	Term begin date: 2017

Current members:

Rod Parris	Expires 3/31/26	Term begin date: 2012
(term limit in 2026, 14 yr max)		
Robert Edwards	Expires 3/31/26	Term begin date: 2023
Jay Lastinger (Alt 1)	Expires 3/31/26	Term begin date: 2024
Richard Middleton (Alt 2)	Expires 3/31/28	Term begin date: 2024

IT IS SO ORDAINED this _____ day of March 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition: _____

ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

**ORDINANCE
CITY OF DULUTH
BOARD OF ETHICS**

WHEREAS, Section 2-226 (a-i), of the Duluth Code of Ordinances establishes that the Board of Ethics shall be appointed by the mayor and council members. Each shall designate two (2) qualified citizens to provide a pool of twelve (12) individuals who have consented to serve as a member of such board of ethics and who will be available for a period of four (4) years to be called upon to serve in the event a board of ethics is appointed. Each member of the board of ethics shall have been a resident of the city for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board of ethics. No person shall serve as a member of the board of ethics if the person has or has had within the preceding one (1) year period, any interest in any contract, transaction, or official action of the city. The city manager shall maintain a listing of these twelve (12) qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the board of ethics, the mayor and council, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until the specified five (5) members of the board of ethics have been appointed. Such board will elect one (1) of its members to serve as chairman.

WHEREAS, Section 2-49 Term Limits for Board and Commissions (established 2012). Service on each board, authority, commission or committee of the City of Duluth shall be limited to three consecutive full four-year terms. In no event shall a member serve over fourteen (consecutive) years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed to the City Board of Ethics for a four-year term unless a majority vote of Council removes such member(s). Board shall serve without compensation.

Appoint

Margaret Tucker (Graeder)	Expires 3/31/29	Term begin date: 2025
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Reappoint:

Lana Tolbert (Thomas)	Expires 3/31/29	Term begin date: 2022
Sarah Park (Whitlock)	Expires 3/31/29	Term begin date: 2022
Donna Kain (Harkness)	Expires 3/31/29	Term begin date: 2022
Kyle Drake (Doss)	Expires 3/31/29	Term begin date: 2022

Current Members:

Jean Harrivel (Graeder) (term limit 2026)	Expires 3/31/26	Term begin date: 2012
Alexis Server (Harkness)	Expires 3/31/26	Term begin date: 2018
Brett Duke (Thomas)	Expires 3/31/26	Term begin date: 2021
Chip Sweney (Whitlock) (term limit 2027)	Expires 3/31/26	Term begin date: 2013
Nate Benard (Doss)	Expires 3/31/26	Term begin date: 2022
Nicole Wolff (Holloway)	Expires 3/31/28	Term begin date: 2024
Greta Langpap (Holloway)	Expires 3/31/28	Term begin date: 2024

IT IS SO ORDAINED this _____ day of March 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

**ORDINANCE
CITY OF DULUTH
MUNICIPAL COURT JUDGES**

WHEREAS, Section 4.11 of the Duluth Code of Ordinances establishes that the selection and terms of the part-time, full-time, or stand-by judges who preside over the Municipal Court shall be provided by ordinance.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be reappointed as Municipal Court Judges of the City of Duluth, and shall be appointed for a term of not less than two years:

Reappoint:

Charles L. Barrett, III, Chief Judge/Crt Admin	Expires 3/31/27
Margaret Gettle Washburn, Associate Judge	Expires 3/31/27
Claude Mason, Associate Judge	Expires 3/31/27
Chung Hun Lee, Associate Judge	Expires 3/31/27

IT IS SO ORDAINED this _____ day of March, 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

**ORDINANCE
PARKS AND RECREATION ADVISORY BOARD**

WHEREAS, Pursuant to sections 2- 87 of the Duluth Code of Ordinances establish that the Parks and Recreation Advisory Board shall be comprised of nine (9) members and one (1) alternate. Nine members must be residents of the city for at least one (1) year. One (1) member may own or operate a business located within city limits for at least one (1) year prior to nomination.

WHEREAS, Sec. 2-49 Term Limits for Board and Commissions (established 2012). Service on each board, authority, commission, or committee of the City of Duluth shall be limited to three consecutive full four-year terms. In no event shall a member serve over fourteen (consecutive) years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed as a member of the Parks and Recreation Board and be authorized to serve in their positions for four-year terms unless a majority vote of Council removes such member(s).

Appoint:

Jane Yang	Expires 03/31/29	Term begin date: 2025
Kim Kelkenberg (Alt 1)	Expires 03/31/29	Term begin date: 2025

Reappoint:

Mary Odum	Expires 03/31/29	Term begin date: 2017
Annette McIntosh	Expires 03/31/29	Term begin date: 2017

Current Members:

Curt Lindner	Expires 03/31/26	Term begin date: 2018
Ryan Marciniak	Expires 03/31/26	Term begin date: 2018
Sharon Parris	Expires 03/31/26	Term begin date: 2015
Mark Carter	Expires 03/31/26	Term begin date: 2013
Alexis Server	Expires 03/31/26	Term begin date: 2017
Janise Wheeler	Expires 03/31/26	Term begin date: 2019

IT IS SO ORDAINED this _____ day of March 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

**ORDINANCE
CITY OF DULUTH
PLANNING COMMISSION**

WHEREAS, Pursuant to Section 1302.01 of the Duluth Unified Development Code, the Planning Commission shall be comprised of five (5) members and one (1) alternate. All members shall be residents of the City of Duluth or the owner or operator of a business located within the City of Duluth, provided the business is current in the payment of its City Occupational Tax and all other payments due to the City. The five (5) members and the alternate member are to be appointed by the City Council. The term of office for members shall be four (4) years, said terms to be staggered, to begin on April 1 and end on March 31.

WHEREAS, Pursuant to Section 2-49 Term Limits for Board and Commissions (established 2012), service on each board, authority, commission or committee of the City of Duluth shall be limited to three (3) consecutive full four (4) year terms. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed as members of the Planning Commission and be authorized to serve in their positions for four-year terms unless a majority vote of Council removes such member(s). The compensation shall be \$25 per meeting not to exceed two (2) meetings per month.

Appoint:

Greg Stewart (Alt) Expires 3/31/29 Term begin date: 2025

Current Commissioners:

Alana Moss	Expires 3/31/26	Term begin date: 2012
(term limit in 2026, served partial first term, max 14 yrs)		
Jack Milner	Expires 3/31/27	Term begin date: 2024
Elizabeth Baggett	Expires 3/31/26	Term begin date: 2024
Niti Gajjar	Expires 3/31/28	Term begin date: 2020
Carey Fisher	Expires 3/31/28	Term begin date: 2020

IT IS SO ORDAINED this _____ day of March 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

**ORDINANCE
CITY OF DULUTH
URBAN REDEVELOPMENT AGENCY**

WHEREAS, Pursuant to Article 1, Section 1 of the Urban Redevelopment Agency by laws establishes that the Urban Redevelopment Agency shall consist of three (3) persons, appointed by the City Council.

WHEREAS, Sec. 2- 49 Term Limits for Boards and Commissions (established 2012) Service on each and every board, authority, commission or committee of the City of Duluth shall be limited to three consecutive full four year terms. In no event shall a member serve over fourteen (14) consecutive years after 2012.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individual be appointed as a member of the Urban Redevelopment Agency as follows:

Reappoint:

Brandon Odum Expires 3/31/29 Term begin date: 2017

Current Members:

Marline Thomas Expires 3/31/26 Term begin date: 2022

Nancy Harris Expires 3/31/27 Term begin date: 2021

IT IS SO ORDAINED this ___ day of March, 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Holloway, Post 5

Those councilmembers voting in opposition: _____

ATTEST: _____
Teresa S. Lynn, Asst. City Manager/City Clerk

**ORDINANCE
CITY OF DULUTH
VETERAN FLAG/MARKER COMMITTEE**

WHEREAS, Section 2-289 (a) of the Duluth Code of Ordinances establishes the Veteran Flag/Marker Committee. This Committee is composed of five (5) members as follows: one (1) member of mayor and council, two (2) citizens of Duluth, GA at least one of whom is an active or retired veteran of the Army, Nave, Air Force, Marines or US Coast Guard, the chair person of the Planning Commission, and the director of Duluth Public Works Department.

WHEREAS, Sec. 2-49 Term Limits for Boards and Commissions (established 2012) Service on each and every board, authority, commission or committee of the City of Duluth shall be limited to three consecutive full four year terms. Four-year terms to begin at the time of term expiration after 2012. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the City Council of the City of Duluth hereby ordains that the following members be reappointed to the Veteran Flag/Marker Committee and as a member is authorized to serve in said position unless a majority vote of Council removes such members.

New Appointment:

Alana Moss (Planning Commission) Expires 3/31/29 Term begin date: 2025

Reappointments:

Cathy Ramadei (Citizen) Expires 3/31/29 Term begin date: 2020

Michael Ashley (Citizen) Expires 3/31/29 Term begin date: 2022

Governing Body:

Marline Thomas (Council & Veteran) Expires 3/31/29 Term begin date: 2017

City Staff:

Audrey Turner

IT IS SO ORDAINED this _____ day of March 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

**ORDINANCE
CITY OF DULUTH
ZONING BOARD OF APPEALS APPOINTMENT**

WHEREAS, Pursuant to Section 1303.01 of the Duluth Unified Development Code, the Zoning Board of Appeals shall consist of five (5) members and one (1) alternate. All members must be residents of the city; or the owner or operator of a business located within the City of Duluth, provided the business is current in the payment of its City Occupational Tax and all other payments due to the City. One (1) member shall be on the Planning Commission. The five (5) members and the alternate member are to be appointed by the City Council. The term of office for members shall be four (4) years, said terms to be staggered, to begin on April 1 and end on March 31.

WHEREAS, Pursuant to Section 2-49 Term Limits for Board and Commissions (established 2012), service on each board, authority, commission or committee of the City of Duluth shall be limited to three (3) consecutive full four (4) year terms. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed as a members of the Zoning Board of Appeals and be authorized to serve in their positions for four-year terms unless a majority vote of Council removes such member(s). The compensation shall be \$25 per meeting for one (1) meeting per month.

New Appointments:

Joe Nunes	Expires 3/31/29	Term begin date: 2025
(filling unexpired term of Ken Wilson)		
Shafayet Ahmed (Alt)	Expires 3/31/29	Term begin date: 2025

Reappointments:

Catherine Stringer	Expires 3/31/29	Term begin date: 2024
Nitti Gajjar	Expires 3/31/29	Term begin date: 2021

Current Members:

Verdi Avila	Expires 3/31/27	Term begin date: 2015
William Latta	Expires 3/31/27	Term begin date: 2022

IT IS SO ORDAINED this _____ day of March 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk



51 Patrick Mill Road SW
Winder GA 30680
C 770-871-6489
BMartin@republicservices.com
www.republicservices.com

February 15, 2025

City of Duluth
c/o: Mr. James Riker
3167 Main Street
Duluth, GA 30096

RE: Rate Adjustment Notification 2025

James,

Please allow this letter to serve as notice of request for a **6%** rate adjustment to sanitation services provided to the City of Duluth from Republic Services effective May 1st, 2025 in the current franchise agreement. We are seeing a continued sequential increase in each index. The new rates for all services are enclosed.

The primary basis for the rate is given below:

YOY Analysis

CPI-U: 2.89%

WST (Water, Sewer, Trash): 5.23%

Garbage Trash: 4.26%

We are looking forward to 2025. Republic Services appreciates the City's business and the opportunity to work with the City of Duluth. If you have any questions, please do not hesitate to call me at 770-871-6489.

Best Regards,

Brad Martin
Republic Services
Municipal Services Manager – Northeast Georgia

cc: Teresa Lynn, City Clerk & Asst City Manager, Duluth



CITY of Duluth, GA

EXHIBIT C: Effective MAY 1st, 2025

Collection Service — RESIDENTIAL

- A. One (1) 95G rolling cart for household refuse and One (1) 95G rolling cart for recycling will be collected one time weekly:

\$307.82 annual amount each residential unit. The number of residential units will be updated on a monthly basis and included in subsequent invoice.

All waste and recycling collected curbside will be cart content only, residents with extra materials will need to contact Republic Services directly to arrange for pickup. Additional charges may apply.

- B. Additional (1) 95G rolling cart for household refuse:

\$152.64 annual amount each residential unit, additional cart cost to be invoiced directly to the individual customer.

- C. Additional (1) 95G rolling cart for household recycling:

\$152.64 annual amount each residential unit, additional cart cost to be invoiced directly to the individual customer.

- D. Once weekly route for bulk pickup, (limit 2 items):

\$68.90 per pick up, Invoiced upon occurrence to individual customer.

- E. Once weekly per household curbside collection of residential yard clippings (limit 10 bags per service week):

\$165.36 annual amount, Invoiced upon occurrence to individual customer.

Collection Service — COMMERCIAL

Frequency	1/week	2/week	3/week	4/week	5/week	6/week
Size						
2yd	\$ 88.74	\$ 172.51	\$ 262.16	\$ 347.75	\$ 433.77	\$ 523.42
4yd	\$ 117.27	\$ 228.20	\$ 343.67	\$ 460.48	\$ 574.14	\$ 688.25
6yd	\$ 147.15	\$ 285.26	\$ 427.90	\$ 577.75	\$ 715.41	\$ 860.31
8yd	\$ 174.31	\$ 339.60	\$ 517.54	\$ 685.52	\$ 854.87	\$ 1023.76
8yd (recycle)	\$ 151.80	\$ 296.38	\$ 448.19	\$ 592.77	\$ 737.35	\$ 881.94

Extra Pickup Charge = \$159.00 per lift

4yd EOW (Every other Week) Service = \$58.63

Collection Service — INDUSTRIAL Services

***Note: All services provided 'out of scope' will be priced solely at the discretion of the provider.**

A. Permanent hauling of compactors and roll off containers are as follows:

\$293.04 Haul Charge, \$68.90 per ton Disposal Charge

B. Temporary roll off containers for neighborhood clean ups allowed once per year, per neighborhood are as follows:

\$219.79 Haul Charge, \$53.00 per ton Disposal Charge

*All pricing contained in this exhibit is subject to price adjustments as provided in the Agreement terms, and, are all exclusive of taxes, host fees, fuel (FRF), environmental (ERF) and administrative fees which will be invoiced as separate line items as agreed upon by the City of Duluth and Republic Services.

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2025 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2025 ANNUAL BUDGET FOR THE CITY OF DULUTH, GEORGIA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF GEORGIA.

THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS, the City of Duluth, Georgia, has previously adopted a budget for the 2025 fiscal year as follows:

Total Revenues:	<u>105,931,270</u>
Operations Expenditures:	<u>48,205,154</u>
Capital Improvement Expenditures:	<u>57,726,116</u>
Total Expenditures:	<u>105,931,270</u>

For a balanced budget in compliance with the laws of the State of Georgia.

WHEREAS the City of Duluth Police Department received an insurance settlement of \$33,604.41 from a third-party insurance company for a police vehicle that was involved in an accident in which the other driver was determined to be at fault; and

WHEREAS staff is requesting that \$33,604 be added to the police vehicle capital project fund to be used to purchase a replacement vehicle; and

WHEREAS it is requested \$33,604 in insurance proceeds be added to Police Vehicles – Consolidated Vehicle Maintenance – Vehicles line item, included associated transfers; and

NOW THEREFORE, the City of Duluth 2025 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>105,964,874</u>
Operations Expenditures:	<u>48,238,758</u>
Capital Improvement Expenditures:	<u>57,726,116</u>
Total Expenditures:	<u>105,964,874</u>

IT IS SO ORDAINED this _____ day of _____, 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**ORDINANCE OF REZONING
02025-08
CITY OF DULUTH**

AN ORDINANCE GRANTING SPECIAL USE APPROVAL TO OPERATE A CONSTRUCTION CONTRACTORS, BUILDERS AND DEVELOPERS, WITH OUTDOOR STORAGE IN THE HC-A (HIGHWAY COMMERCIAL-AUTO DISTRICT) ZONING DISTRICT LOCATED ON A ± 5.72 ACRES PROPERTY IN LAND LOT 265 OF THE 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R6265 247 ADDRESSED AS 3570-B STE 101 BUFORD HWY, DULUTH, GEORGIA 30096. THE PROPERTY, GENERALLY KNOWN AS “3570-B STE 101 BUFORD HWY”, IS LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT “B”. THE ORDINANCE PROVIDES FOR FINDINGS, ESTABLISHES CONDITIONS OF APPROVAL AS SHOWN ON ATTACHED EXHIBIT “C”, PROVIDES FOR SEVERABILITY, REPEALS CONFLICTING ORDINANCES, ESTABLISHES AN EFFECTIVE DATE, AND IS FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the applicant, Gricelda Arizmendi has filed a complete application (SU2024-007) with the City of Duluth seeking Special Use approval to operate a Construction Contractors, Builders and Developers, with outdoor storage in the HC-A (Highway Commercial – Auto District); and

WHEREAS, per Article 11 of the Duluth Unified Development Code, a Special Use must be approved by the Governing Body; and

WHEREAS, the City of Duluth Planning Commission held a public hearing at the meeting of January 6, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At the January 6, 2024 meeting, the Planning Commission recommended approval with conditions as is set forth in the minutes of said meeting; and

WHEREAS, the City Council held a public hearing at the meeting of February 10, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, the City Council of the City of Duluth hereby ordains that the City of Duluth Unified Development Code is hereby amended as follows:

SECTION 1. FINDINGS.

Pursuant to Article 11 of the Duluth Unified Development Code, the City Council finds that it is appropriate to grant special use approval to the property, for the following reasons:

- A. The special use is suitable given the use and development of adjacent and nearby properties.
- B. The proposed special use is not anticipated to adversely affect the existing use or usability of adjoining or nearby properties.
- C. The proposed special use is not anticipated to cause an excessive or burdensome use of existing

streets, transportation facilities, utilities, or schools.

D. The Future Land-Use and Development section and supporting Character Area Map of FORWARDuluth (also known as the Comprehensive Plan, 2045) identifies the Character Area of this property as the Buford Highway South Corridor. Special Use approval to operate a “Construction Contractors, Builders and Developers” use, with outdoor storage in the HC-A (Highway Commercial-Auto District) zoning district is consistent with the spirit and intent of the Comprehensive Plan.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of ±5.72 acres and is legally described on Exhibit “B”, attached hereto. Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance or any Ordinance pertaining to the companion applications as identified above be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon approval by the City Council of the City of Duluth, Georgia.

SECTION 5. REPEALER.

All conflicting ordinances and conditions are hereby repealed and replaced with the conditions of approval set forth in this Ordinance 02025-08.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Conditions of Approval

Exhibit "D": Applicant's Responses to the Standards Governing Special Use Consideration

Exhibit "E": Public Notice

{Signatures on the following page}

IT IS SO ORDAINED this _____ day of _____ 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

Exhibit "A"
Maps
Location Map



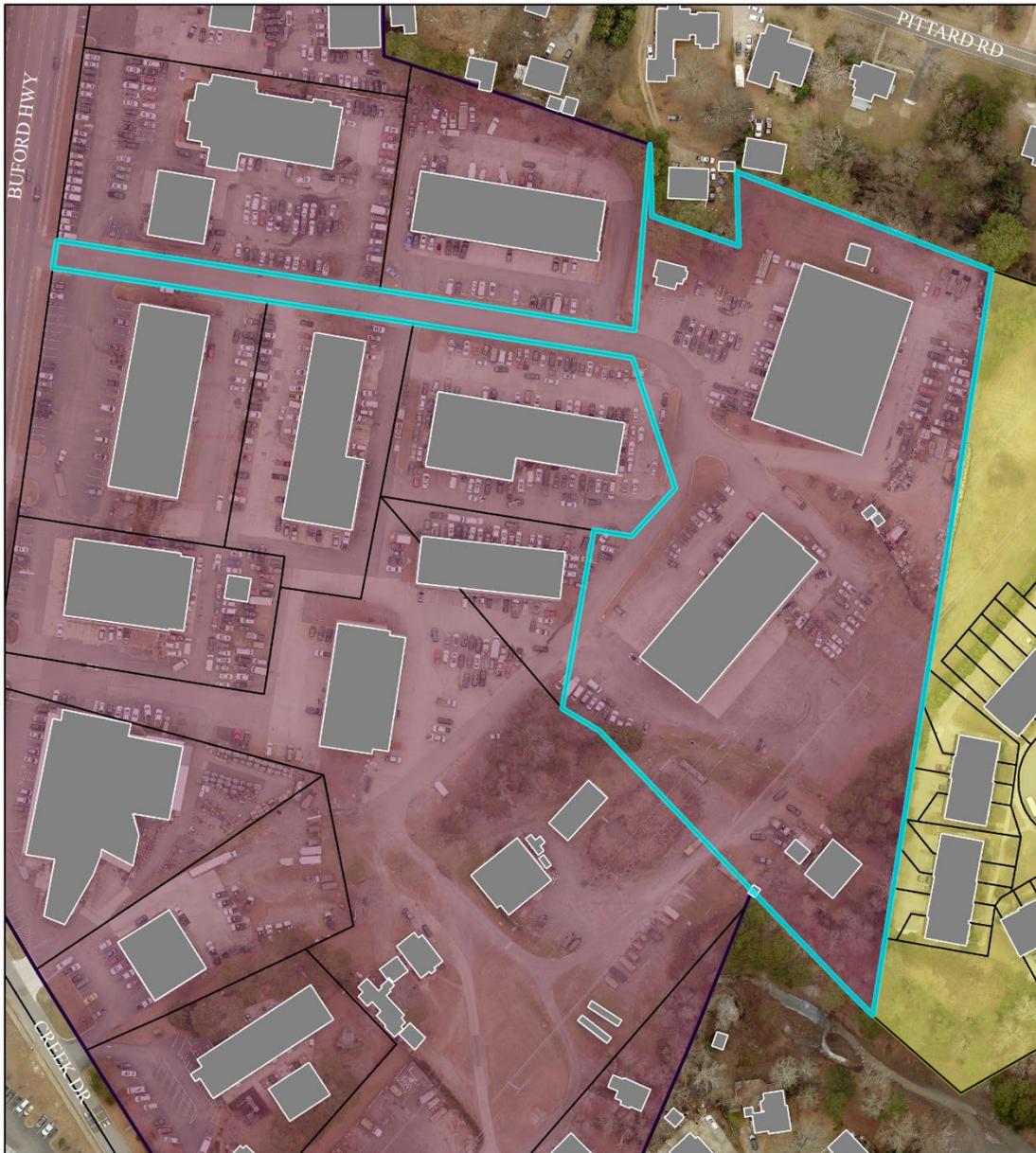
SU2024-007 MERRITT PROPERTIES INC		Planning Commission: January 6, 2025	
From: HC-A	To: HC-A	City Council: February 10, 2025	
City of Duluth Georgia Community Development & Engineering GIS		125 Feet	Tax Parcel(s): R6265 247

Zoning Map



SU2024-007 MERRITT PROPERTIES INC		Planning Commission: January 6, 2025		<ul style="list-style-type: none">HC-AR-75RM
From: HC-A	To: HC-A	City Council: February 10, 2025		
<p>City of Duluth Georgia Community Development & Engineering GIS</p>		<p>125 Feet</p>	<p>N</p>	
				Tax Parcel(s): R6265 247

Character Area Map



SU2024-007 MERRITT PROPERTIES INC		Planning Commission: January 6, 2025	<ul style="list-style-type: none"> Buford Highway South Corridor Established Neighborhoods
From: HC-A	To: HC-A	City Council: February 10, 2025	
 City of Duluth Georgia Community Development & Engineering GIS		Tax Parcel(s): R6265 247	125 Feet 

Exhibit "B" Legal Description

EXHIBIT "A"

TRACT 1:

All that tract or parcel of land lying and being in Land Lot 185 of the 6th Land District, in the City of Detroit, being Tract No. 1 containing 1.9028 acres, as shown on said certain Survey for Munit Proprietors dated August 9, 1907, but corrected September 20, 1908, prepared by Deane, Meek & Larnell, Surveyors & Engineers, Inc., Oil to R. H. Hester, O.S. # 1528, and being more particularly described according to said survey as follows:

TO LOCATE THE TRUE PLACE OR POINT OF BEGINNING, begin at a point on the westerly right of way line of U. S. Hwy. No. 23 (100 foot right of way), which point is located 448.86 feet southerly along the original right of way of U. S. Hwy. No. 23 from its point of intersection with the right of way line of Grand Road (100 foot right of way) thence leaving said right of way line of U. S. Hwy. No. 23 run South 81 degrees 17 minutes 04 seconds East a distance of 352.60 feet to a pole, which point marks the TRUE PLACE OR POINT OF BEGINNING.

FROM THE TRUE PLACE OR POINT OF BEGINNING AS TRUS ESTABLISHED run 8 onto North 07 degrees 55 minutes 45 seconds East a distance of 246.19 feet to a point marked by an iron pin set; run thence South 70 degrees 35 minutes 59 seconds East a distance of 170.70 feet to a point marked by an iron pin set; run thence South 71 degrees 13 minutes 30 seconds East a distance of 142.95 feet to a point marked by a 1/2-inch pipe stake; run thence South 01 degrees 32 minutes 04 seconds East a distance of 80.11 feet to a point marked by a 1/2-inch pipe stake; run thence South 07 degrees 57 minutes 17 seconds West a distance of 318.21 feet to a point marked by an iron pin set; run thence North 04 degrees 12 minutes 04 seconds West a distance of 278.54 feet to a point, which point marks the TRUE PLACE OR POINT OF BEGINNING.

TRACT 2:

All that part or parcel of land lying and being in and Lots 265 and 266 of the 6th Land District, in the City of Omaha, being Tract No. 2 containing 11,527 acres and Tract No. 1 containing 36,725 acres (see a tract of 15,252 acres), as shown on the certain Survey for Meritt Properties dated August 9, 2002, last revised September 21, 2002, prepared by Harwood, Meeker & Hagenell, Surveyors & Engineers, Inc., Miller E. Harwood, GELS V 1022, and being more particularly described according to said survey as follows:

BUTCHERBURY as a point on the northwesterly side of way thru of U.S. Hwy. No. 23 (100 foot right of way), which point is located 448.85 feet northerly along the original right of way of U.S. Hwy. No. 23 from its point of intersection with the right of way line of (Grand Road) (50 foot right of way); thence bearing said right of way line of U.S. Hwy. No. 23 run South 81 degrees 12 minutes 04 seconds East a distance of 352.80 feet to a point; run thence South 81 degrees 12 minutes 04 seconds East a distance of 278.54 feet to a point marked by an iron pipe; run thence North 87 degrees 57 minutes 17 seconds East a distance of 119.21 feet to a point marked by a 3/4 inch pipe found; run thence South 71 degrees 35 minutes 37 seconds East a distance of 59.87 feet to a point marked by a 3/4 inch pipe found; run thence North 81 degrees 23 minutes 17 seconds West a distance of 50.08 feet to a point marked by a 3/4 inch pipe found; run thence South 71 degrees 33 minutes 47 seconds East a distance of 299.26 feet to a point marked by a 1/2 inch pipe found; run thence South 10 degrees 00 minutes 00 seconds West a distance of 828.59 feet to a point marked by a 1/2 inch pipe found; run thence North 43 degrees 55 minutes 27 seconds West a distance of 176.42 feet to a point marked by a 1/2 inch pipe found; run thence South 23 degrees 23 minutes 21 seconds West a distance of 144.81 feet to a point; run thence South 41 degrees 12 minutes 41 seconds West a distance of 472.51 feet to a point located on the northwesterly right of way line of Creek Drive (50 foot right of way); run thence along said right of way line of Creek Drive in a generally northwesterly direction along the arc of a curve on the distance of 172.49 feet to a point said arc having a radius of 251.97 feet and being subtended by a chord bearing and distance of North 46 degrees 17 minutes 01 seconds West, 176.77 feet; proceeding along said right of way line North 22 degrees 14 minutes 47 seconds West a distance of 19.86 feet to a point marked by a 3/4 inch pipe found; thence bearing said right of way line run North 41 degrees 31 minutes 12 seconds East a distance of 298.23 feet to a point marked by a 1/2 inch pipe found; run thence North 43 degrees 53 minutes 55 seconds West a distance of 143.78 feet to a point marked by a 1/2 inch pipe found; run thence North 64 degrees 51 minutes 16 seconds East a distance of 34.42 feet to a point marked by a 1/2 inch pipe found; run thence North 10 degrees 19 minutes 22 seconds West a distance of 167.10 feet to a point marked by a 1/2 inch pipe found; run thence North 75 degrees 19 minutes 10 seconds West a distance of 357.61 feet to a point located on the northwesterly right of way line of U.S. Hwy. No. 23 (100 foot right of way); run thence along said right of way line of U.S. Hwy. No. 23 North 07 degrees 55 minutes 36 seconds East a distance of 43.11 feet to a point marked by a nail found; thence bearing said right of way line run South 81 degrees 32 minutes 06 seconds East a distance of 290.33 feet to a point marked by a 1/2 inch pipe found; run

thence North 87 degrees 56 minutes 02 seconds East a distance of 119.97 feet to a point 3/4 inch pipe found; run thence North 81 degrees 29 minutes 49 seconds West a distance of 67.42 feet to a point; run thence North 09 degrees 44 minutes 25 seconds East a distance of 268.90 feet to a point marked by a nail set; run thence North 31 degrees 13 minutes 04 seconds West a distance of 210.48 feet to a point located on the northwesterly right of way line of U.S. Hwy. No. 23 (100 foot right of way); run thence along said right of way line North 07 degrees 55 minutes 36 seconds West a distance of 250.00 feet to a point, which point is on the TRUNK LINE OF THE BUTCHERBURY

Exhibit "C"

Conditions of Approval

General

1. The Special Use (SU2024-007) is hereby approved for Gricelda Arizmendi, and their successors, for the operation of a Construction Contractors, Builders and Developers, with outdoor storage in the HC-A (Highway Commercial – Auto District). Notwithstanding, all Special Use applications shall be for firm proposals only. The Special Use shall not be used for securing early zoning for conceptual proposals that may not be undertaken for some time. Therefore, an occupational tax certificate shall be obtained within three (3) months from the date of Special Use approval. The Special Use shall be revoked if no occupational tax certificate is obtained.

Once established:

- A. If the use changes, the Special Use is hereby terminated.
 - B. If the use is discontinued or abandoned for a period of ninety (90) days, regardless of the intent of the owner or occupier to resume the use, the Special Use is hereby terminated.
 - C. If the use is extended in any way, either on the same or adjoining property, the Special Use is terminated.
2. The approval of the special use allows Gricelda Arizmendi, and their successors, to operate a Construction Contractors, Builders and Developers, with outdoor storage business. The approval does not, however, permit the deviation from the UDC as it relates to signage or lighting. Signage must follow Article 6, and includes but is not limited to Section 604. Any proposed lighting must be submitted for a lighting plan review to the Department of Community Development and Engineering.
 3. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code; Unified Development Code; License and Business Regulations; Nuisance Codes, and any other codes adopted by the City of Duluth. Failure to maintain the property at or above the minimum standards adopted in the City of Duluth codes and ordinance shall be cause for revocation of the Special Use.
 4. The privilege of a Special Use is subject to all conditions that have been attached to it.
 5. Outdoor storage shall be limited to construction vehicles in striped parking spaces only.

Exhibit "E"**Applicant's Response to the Standards Governing Special Use Consideration****A. How the proposed special use will allow a use that is suitable in view of the use and development of adjacent and nearby property.**

Adjacent and nearby properties are either a similar industrial use or will be screened from view by evergreen trees.

B. How the proposed special use will adversely affect the existing use or usability of adjacent or nearby property.

The proposed use will not adversely affect the adjacent or nearby property. They are similar uses or screened from view by evergreen trees.

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

The property has a reasonable economic use as currently zoned, which is for industrial and automotive uses.

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

The proposed use will not cause any excessive or burdensome use of existing streets, transportation facilities, utilities, or schools, as customers do not come to the location.

E. Whether the proposed special use is in conformity with the policy and interest of the Comprehensive Plan; Land Use Plan; transportation plans and other plans adopted for guiding development within the City of Duluth.

The proposed special use is in conformity with the policy and interest of the various plans guiding development within the City of Duluth, particularly the HC-A (Highway Commercial – Auto) zoning classification which is appropriate for industrial and automotive related uses.

F. Whether there is other existing or changing conditions affecting the use and give grounds for either approval or disapproval of the special use.

There are no other existing or changing conditions affecting the use. Grounds for approval include the current zoning, industrial nature of the property and zoning classification.

Exhibit "F"
Public Notice

CITY OF DULUTH
NOTICE OF PUBLIC HEARING

GDP1580
99n33
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING

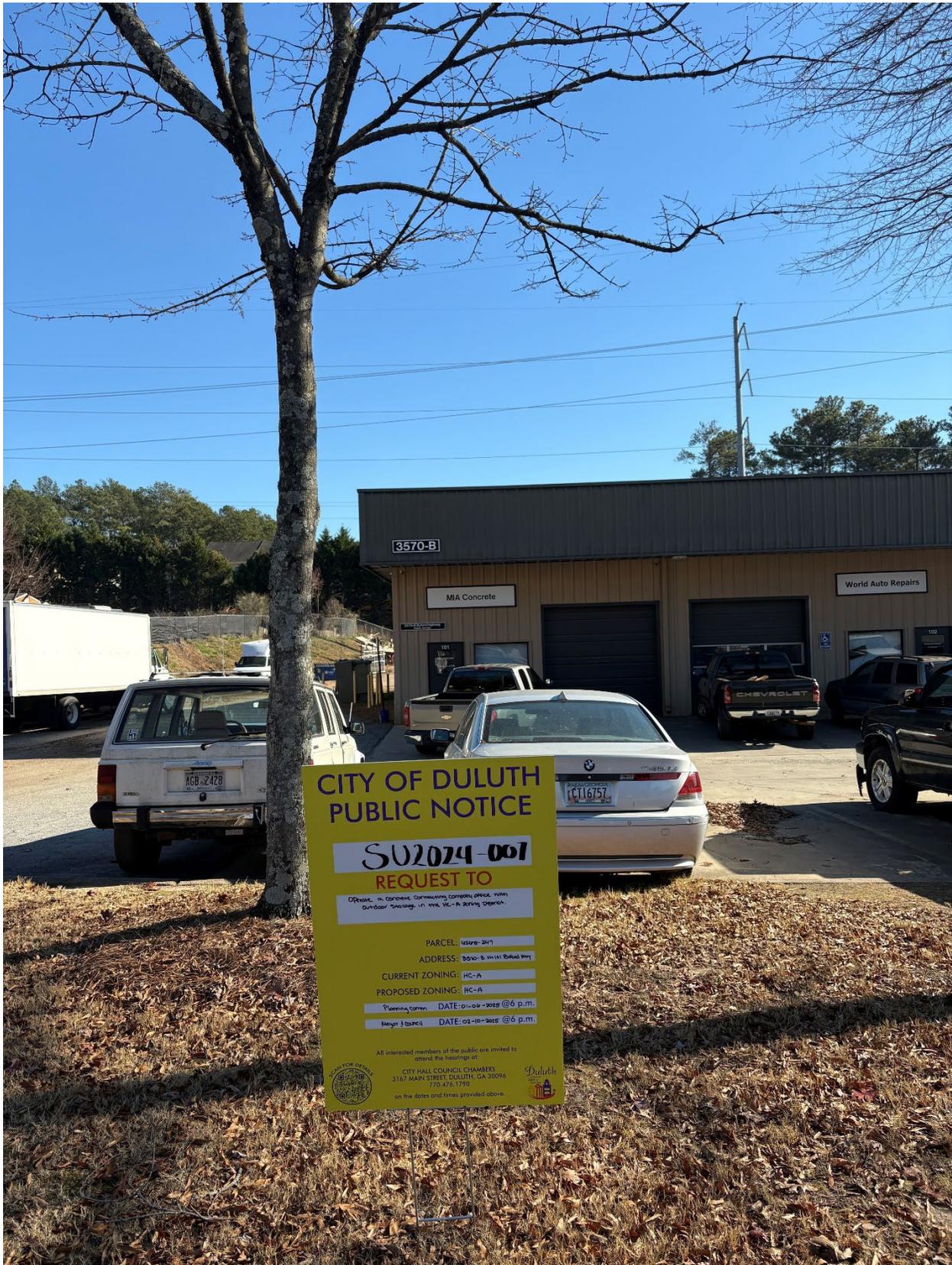
NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a special use request from Griselida Arizmendi, an approximately 5.72 acres of property in Land Lot 265, 6th District, Gwinnett County, located at 3570-B suite 101 Buford Highway, consisting of tax parcels 4365-247, case number SU2024-007. The special use request is to operate a concrete contracting company office with outdoor storage in the HC-A zoning District. The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The meeting date, place and time regarding this matter are as follows:

WHEN: February 18, 2025 - 6:00am
WHERE: City Hall Council Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to review the proposed special use, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:

City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR
Email: Planning@duluth-ga.net
For more information, contact Planning & Development, at (770) 476-1790.

In compliance with the Americans with Disabilities Act of 1990, the City of Duluth is committed to providing reasonable accommodations for a person with a disability. Please contact Teresa Lynn at (770) 476-3434 if special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.
1/19,2025



**CITY OF DULUTH
PUBLIC NOTICE**

**SU2024-001
REQUEST TO**

*Operate a concrete contracting company office with
outdoor storage in the HC-A zoning district.*

PARCEL: 4240-247

ADDRESS: 3570-B, 34161 Duluth Hwy

CURRENT ZONING: HC-A

PROPOSED ZONING: HC-A

Planning Comm. DATE: 10-04-2023 @ 6 p.m.

Mayor's Council DATE: 03-10-2025 @ 6 p.m.

All interested members of the public are invited to attend the hearing at:

CITY HALL COUNCIL CHAMBERS
3167 MAIN STREET, DULUTH, GA 31025
770-476-1790

on the dates and times provided above.

ORDINANCE NO. O2025-20

AN ORDINANCE FOR THE REZONING OF ± 7.91 ACRES OF PROPERTY IN LAND LOT 294, 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCELS R6294 496 and R6294 037 IS LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT “A”. THE ORDINANCE PROVIDES FOR FINDINGS, ESTABLISHES CONDITIONS OF APPROVAL AS SHOWN ON ATTACHED EXHIBIT “B”, PROVIDES FOR SEVERABILITY, REPEALS CONFLICTING ORDINANCES, ESTABLISHES AN EFFECTIVE DATE, AND IS FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the applicant, 4RNJ3, LLC, c/o Andrew Perry, Manager and the following property owner: Estate of Nelly Kate Beck have filed a complete application (Z2024-005) with the City of Duluth seeking a rezoning. Said rezoning plan includes, but is not limited to, the rezoning of ± 7.91 acres of property from R-100 (Single-Family Residential District) to PUD (Planned Unit Development District).

WHEREAS, per Article 11 of the Duluth Unified Development Code, a rezoning must be approved by the Governing Body; and

WHEREAS, the City of Duluth Planning Commission held a public hearing at the meeting of February 3, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At that meeting, the Planning Commission recommended approval with conditions of the rezoning as is set forth in the minutes of said meeting; and

WHEREAS, the City Council held a public hearing at the meeting of March 10, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

Pursuant to Article 11 of the Duluth Unified Development Code, the City Council finds that it is appropriate to rezone the property from R-100 (Single-Family Residential District) to PUD (Planned Unit Development District), for the following reasons:

- A. The rezoning is suitable given the use and development of adjacent and nearby properties.
- B. The proposed rezoning is not anticipated to adversely affect the existing use or usability of adjoining or nearby properties as conditions will be imposed on the development that address uses and intensities, architecture and design, landscape and screening, transportation and parking, roadways, stormwater facilities, street lighting and signage.
- C. The proposed rezoning is not anticipated to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- D. While every section of FORWARDuluth (Duluth Comprehensive Plan, 2045) is central to implementing the City’s vision and goals, the Character Areas and Future Land Use Maps are the most influential in terms of daily decision-making and land use changes.

The subject property is located within the Core Neighborhood District Character Area.

Ordinance No. O2025-20

FORWARDuluth envisions this Character Area to be denser, connected neighborhoods, easily accessible to Downtown through a system of trails, sidewalks and road connections, while capitalizing on existing traditional street fabric and opportunities for redevelopment and infill. The Future Land Use Map (FLUM) envisions this parcel as Low Density Residential with density between 1-6 units per acre.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of ± 7.91 acres and is legally described on Exhibit “A”, attached hereto. Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. CONDITIONS OF APPROVAL

Conditions of approval attached hereto as Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance or any Ordinance pertaining to the companion applications as identified above be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon approval by the City Council of the City of Duluth, Georgia.

SECTION 6. REPEALER.

All conflicting ordinances and conditions are hereby repealed and replaced with the conditions of approval set forth in this Ordinance, No. O2025-20.

ATTACHMENTS:

- Exhibit “A”: Legal Description
- Exhibit “B”: Conditions of Approval
- Exhibit “C”: Maps
- Exhibit “D”: Applicant’s Responses to the Standards Governing the Exercise of Zoning Power
- Exhibit “E”: Applicant’s Letter of Intent
- Exhibit “F”: Master Planned Development
- Exhibit “G”: Elevations
- Exhibit “H”: Public Hearing Advertisement/Public Notice

{Signatures on the Following Page}

Ordinance No. O2025-20

IT IS SO ORDAINED this 10th day of March, 2025.

Exhibit "A"
Legal Description

Exhibit "B"
Conditions of Approval

General

1. All conditions shall be shown on the final plat.
2. All requirements imposed under this Ordinance shall be the standards of the development regardless of any change in ownership.
3. The final plat shall include a note identifying that the City of Duluth has no responsibility to build, improve, maintain or otherwise service the private roads, drainage improvements and other appurtenances contained within the development.
4. The builder shall incorporate a purchaser's acknowledgement of private roads and drainage maintenance responsibilities within every purchase and sales agreement for lots or new homes within the development.
5. The residential development shall be subject to protective covenants of the homeowner association as approved by the Community Development and Engineering Department and recorded in the Gwinnett County Clerk of Court, prior to the issuance of any building permits. In the protective covenants, there shall be a restriction stating that no more than 10% of the residential units may be leased or rented.
6. The Builder shall not initially sell more than 5% of the residential dwellings to persons who do not intend to be owner occupants.
7. The Developer shall provide underground utilities (power, telecommunications, etc.) throughout the entire development. Utility meters, power transformers, air conditioner units, etc. shall be located in the rear of buildings and not visible from the road. Placement of utilities shall be designed to maximize the quality and quantity of landscaping visible from the street and in no case should utility placement be designed to limit opportunities for improved streetscape.
8. The subject properties shall be developed in accordance with the Master Concept Plan and all applicable exhibits except as modified by the conditions contained herein on file in the Department of Community Development and Engineering.

Uses and Intensities

9. The project shall be limited to a maximum of twenty-nine (29) single-family detached dwellings.
10. Minimum heated floor area shall be no less than 2,400 square feet.

Ordinance No. O2025-20

- 11.** All requirements imposed under this Ordinance shall meet or exceed the minimum standards of the Unified Development Code, unless modified by the conditions contained herein, regardless of any change in ownership.

Architecture and Neighborhood Design

- 12.** The buildings within the development shall be designed in general accordance with the elevations as shown in Exhibit "G" except as modified by the conditions contained herein by incorporating the following:
- a. All facades shall be designed to incorporate the following materials: brick, stone, cementitious siding, cedar shake, or a mixture thereof. Split-faced concrete block, vinyl, stucco, EIFS and metal siding shall be prohibited. All front, side and rear elevations shall be constructed with a brick or stone water table extending from the ground level of the main floor, no less than twenty-four inches (24") tall (this height requirement may be reduced by the Director of Community Development and Engineering).
 - b. No two adjacent units may have identical building elevations. Adjacent lots being side by side or facing the same street.
 - c. All homes shall have a two-car garage.
 - d. All garage doors shall have decorative design treatments. A variety of architectural features shall be incorporated throughout the development around garage doors to soften their appearance.
 - e. All dwellings shall incorporate front porches, stoops, awnings or balconies consistent with the architecture of the dwelling.
 - f. Front porches, stoops, awnings, balconies and other outdoor open-air spaces attached to the home may extend or overhang into the required front setback up to six (6) feet. The intent is to reduce the visual impact of garages as a predominate feature, increase the architectural uniqueness of the streetscape, and provide human interaction between the houses and the street.
 - g. Final building plans including elevations and materials for the development shall be submitted to and approved by the Community Development and Engineering Department.
- 13.** Residential driveways shall be scored and finished with appropriate joints, as determined by the Community Development and Engineering Department Director, that add to the aesthetic nature of the development and serve as a measure to prevent uncontrolled cracking and damage to the driveways.

Ordinance No. O2025-20

- 14.** Front-entry homes shall have a minimum twenty-two (22) foot driveway measured from the back edge of the sidewalk to the garage face. Driveways with no sidewalks bisecting them shall have a twenty-two (22) foot minimum driveway measured from the back edge of curb to the garage face.
- 15.** All retaining walls, as needed, shall be constructed of interlocking masonry block, brick or other decorative material as approved by the Community Development and Engineering Department. Gabion baskets and similar ecofriendly walls may be approved at the Director's discretion. Timber and other wooden walls are prohibited. All walls shall meet all City design standards and must be included in the site development plans. All walls over 3' in height require separate review and permitting.
- 16.** Roof equipment shall be screened from the road and adjacent property. The method of screening shall be integrated with the structure in terms of its architectural form, materials, color, shape and size. Ground mounted mechanical, HVAC and similar equipment shall be screened on all sides by dense landscaping or walls constructed of the principal material of the building and located so as not to be visible from the road and adjacent properties. Additional screening requirements, as identified in Section 306 of the Unified Development Code, shall be implemented to ensure adequate screening of equipment.
- 17.** An outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a development permit. Lighting plans shall include location, type, and operation of all exterior lighting on the site. Site lighting shall be maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring properties.
- 18.** Developer shall install a decorative stamped concrete crosswalk at the entrance to the development to increase the connectivity and safety of pedestrian infrastructure.
- 19.** The developer shall submit a Buffer and Landscape plan for review and approval by the Community Development and Engineering Department prior to the issuance of any development permits. Said landscape plan shall include:
 - h.** An enhanced buffer shall be established at the entrance of the subdivision. The buffer shall be a combination of evergreen trees and shrubs and deciduous trees.
 - i.** There shall be a minimum 15' enhanced buffer of evergreen trees and over-story trees between the project properties abutting the properties to the northeast and those abutting the southeast.

Ordinance No. O2025-20

- j. Appropriate street trees shall be planted in front of each house. Such trees shall be approved by the Community Development and Engineering Department prior to a Land Disturbance Permit.
- 20. Developer shall install decorative street lighting throughout the development. A lighting plan showing placement of lights and elevations of lighting equipment must be approved by the Community Development and Engineering Department prior to a Land Disturbance Permit is issued.
- 21. The developer shall install a 10' ADA compliant concrete paved walking trail and creek crossing with a 20' easement between the project property and Hall Circle. The HOA shall maintain the trail until its terminus on City Parcel R6293 083. The City shall grant a temporary construction easement to the developer for completion of the 10' concrete paved walking trail and creek crossing through City property at parcel R6293 083. Details of the trail and creek crossing shall be approved by the Community Development and Engineering Department prior to issuing a Land Disturbance Permit.
- 22. As part of the walking trail connecting the development to Hall Circle, the developer shall install lighting and conduit along the totality of the trail. Details of the lighting and conduit shall be approved by the Community Development and Engineering Department prior to issuing a Land Disturbance Permit.
- 23. The stormwater management area shall act as an amenity area with enhanced landscaping. A decorative fence shall be installed around the stormwater management area.
- 24. A master signage plan shall be submitted to and approved by the Community Development and Engineering Department prior to the issuance of any building permits.
- 25. The property shall be cleared of all trash and collections of illegal dumping throughout the site prior to the issuance of a Certificate of Occupancy.
- 26. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code, Unified Development Code, License and Business Regulations, Nuisance Codes and any other codes adopted by the City of Duluth.

Exhibit "C"
Maps
Location Map

Zoning Map

Character Area Map

Exhibit "D"

Applicant's Responses to the Standards Governing the Exercise of Zoning Power

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

There are a variety of housing types surrounding the proposed development. Immediately around the site are properties zoned PUD and RM. Within less than a mile of the land are town homes, apartment complexes and commercial ones. We are offering a mix of housing styles and sizes that are in line with the lower density properties which surround the site. As with developments we have completed in the past, the homes are situated as to provide protection of natural areas and tree buffers to neighbors.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Based on the proposed density, architectural plans and the streetscape we will provide, this property will not adversely affect the usability of adjacent and nearby properties. We feel our development will increase the value of the area based on price points, home styles and attractiveness.

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

The diminutive burden to traffic and schools of this 29-lot development will be outweighed by the overall quality of the project. The requested zoning is less intense than surrounding uses. Also, acceptable capacity of sewer and water facilities has been requested and will be added to this application during the period of staff review.

4. Whether the zoning proposal is consistent with the Land Use Policy Plan, Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Duluth.

The future land use definition of this property is low density residential. As defined in the 2024 Comprehensive Plan Draft, the density of 1-6 homes per acre describes a low-density residential tract. This property is providing density closer to 3.66 units per acre. Because of this, we believe the property fits exactly into the future land use plan with this rezoning request.

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

Ordinance No. O2025-20

This property has been owned by the same family for many years. It is one of the larger pieces of acreage that has not been rezoned or developed in the immediate area over the last decades. We are offering a use that is in line with the future land use plan and will complement the different and higher density zonings surrounding it.

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

The family that has owned the property for generations has decided to sell the property. As zoned, the incentive is lost for us or other developers to provide the family the highest and best value for the land. We are doing so with consideration of delivering quality product and lower density that could otherwise become of the land. Our intent is to use the timing and our willingness to benefit all parties involved.

Exhibit "E"
Applicant's Letter of Intent

3282 Davenport Road

Rezoning Plan for 4RNJ3, LLC

(Letter of Intent)

November 25th, 2024

We respectfully submit this zoning application for the property, defined by the legal description herein containing +/- 7.01 acres, to the zoning classification of PUD from its present zoning of R-100.

This development will consist of 29 home sites on approximately 7.91 acres. The property is currently owned by the Estate of Nellie Kate Beck. It is our intention to purchase, develop and final plat the lots to then build a mix of five and six-bedroom homes. Around ten percent of the acreage will remain open space, including walkable access to Hall Circle to the north of the site. The project will have a minimum lot size requirement of 6,500 SF and a minimum dwelling size of 2,400 heated SF. All the homes will have a minimum of two car garages and there will be a mix of front and side entry garages for the different homes.

The neighborhood will be pedestrian friendly, using pocket parks and sidewalks. It will be a community with spacious front and rear yards for the purpose of functional tree plantings and the restriction of on-street parking. All homes will have a mix of brick, fiber cement siding products, architectural style shingles and decorative trim. While landscaping plans will be designed and reviewed during the development permit stage, emphasis will be placed on thoughtful landscaped and irrigated entrances, stormwater facilities and pocket parks.

Gwinnett County Water Resources service this property for both water and sewer. A copy of the sewer capacity certification will be made part of this rezoning package. All power, phone and cable services to the community will be buried underground. Covenants will be established to control the type of fences, landscaping hardscapes and exterior improvements that can be visible throughout the community.

This development will improve the area that surrounds it. We will work closely with staff to provide an attractive mix of homes, streetscape and well-maintained landscaping. Our intent is to develop a community that will be similar or lower in overall density in comparison to neighboring properties. By rezoning this property, we will bring forth a fresh set of aesthetics and long-term attractiveness which will benefit surrounding neighbors and the City.

Thank you for your time.

Sincerely,



Andrew Perry
4RNJ3, LLC



**Exhibit “G”
Elevations**











Exhibit "H" Public Notice

**GDP2436
9913
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a rezoning request from ARNJJ, LLC/Andrew Perry on approximately 7.91 acres of property in Land Lot 294, 6th District, Gwinnett County, located at 3282 Davenport Road, consisting of tax parcels 6294-496, case number 23024-055. The request is to rezone from R-100 to PUD district to allow for the development of single-family homes. The public is invited to attend this hearing before the Mayor and Council on the proposed rezoning. The meeting date, place and time regarding this matter are as follows:

WHEN:
March 10, 2025 - 6:30pm
WHERE:
City Hall Council Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to review the proposed rezoning, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:

City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR
Email: Planning@duluth-ga.net

For more information, contact Planning & Development, at (770)476-1799.

In compliance with the Americans with Disabilities Act of 1990, the City of Duluth is committed to providing reasonable accommodations for a person with a disability. Please contact Teresa Lynn at (770) 476-3434 if special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.
2/23,2025



CITY OF DULUTH
Mayor and Council
 Staff Report
 March 10, 2025

CASE NUMBER:	Z2024-005
LOCATION:	3282 Davenport Road
PARCEL(S):	R6264 496 and R6264 037
CURRENT ZONING:	R-100 (Single-Family Residential District)
PROPOSED ZONING:	PUD (Planned Unit Development)
ACREAGE:	+/- 7.91 acres
REQUEST:	Approval of a Rezoning from R-100 (Single-Family Residential District) to PUD (Planned Unit Development) to allow for a single-family detached residential subdivision.
OWNER/APPLICANT:	Estate of Nelly Kate Beck 3282 Davenport Road 4RNJ3, LLC Andrew Perry, Manager PO Box 720314 Atlanta, GA 30358

STAFF RECOMMENDATION Z2024-005:	Approval with Conditions
PLANNING COMMISSION RECOMMENDATION	Approval with Conditions

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of the rezoning request (Z2024-005) is to rezone the current parcel from R-100 (Single-Family Residential District) to PUD (Planned Unit Development) to allow for a single-family detached residential subdivision.

Maps detailing the location, zoning district and character area of the subject property are attached hereto as Exhibit "A". The legal description of the subject property is attached hereto as Exhibit "B". Recommended conditions of approval are detailed in Exhibit "C". Applicant's Responses to the Standards Governing Special Use Consideration are provided in Exhibit "D". Applicant's Letter of Intent is provided in Exhibit "E". The Master Plan is located in Exhibit "F".

In order for the applicant to achieve their desired land use on the subject property, they are required to rezone the subject property.

II. EXISTING CONDITIONS

The subject property totals +/- 7.91 acres and currently has a single-family house on tax parcel R6264 037. Tax parcel R6264 037 is currently undeveloped. The subject property abuts a residential Planned Unit Development (PUD) to the north called Windsor Gate. Properties to the east are currently zoned R-75 (Single-Family Residential District) and are part of the Hall Circle neighborhood. The three parcels to the immediate west are zoned R-100 (Single-Family Residential District) with each containing a single-family home. Across Davenport Road the properties are zoned RM (Residential Multi-family District) containing duplexes. The property to the south is zoned R-100 (Single-Family Residential District). It is currently undeveloped with much of the property in a utility easement.

III. REVIEW OF THE REQUEST

1. Literal Interpretation of the Unified Development Code (UDC)

- A. Section 1101.02 of the UDC states if a proposed use is not allowed by right under the existing zoning on a property, a request for an amendment to the Official Zoning Map (often called a “rezoning”) must be approved prior to development, construction, or occupancy. In addition, a zoning change for approval of a subdivision, multi-family, or nonresidential project must include a subdivision sketch plan, preliminary site development plan, or PUD master concept plan as applicable, showing the proposed layout of the project. The master concept plan can be found in Attachment “F”.

2. Standards Governing the Exercise of Zoning Power

Section 1104.02 of the UDC establishes the standards governing the exercise of zoning power. The following standards are relevant in balancing the interest and promoting the public health, safety, morality, and general welfare against the right to the unrestricted use of property:

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- C. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- D. Whether the zoning proposal is consistent with the Land Use Policy Plan, Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Duluth.
- E. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

The Applicant has provided written responses to the above Rezoning Standards as part of the application. Those documents are attached hereto as Exhibit “E”.

3. Literal Interpretation of FORWARDuluth, Plan 2045 (Comprehensive Plan)

The subject property is located in the Core Neighborhood District Character Area. FORWARDuluth envisions this Character Area to be denser, connected

neighborhoods, easily accessible to Downtown through a system of trails, sidewalks and road connections, while capitalizing on existing traditional street fabric and opportunities for redevelopment and infill. The Future Land Use Map (FLUM) envisions this parcel as Low Density Residential with density between 1-6 units per acre.

IV. PLANNING STAFF REVIEW

Density

The Planned Unit Development application is requesting 29 single-family lots on 7.91 acres which yields a density of 3.67 lots per acre. This yield is a slight increase compared to the 3 units per acre that are allowed by right in R-100 (Single-Family Residential District). In order to get this density over 7.91 acres the applicant is requesting a narrower lot. Currently the City of Duluth's most narrow single-family lot is in the R-75 (Single-Family Residential District), which requires a 75' wide lot. The applicant is requesting a reduction of lot width to a minimum of 55.99'. The smallest parcel within the development will be +/- 6,056.23 sq ft. and the largest lot 18023.11 sq ft. The proposed average lot size is 8022.79 sq ft.

Walkability

The proposed development will be +/- .3 miles to Buford Highway along Davenport Road. There is now access to downtown with the enhanced Rail Road Crossing at Davenport Road, which would allow residents of the proposed development access to downtown from Main Street via Davenport Road. City Hall is less than $\frac{3}{4}$ of a mile from the entrance of the proposed development.

The applicant is also proposing a trail connecting the northeast corner of the development to Hall circle via a walking trail. The connection to Hall circle will allow residents of this development to access Buford Highway via Fox Street or Duluth Highway. It will also allow residents access to the Marlowe project's public amenity which features an ADA accessible walking trail around a stormwater pond, though the ADA accessibility is not off of Hall Circle.

Landscaping

It is staff's opinion that a key feature of this development would be a lush landscape plan fronting Davenport Road. The landscape plan should enhance the buffer between Davenport Road and the subject property. The buffer should incorporate a mix of region appropriate evergreen trees and shrubs along with a mix of native

deciduous trees. This mix of deciduous trees should incorporate small, medium and large canopy trees throughout the site. This enhanced buffer is in addition to the required 224.16 Tree Density Units for the entire site. An approved landscape plan shall be reviewed and approved prior to development.

Open Space

The applicant is proposing 32,626 acres of open space an area equal to 10.56% of the entire site. This fulfills the requirement set forth in the Unified Development Code (UDC) which states that a minimum of 10% of the gross area of the site shall be retained in common open space that is required to be deeded as a separate tract to an Owners Association and shall forever remain as open space. There is no programing proposed for the open space sites.

In addition to the 32,626 square feet of unprogrammed open space, there is a stormwater management parcel equal to 32,055.76 sq ft. This parcel will be the site for the stormwater infrastructure but will also serve as the walking trail between this development and Hall circle making it an amenity to the entire area and a pedestrian connection point between Davenport Road and Fox Street. Staff has requested that the developer keep this area as an amenity area, which would mean that the stormwater facility be fenced with a decorative fence and planted (with an approved planting plan) around the entirety of the fence (less the maintenance gate).

The applicant is proposing a 10' Hand Laid Mulch Trail in a 20' Access Easement that follows the Stormwater Management Area. Staff will require a 10' paved trail connecting this development to the Hall Circle Neighborhood.

V. RECOMMENDATION

Planning staff recommends **Approval with Conditions** of case Z2024-005. Planning Commission recommends **Approval with Conditions**.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Conditions of Approval

Exhibit "D": Applicant's Response to the Standards Governing Exercise of Zoning
Power

Exhibit "E": Applicant's Letter of Intent

Exhibit "F": Master Planned Development

Exhibit "G": Elevations

Exhibit "H": Public Hearing Advertisement/Public Notice

Exhibit "A"
Maps
Location Map



Z2024-005 BECK NELLIE M		Planning Commission: February 3, 2025	<ul style="list-style-type: none"> — Streets Address Outline Parcel
From: R-100	To: PUD	City Council: March 10, 2025	
 City of Duluth Georgia Community Development & Engineering GIS		100 Feet  N 	Tax Parcel(s): R6264 037 R6264 496

Zoning Map



Z2024-005 BECK NELLIE M		Planning Commission: February 3, 2025	<ul style="list-style-type: none"> PUD R-100 R-75 RM
From: R-100	To: PUD	City Council: March 10, 2025	
 City of Duluth Georgia Community Development & Engineering GIS		100 Feet 	Tax Parcel(s): R6264 037 R6264 496

Character Map



Z2024-005 BECK NELLIE M		Planning Commission: February 3, 2025	Core  Neighborhood District  Established Neighborhoods
From: R-100	To: PUD	City Council: March 10, 2025	
 City of Duluth Georgia Community Development & Engineering GIS		100 Feet 	Tax Parcel(s): R6264 037 R6264 496

Exhibit "B"
Legal Description

LEGAL DESCRIPTION – 3282 DAVENPORT RD – OVERALL BOUNDARY – 7.91 ACRES

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 264 of the 6th District of Gwinnett County, Georgia and being more particularly described as follows:

COMMENCING at a point located at the common intersection of land lots 264/265/292/293, proceed North 59°01'07" East a distance of 726.45' to a point (Iron Pin Found, 2" Open-Top Pipe), said point being the True Point of beginning.

THENCE, from said Point of Beginning thus established, proceed, North 58°57'59" East, a distance of 294.45 feet to a point (Iron Pin Found, Iron Bar in a 33" Oak); Thence proceed, North 60°57'37" East, a distance of 378.94 feet to a point (Iron Pin Found, 1" Open-Top Pipe); Thence proceed, South 30°57'30" East, a distance of 460.00 feet to a point (Iron Pin Set, Capped Rebar); Thence proceed, South 59°42'54" West, a distance of 815.80 feet to a point (Iron Pin Set, Capped Rebar) located at the Northeasterly right-of-way of Davenport Rd (50'R/W); Thence proceed along a curve to the left having a radius of 340.00 feet a distance of 206.74 feet along an arc (said curve being subtended by a chord bearing of North 43°36'46" West and a chord distance of 203.57 feet); Thence proceed, North 61°01'57" West, a distance of 4.94 feet to a point (Iron Pin Set, Capped Rebar); Thence, leaving said right-of-way of Davenport Rd proceed, North 59°37'58" East, a distance of 189.21 feet to a point (Iron Pin Found, #8 Rebar); Thence proceed, North 30°51'45" West, a distance of 261.76 feet to a point (Iron Pin Found, 2" Open-Top Pipe), said point being the TRUE POINT OF BEGINNING.

Tract described herein containing 7.91 acres of land (344,499.27 Square feet), more or less, as shown on a Boundary Retracement Survey by Frontline Surveying & Mapping, Inc., job number 83955 dated 10/30/24, also being known 3282 according to the current system of numbering in Gwinnett County, Georgia.

Exhibit "C"**Conditions of Approval****General**

1. All conditions shall be shown on the final plat.
2. All requirements imposed under this Ordinance shall be the standards of the development regardless of any change in ownership.
3. The final plat shall include a note identifying that the City of Duluth has no responsibility to build, improve, maintain or otherwise service the private roads, drainage improvements and other appurtenances contained within the development.
4. The builder shall incorporate a purchaser's acknowledgement of private roads and drainage maintenance responsibilities within every purchase and sales agreement for lots or new homes within the development.
5. The residential development shall be subject to protective covenants of the homeowner association as approved by the Community Development and Engineering Department and recorded in the Gwinnett County Clerk of Court, prior to the issuance of any building permits. In the protective covenants, there shall be a restriction stating that no more than 10% of the residential units may be leased or rented.
6. The Builder shall not initially sell more than 5% of the residential dwellings to persons who do not intend to be owner occupants.
7. The Developer shall provide underground utilities (power, telecommunications, etc.) throughout the entire development. Utility meters, power transformers, air conditioner units, etc. shall be located in the rear of buildings and not visible from the road. Placement of utilities shall be designed to maximize the quality and quantity of landscaping visible from the street and in no case should utility placement be designed to limit opportunities for improved streetscape.

8. The subject properties shall be developed in accordance with the Master Concept Plan and all applicable exhibits except as modified by the conditions contained herein on file in the Department of Community Development and Engineering.

Uses and Intensities

9. The project shall be limited to a maximum of twenty-nine (29) single-family detached dwellings.
10. Minimum heated floor area shall be no less than 2,400 square feet.
11. All requirements imposed under this Ordinance shall meet or exceed the minimum standards of the Unified Development Code, unless modified by the conditions contained herein, regardless of any change in ownership.

Architecture and Neighborhood Design

12. The buildings within the development shall be designed in general accordance with the elevations as shown in Exhibit "G" except as modified by the conditions contained herein by incorporating the following:
 - a. All facades shall be designed to incorporate the following materials: brick, stone, cementitious siding, cedar shake, or a mixture thereof. Split-faced concrete block, vinyl, stucco, EIFS and metal siding shall be prohibited. All front, side and rear elevations shall be constructed with a brick or stone water table extending from the ground level of the main floor, no less than twenty-four inches (24") tall (this height requirement may be reduced by the Director of Community Development and Engineering).
 - b. No two adjacent units may have identical building elevations. Adjacent lots being side by side or facing the same street.
 - c. All homes shall have a two-car garage.
 - d. All garage doors shall have decorative design treatments. A variety of architectural features shall be incorporated throughout the development around garage doors to soften their appearance.

- e. All dwellings shall incorporate front porches, stoops, awnings or balconies consistent with the architecture of the dwelling.
 - f. Front porches, stoops, awnings, balconies and other outdoor open-air spaces attached to the home may extend or overhang into the required front setback up to six (6) feet. The intent is to reduce the visual impact of garages as a predominate feature, increase the architectural uniqueness of the streetscape, and provide human interaction between the houses and the street.
 - g. Final building plans including elevations and materials for the development shall be submitted to and approved by the Community Development and Engineering Department.
- 13.** Residential driveways shall be scored and finished with appropriate joints, as determined by the Community Development and Engineering Department Director, that add to the aesthetic nature of the development and serve as a measure to prevent uncontrolled cracking and damage to the driveways.
- 14.** Front-entry homes shall have a minimum twenty-two (22) foot driveway measured from the back edge of the sidewalk to the garage face. Driveways with no sidewalks bisecting them shall have a twenty-two (22) foot minimum driveway measured from the back edge of curb to the garage face.
- 15.** All retaining walls, as needed, shall be constructed of interlocking masonry block, brick or other decorative material as approved by the Community Development and Engineering Department. Gabion baskets and similar ecofriendly walls may be approved at the Director's discretion. Timber and other wooden walls are prohibited. All walls shall meet all City design standards and must be included in the site development plans. All walls over 3' in height require separate review and permitting.
- 16.** Roof equipment shall be screened from the road and adjacent property. The method of screening shall be integrated with the structure in terms of its architectural form, materials, color, shape and size. Ground mounted mechanical, HVAC and similar equipment shall be screened on all sides by dense landscaping or walls constructed of the principal material of the building and located so as not to be visible from the road and adjacent properties. Additional screening requirements, as identified in Section 306 of the Unified Development Code, shall be implemented to ensure adequate screening of equipment.

- 17.** An outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a development permit. Lighting plans shall include location, type, and operation of all exterior lighting on the site. Site lighting shall be maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring properties.
- 18.** Developer shall install a decorative stamped concrete crosswalk at the entrance to the development to increase the connectivity and safety of pedestrian infrastructure.
- 19.** The developer shall submit a Buffer and Landscape plan for review and approval by the Community Development and Engineering Department prior to the issuance of any development permits. Said landscape plan shall include:
- a. An enhanced buffer shall be established at the entrance of the subdivision. The buffer shall be a combination of evergreen trees and shrubs and deciduous trees.
 - b. There shall be a minimum 15' enhanced buffer of evergreen trees and over-story trees between the project properties abutting the properties to the northeast and those abutting the southeast.
 - c. Appropriate street trees shall be planted in front of each house. Such trees shall be approved by the Community Development and Engineering Department prior to a Land Disturbance Permit.
- 20.** Developer shall install decorative street lighting throughout the development. A lighting plan showing placement of lights and elevations of lighting equipment must be approved by the Community Development and Engineering Department prior to a Land Disturbance Permit is issued.
- 21.** The developer shall install a 10' ADA compliant concrete paved walking trail and creek crossing with a 20' easement between the project property and Hall Circle. The HOA shall maintain the trail until its terminus on City Parcel R6293 083. The City shall grant a temporary construction easement to the developer for completion of the 10' concrete paved walking trail and creek crossing through City property at parcel R6293 083. Details of the trail and creek crossing shall be approved by the Community Development and Engineering Department prior to issuing a Land Disturbance Permit.

- 22.** As part of the walking trail connecting the development to Hall Circle, the developer shall install lighting and conduit along the totality of the trail. Details of the lighting and conduit shall be approved by the Community Development and Engineering Department prior to issuing a Land Disturbance Permit.
- 23.** The stormwater management area shall act as an amenity area with enhanced landscaping. A decorative fence shall be installed around the stormwater management area.
- 24.** A master signage plan shall be submitted to and approved by the Community Development and Engineering Department prior to the issuance of any building permits.
- 25.** The property shall be cleared of all trash and collections of illegal dumping throughout the site prior to the issuance of a Certificate of Occupancy.
- 26.** The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code, Unified Development Code, License and Business Regulations, Nuisance Codes and any other codes adopted by the City of Duluth.

Exhibit "D"

Applicant's Response to the Standards Governing Exercise of Zoning Power

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

There are a variety of housing types surrounding the proposed development. Immediately around the site are properties zoned PUD and RM. Within less than a mile of the land are town homes, apartment complexes and commercial ones. We are offering a mix of housing styles and sizes that are in line with the lower density properties which surround the site. As with developments we have completed in the past, the homes are situated as to provide protection of natural areas and tree buffers to neighbors.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Based on the proposed density, architectural plans and the streetscape we will provide, this property will not adversely affect the usability of adjacent and nearby properties. We feel our development will increase the value of the area based on price points, home styles and attractiveness.

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

The diminutive burden to traffic and schools of this 29-lot development will be outweighed by the overall quality of the project. The requested zoning is less intense than surrounding uses. Also, acceptable capacity of sewer and water facilities has been requested and will be added to this application during the period of staff review.

4. Whether the zoning proposal is consistent with the Land Use Policy Plan, Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Duluth.

The future land use definition of this property is low density residential. As defined in the 2024 Comprehensive Plan Draft, the density of 1-6 homes per acre describes a low-density residential tract. This property is providing density closer to 3.66 units per acre. Because of this, we believe the property fits exactly into the future land use plan with this rezoning request.

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

This property has been owned by the same family for many years. It is one of the larger pieces of acreage that has not been rezoned or developed in the immediate area over the last decades. We are offering a use that is in line with the future land use plan and will complement the different and higher density zonings surrounding it.

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

The family that has owned the property for generations has decided to sell the property. As zoned, the incentive is lost for us or other developers to provide the family the highest and best value for the land. We are doing so with consideration of delivering quality product and lower density that could otherwise become of the land. Our intent is to use the timing and our willingness to benefit all parties involved.

3282 Davenport Road

Rezoning Plan for 4RNJ3, LLC

(Section 4 – Applicant Response to Zoning Questions)

November 25th, 2024

1. There are a variety of housing types surrounding the proposed development. Immediately around the site are properties zoned PUD and RM. Within less than a mile of the land are town homes, apartment complexes and commercial nodes. We are offering a mix of housing styles and sizes that are in line with the lower density properties which surround the site. As with developments we have completed in the past, the homes are situated as to provide protection of natural areas and tree buffers to neighbors.
2. Based on the proposed density, architectural plans and the streetscape we will provide, this property will not adversely affect the usability of adjacent and nearby properties. We feel our development will increase the value of the area based on price points, home styles and attractiveness.
3. The diminutive burden to traffic and schools of this 29-lot development will be outweighed by the overall quality of the project. The requested zoning is less intense than surrounding uses. Also, acceptable capacity of sewer and water facilities has been requested and will be added to this application during the period of staff review.
4. The future land use definition of this property is low density residential. As defined in the 2024 Comprehensive Plan Draft, the density of 1-6 homes per acre describes a low-density residential tract. This property is providing density closer to 3.66 units per acre. Because of this, we believe the property fits exactly into the future land use plan with this rezoning request.
5. This property has been owned by the same family for many years. It is one of the larger pieces of acreage that has not been rezoned or developed in the immediate area over the last decades. We are offering a use that is in line with the future land use plan and will complement the different and higher density zonings surrounding it.
6. The family that has owned the property for generations has decided to sell the property. As zoned, the incentive is lost for us or other developers to provide the family the highest and best value for the land. We are doing so with consideration of delivering quality product and lower density that could otherwise become of the land. Our intent is to use the timing and our willingness to benefit all parties involved.

Sincerely,



Andrew Perry



Exhibit "E"
Applicant's Letter of Intent

3282 Davenport Road

**Rezoning Plan for 4RNJ3, LLC
(Letter of Intent)
November 25th, 2024**

We respectfully submit this zoning application for the property, defined by the legal description herein containing +/- 7.01 acres, to the zoning classification of PUD from its present zoning of R-100.

This development will consist of 29 home sites on approximately 7.91 acres. The property is currently owned by the Estate of Nellie Kate Beck. It is our intention to purchase, develop and final plat the lots to then build a mix of five and six-bedroom homes. Around ten percent of the acreage will remain open space, including walkable access to Hall Circle to the north of the site. The project will have a minimum lot size requirement of 6,500 SF and a minimum dwelling size of 2,400 heated SF. All the homes will have a minimum of two car garages and there will be a mix of front and side entry garages for the different homes.

The neighborhood will be pedestrian friendly, using pocket parks and sidewalks. It will be a community with spacious front and rear yards for the purpose of functional tree plantings and the restriction of on-street parking. All homes will have a mix of brick, fiber cement siding products, architectural style shingles and decorative trim. While landscaping plans will be designed and reviewed during the development permit stage, emphasis will be placed on thoughtful landscaped and irrigated entrances, stormwater facilities and pocket parks.

Gwinnett County Water Resources service this property for both water and sewer. A copy of the sewer capacity certification will be made part of this rezoning package. All power, phone and cable services to the community will be buried underground. Covenants will be established to control the type of fences, landscaping hardscapes and exterior improvements that can be visible throughout the community.

This development will improve the area that surrounds it. We will work closely with staff to provide an attractive mix of homes, streetscape and well-maintained landscaping. Our intent is to develop a community that will be similar or lower in overall density in comparison to neighboring properties. By rezoning this property, we will bring forth a fresh set of aesthetics and long-term attractiveness which will benefit surrounding neighbors and the City.

Thank you for your time.

Sincerely,



Andrew Perry
4RNJ3, LLC



Exhibit "G"
Elevations



















Exhibit "G" Public Notice

Public Notice Printed in Gwinnett Daily Post 2/19/2025

**GDP3636
88913
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a rezoning request from 4R(N)3, LLC/Andrew Perry on approximately 7.91 acres of property in Land Lot 294, 6th District, Gwinnett County, located at 3282 Davenport Road, consisting of tax parcels 6294-496, case number Z2024-005. The request is to rezone from R-100 to PUD district to allow for the development of single-family homes. The public is invited to attend this hearing before the Mayor and Council on the proposed rezoning. The meeting date, place and time regarding this matter are as follows:

WHEN:
March 10, 2025 - 6:00pm
WHERE:
City Hall Council Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to review the proposed rezoning, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:

City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR
Email: Planning@duluth-ga.net

For more information, contact Planning & Development, at (770)476-1799.

In compliance with the Americans with Disabilities Act of 1990, the City of Duluth is committed to providing reasonable accommodations for a person with a disability. Please contact Teresa Lynn at (770) 476-3434 if special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.
2/23, 2025

