



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

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

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

AUGUST 11, 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

1. UPCOMING EVENTS – www.duluthga.net/events for detailed information

Duluth “Wednesday Flavors on Main” – Wednesdays 8/13, 8/20, 8/27, 9/3

Duluth “Parsons Thursday Nights Out” – 8/14, 8/21, 8/28, 9/4

PLEASE NOTE: This and other City meetings may be audio and/or videotaped for broadcast, transcription and/or archival purposes. As set forth in the Americans with Disabilities act (ADA) of 1990, the City of Duluth government does not discriminate on the basis of disability in the admission or access to or treatment of employment in its programs or activities, and complies with the requirements contained in section 35.107 of the Department of Justice regulations. All agenda packets may be converted to WCAG 2.0 compatibility format by emailing agenda@duluthga.net. In addition, any requests for reasonable accommodations required by individuals to fully participate in any open meeting, program, or activity of the City of Duluth government should be made seven days prior to the event. Direct inquiries to the ADA Coordinator in the City Clerk office, located at 3167 Main Street, Duluth, GA. 30096, or by telephone at 770.476.3434.

Duluth "Rock the Block: Live and Loud Fridays" – 8/15, 8/22, 8/29, 9/5
Duluth "Live" – Fridays 8/15, 8/22, 8/29, 9/5 and Saturdays 8/16, 8/23, 8/30, 9/6
Eddie Owen Presents "Nashville Nation" – 8/15
Eddie Owen Presents "Pet Sounds Live" – 8/16
Eddie Owen Presents "David Ryan Harris" – 8/22
Co-Sponsored: SoFried's Words & Rhythms Poetry Day Festival – 8/23
Eddie Owen Presents "The Ridibund Chamber Music Society" – 8/24
Peach State Cornhole Fall leagues – Tuesdays/Thursdays starting 8/26
Eddie Owen Presents "MaMuse" – 8/29
Duluth "Viva Las Duluth" – 8/30
Eddie Owen Presents "In the Round" – 8/30
Eddie Owen Presents "Fire Lake: A Tribute to Bob Segar" – 8/31
Eddie Owen Presents "Jazz Legacy Project: Billy Strayhorn" – 9/3
Eddie Owen Presents "Max Gomez and Shannon McNally" – 9/4
DFAL Art Walk – 9/5
Eddie Owen Presents "Becky Buller Band Album Release Tour" – 9/6
Duluth "Farmers & Artisan Market"(Sept -November) 9/7, 9/21, 10/5, 10/19, 11/2, 11/16

IV. MATTERS FROM CITIZENS

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

V. CONSENT AGENDA

1. ORD TO AMEND FY26 BUDGET \$1,000,000- STORMWATER

At the July 28 council work session, staff gave an update on recent critical infrastructure repairs involving two neighborhoods. Based on the staff report, the council approved the transfer of \$1,000,000 from the General Fund to the Stormwater Utility Fund to address these stormwater system repairs. Approval of this item authorizes ordinance BA-FY26-03 to amend the FY26 budget as presented.

2. APPROVAL OF AMENDED PURCHASING POLICY

At the July 28 council work session, staff presented an updated purchasing policy based on Georgia HB 137 - Public Works Bidding Threshold which increased the limit for formal bidding of Public Works construction contracts from \$100,000 to \$250,000. The Purchasing & Accounts Payable Policies & Procedures was updated to include a category for purchases over \$99,999 but less than \$250,000. Approval of this item adopts the updated purchasing policy as presented.

3. ORDINANCE TO APPOINT DPAC MEMBERS

Approval of this item approves ordinance 02025-32 appointing Marisa (Ginger) Tontevetong and Shaena Leuthe to fill unexpired terms of Sheila Harmony and Augustine Emmanuel on the Duluth Public Art Commission, terms ending 3/31/26.

4. ORDINANCE TO AMEND BUDGET - \$85,000 – RESURFACING

Staff is requesting additional funds to cover unexpected paving problems in the Howell Wood Area. Approval of this item authorizes ordinance (BA-FY26-05) to add \$85,000 in 2023 SPLOST Transportation funds to Transportation/infrastructure Improvements - Paved Streets - Repairs & Maintenance - Streets/Sidewalks line item, including associated transfers.

5. ORDINANCE TO AMEND BUDGET - \$21,000 – MUNICIPAL COURT FUNDS

The City employs a Municipal Court Fund to record funds received from citations. Funds received are either paid to third parties (State Agencies) or transferred to the General Fund. Revenue in the fund has exceeded the available budget, therefore staff is requesting \$21,000 to closeout the fund for FY25. Approval of this item approves ordinance BA-FY26-06 to add \$21,000 to Municipal Court Fund - Court Fines line item and a like amount to Municipal Court Fund - Municipal Court - Transfer to General Fund line item.

VI. PUBLIC HEARINGS

1. RESOLUTION OF ABANDONMENT – PEACHTREE ROAD

The Mayor and Council to consider approving a resolution for the abandonment of a portion of Peachtree Road and dedication of new public roadway.

Resolution R2025-10 proposes abandonment of a .593 acre portion of Peachtree Road pursuant to O.C.G.A. §32-7-2(c) following proper notice to all property owners located on the portions of the municipal street system closed and abandoned by this action. This abandonment is subject to any and all previous utility easements conveyed to Gwinnett County or any other public or private entity or franchise holder, and these easements or other property rights previously conveyed shall not be extinguished or altered by this action.

The abandonment resolution authorizes the Mayor, City Manager, City Clerk, and the City Attorney to take such action and execute such documents as are necessary to exchange the property where the now abandoned Peachtree Road existed with Embry Development Company, LLC for construction and dedication of a new public road.

2. ORDINANCE OF REZONING– CASE Z2025-001 BUFORD HWY

Mayor and Council to consider an ordinance to rezone several parcels located along Buford Highway and Peachtree Road for Case Z2025-001.

Several owners, along with applicant Embry Development Company, LLC, are requesting the rezoning of the properties from HC-A (Highway Commercial Auto) and HC-R (Highway Commercial Retail) to PUD (Planned Unit Development) to allow for a 77-unit townhome development.

The Planning Commission recommended approval with conditions at their July 7, 2025 hearing. Staff will outline the location of the development along with said conditions in the public hearing. *Ordinance and staff report are attached for reference.*

3. ORDINANCE OF REZONING-CASE MZ2025-001 – DAVENPORT RD

The Mayor and Council to consider an ordinance to modify a condition of rezoning for Parcels R6264 496 and R 6264 037 located at 3282 Davenport Road. These parcels were rezoned on March 10, 2025 as part of Case Z2024-005 to allow for a single family detached residential subdivision.

The Planning Commission recommended approval at their July 7, 2025 hearing. *Ordinance and staff report are attached for reference.*

4. ORDINANCE - PUD MODIFICATION CASE Z2025-002 – FOUNDRY APTS

Mayor and Council to consider an ordinance to amend an existing PUD (Planned Unit Development) to allow for a change in density for Case Z2025-002.

Owner/Applicant FP Peachtree Industrial, LLC, is requesting a modification to the existing PUD (Planned Unit Development) to allow for the conversion of 64 3-bedroom apartment units into 128 1-bedroom apartment units to meet current market demand.

The Planning Commission recommended approval with conditions at their July 7, 2025 hearing. Staff will outline those conditions in the public hearing. *Ordinance and staff report are attached for reference.*

VII. NEW BUSINESS

1. APPROVAL OF IGA – URBAN REDEVELOPMENT AGENCY

The Mayor and Council to consider an Intergovernmental Agreement (IGA) between the City and Urban Redevelopment Agency (URA) to transfer \$503,510.91 from the City to the URA to defray the cost of acquisition and demolition of 3135 Buford Highway. The IGA requires the URA to provide additional funding and

demolish the structures located on 3135 Buford Highway consistent with the adopted Urban Redevelopment Plan. City revenues to be transferred through this IGA were obtained via Article VII - Blighted Property Tax section of the Duluth Code of Ordinances. This IGA and use of the revenues is consistent with Section 9-115 (c) of the Duluth Code of Ordinances.

If approved, staff is requesting approval of a budget amendment to add \$503,510.91 in blight tax revenue to the Blight - Nuisance Tax - Other Financing Uses - Transfer to the URA line item.

VIII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

IX. MATTERS FROM MAYOR & COUNCIL

X. MATTERS FROM CITY MANAGER

XI. 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).

XII. ADJOURNMENT

The next scheduled meeting of the Mayor and Council is a public comment session for the 2025 millage rate on August 25, 2025 at 10:00am in the Council chambers. The second millage public comment session will be held in conjunction with the regularly scheduled 4th Monday work session on August 25 at 5:30pm in the City Hall community room.



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
JULY 14, 2025**

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

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 5:50 p.m., and called for a motion to enter into an executive session.

I. EXECUTIVE SESSION

It was 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).

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

**Voting for: Council members Harkness, Thomas, Doss, 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 5:59 p.m.

**Voting for: Council members Harkness, Thomas, Doss, Graeder, and Holloway
Motion carried.**

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. APPROVAL OF MEETING AGENDA

A motion was made by Councilmember Doss, seconded by Councilmember Thomas, to approve the July 14, 2025 Council Agenda as presented.

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

III. APPROVAL OF MINUTES

A motion was made by Councilmember Harkness, seconded by Councilmember Graeder, to approve the June 9, 2025 meeting minutes as presented.

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

IV. ANNOUNCEMENTS

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

Flavors on Main – Wednesdays 7/16, 7/23, 7/30. 6-9pm, Main Street
Parsons Thursday Nights Out – 7/17, 7/24, 7/31, 8/7. 6-9pm Parsons Alley
Duluth Live – Fridays 7/18, 7/25, 8/1, 8/8 and Sat 7/19 & 7/26. 6-9pm Parsons Alley.
Rock the Block/Live & Loud Fridays – 7/18, 7/25, 8/1, 8/8. 6-9pm, Town Green
Flicks on the Bricks – 7/25 featuring “Happy Feet” – 8-10pm, Town Green
Night at the Red Clay: Funny First Fridays – 8/1
Multicultural Week – 8/6 through 8/9

2. RECERTIFICATION – CITY OF ETHICS

The Georgia Municipal Association Ethics Certification Committee has determined that the City of Duluth meets the qualifications for recertification as a Certified City of Ethics. First designated in 2008, 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." The City was officially recognized at the 2025 Annual GMA Conference.

3. AWARD – DAVENPORT/QUIET ZONE

The City was recognized for creating the Quiet Zones at railroad crossings. It was a unique project for safety improvements, quality of life, etc.

V. MATTERS FROM CITIZENS

Radu V. Tudor, 3953 Craigwood Dr., Duluth came forward to speak in support of the Special Use Permit to allow keeping bees at 3285 Howell Meadow Drive.

Duane Waite, 3958 Bryn Mawr Court, Duluth, came forward to speak in support of the Special Use Permit to allow keeping of bees at 3285 Howell Meadow Dr.

Leslie Morgan, 3977 Bryn Mawr Court, Duluth came forward to speak in support of the Special Use Permit to allow keeping of bees at 3285 Howell Meadow Dr.

VI. CONSENT AGENDA

1. ORDINANCE – CALL OF 2025 MUNICIPAL ELECTION [A]

Approval of this item approves ordinance O2025-30 setting qualifying times, dates, and other matters relevant for the November 4, 2025 City of Duluth General Election, for the purpose of electing the three (3) posts of Council: Post 1 currently held by Charles Jamin Harkness, Post 2 currently held by Marline Thomas and Post 3 currently held by Kenneth Lamar Doss.

2. RESOLUTION - AMICUS OPT-IN SUPPORTING CITY OF MILTON [B]

The City of Duluth previously joined an initial multi-city Amicus Brief to the Georgia Supreme Court supporting the City of Milton in their case City of Milton v. John Chang et al. The Georgia Supreme the Court has now agreed to hear the case, and as a result the City of Milton has asked us to adopt an Amicus opt-in resolution. Approval of this item approves resolution R2025-08 as approved by the City Attorney.

3. ORDINANCE TO AMEND BUDGET - \$38,200- ELEVATORS [C]

The City Hall and Bunten Activity Building elevators need modernization. Staff is recommending contracting with Pond & Company to assist the City in preparing an RFP, reviewing submittals and overseeing construction for the modernization. The contract amount is \$38,200 and be governed by our existing master service agreement. Funds for the above projects will come from SPLOST 23 Administrative Facilities and General Fund in the amount of \$38,200.

Approval of this item authorizes ordinance (BA-FY26-01) to add \$21,200 in 2023 SPLOST Administrative Facilities funds and \$ 17,000 of General Funds to the capital project City Hall - General Government Buildings - Professional Services line item, including associated transfers.

4. ORDINANCE TO AMEND DULUTH CODE – CH 10.5 ARTICLE II

[D]

Pursuant to House Bill 858 and the new verbiage in OCGA 6-1-4, all ordinances pertaining to UAS/Drones enacted after April 1, 2017 are null and void. Our current ordinance regarding UAS was adopted on May 13, 2024, and is now null and void according to state law. The new law allows for our current policy to be readopted, as it complies with the ordinances and restrictions allowed in the new state law. Approval of this item approves ordinance O2025-31 amending section 10.5-41 of the Duluth Code.

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

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

VII. OLD BUSINESS

1. ORDINANCE OF SPECIAL USE – CASE SU2025-001 – PARCEL 6323 086

{E}

Mayor and Council held a public hearing to consider an ordinance to allow a special use permit on Parcel 6323 086 located at 3285 Howell Meadow Dr. for Case SU2025-001 at their meeting of June 9, 2025. At that time, the Council voted to postpone this item.

Owner/Applicant Susan Clark was requesting a special use permit for 3285 Howell Ferry Rd. to allow the keeping of bees on R-100 (Single-Family Residential District).

The Planning Commission recommended approval with conditions at their June 2, 2025 hearing. Ordinance and staff report are attached for reference.

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

A motion was made by Councilmember Graeder, seconded by Councilmember Harkness, to approve ordinance O2025-28 with modifications to condition 2, change the wording to: beehives shall be as follows: No beehives shall be allowed on the northeast/east and the southern portion of the property. There shall be a 10` setback from the northwestern property line. There shall be a 50` setback from the southwestern property line.

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

VIII. NEW BUSINESS

1. RESOLUTION- ACCEPTANCE/ABANDONMENT – KNOT ST {F}

City staff recently contacted adjoining property owners of the City's intention to solicit proposals for purchasing a 30"-0' unused portion of Knot Street, consistent with O.C.G.A. § 36-37-6 (g) and Chapter 2 Section 2-3 of the Duluth Code of Ordinances.

City Manager James Riker explained that the City received a response from only one of the adjoining property owners, Rainbow Village, Inc. Accordingly, staff recommends council adopt a resolution abandoning the unused right-of-way and accepting the offer to purchase said property for \$2,500.

Landscaping of the area was also discussed.

A motion was made by Councilmember Harkness, seconded by Councilmember Doss, to approve resolution R2025-09 for abandonment of unused right-of-way for Knot Street as presented.

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

2. AWARD OF BID – STREET SWEEPING (ON CALL) CONTRACT {G}

The Mayor and Council considered awarding on-call street sweeping contract.

A Request for Proposals (RFP) for street sweeping on an on-call basis was advertised in the Gwinnett Daily Post, on the State Procurement Registry, and on the City's procurement web page starting on May 7, 2025. Three packages were received and publicly opened on June 6, 2025.

Packages were first reviewed for completeness then evaluated by a team of three individuals in the Stormwater Department. Scoring was awarded based on qualifications (up to 30 points), cost (up to 60 points), and references (up to 10 points). The following are the results:

- Pateco Services, LLC - disqualified for failure to include all required items in the request
- Street Sweeping Corporation of America, LLC - scored 66.8 points
- Watt Commercial Sweeping - scored 76.0 points

Staff recommends awarding the contract to Watt Commercial Sweeping. The contract is for one year, renewable for up to a total of three years. It covers sweeping the entire city as well as spot sweeps after events and per direction of the Stormwater Program Manager.

A motion was made by Councilmember Thomas, seconded by Councilmember Holloway, to approve awarding the street sweeping on-call contract to Watt Commercial Sweeping as recommended and further authorize the City Manager to execute a City Attorney-approved contract.

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

3. BID AWARD – 2025.5 LMIG/LRA PAVING PROJECT {H}

Mayor and Council considered awarding bid for 2025.5 LMIG/LRA Paving Project on various City Streets. Public Works Director Audrey Turned explained that the original bid was awarded to East Coast Grading during June 9, 2025 Council Meeting. After review, East Coast Grading found an error in their bid and requested it be pulled from consideration. The next lowest bidder is Triple R Paving & Construction with bids as follows:

Base Bid:	\$198,194.25
Alternate One:	\$136,600.46

Staff is requesting that Council award the 2025 LMIG/LRA Paving Project bid (with contingency) to Triple R Paving & Construction in an amount not to exceed \$368,544.18 to fund the base bid and the alternate. Funds will come from 2025 LMIG/LRA Supplemental Funds and SPLOST.

A motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to approve, the 2025.5 LMIG/LRA Paving Project bid to Triple R Paving, in an amount not to exceed \$368, 544.18 as presented and authorize the Mayor or City Manager to execute the contract as approved by the City Attorney.

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

IX. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. GRANT ACCEPTANCE/ORD TO AMEND BUDGET – BIOSWALE {I,J}

The Stormwater Department applied for a \$3,500 Placemaking Grant through the Gwinnett Creativity Fund, which is funded by Gwinnett County and managed and administered by Explore Gwinnett. The funds would be used to rehabilitate and improve the existing bioswale on Main Street in front of Coleman Middle School and would include an educational sign about the functions and benefits of a bioswale. The grant requires 25% matching funds or \$1,134.25 and will come for the existing Stormwater Utility Site Improvements line item. The Gwinnett Creativity Fund requires approval of the grant acceptance by July 18th.

Staff is also requesting approval of a budget amendment BA-FY26-02 to add \$3,500 in grant funds to Stormwater Utility - Gwinnett County Grant line item and a like amount to Stormwater Utility - Stormwater Collection & Disposal Site Improvements line item.

Councilmember Thomas requested that staff prepare a list of the awarded Grants and Project and place information on the City Web.

A motion was made by Councilmember Doss, seconded by Councilmember Harkness, to approve acceptance of the Placemaking Grant as presented.

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

Mayor Whitlock called for a second motion.

A motion was made by Councilmember Graeder, seconded by Councilmember Thomas, to approve ordinance BA-FY26-02 as presented.

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

X. MATTERS FROM MAYOR & COUNCIL

Congratulations extended to Councilmember Holloway on her upcoming wedding.

Appreciation was expressed to events staff. The Tom Petty tribute band last Saturday was a big success.

XI. MATTERS FROM CITY MANAGER

Mr. Riker reported that three RFP's are scheduled to be released soon:

1. Buntin walking trail
2. Red Clay Theatre renovation
3. Replace Public Safety Building roof

XII. ADJOURNMENT

A motion was made by Councilmember Thomas, seconded by Councilmember Doss, to adjourn at 6:30 pm.

Voting for: Council members Harkness, Thomas, Doss, Graeder, and Holloway
Motion carried.

Approved this _____ day of _____, 2025.

Mayor Greg Whitlock

ATTEST:

Asst. City Mgr./City Clerk, Teresa Lynn



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
JULY 28, 2025**

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

ABSENT: Councilmember Shenée Johnson-Cummings

Mayor Whitlock called the special-called meeting to order at 5:30pm and announced it would be necessary to enter an executive session.

I. EXECUTIVE SESSION

It was necessary to hold an executive session on Real Estate, Pending/Potential Litigation, Personnel.

A motion was made by Councilmember Doss, seconded by Councilmember Thomas, to adjourn to executive session at 5:34pm.

Voting for: Council members Harkness, Thomas, Doss, and Graeder
Motion carried.

After the discussion, a motion was made by Councilmember Thomas, seconded by Councilmember Harkness, to return to regular session at 5:55pm.

Voting for: Council members Harkness, Thomas, Doss, and Graeder
Motion carried.

II. ADJOURNMENT

A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to adjourn to regular work session at 5:55 pm.

All for. Motion carried.

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

I. PUBLIC COMMENTS

None.

II. DISCUSSION ITEMS/PRESENTATIONS/UPDATES

1. UNIFIED DEVELOPMENT CODE WORKSHOP 2 {A}

Staff has been working on reviewing, editing, updating, and correcting items within the City's Unified Development Code since mid-2023. Deputy Planning Director Aron Hall came forward to present proposed revisions and answer questions. Some of the topics addressed were clarification of defining Yards, updates to Table 2B (Area Regulations by Zoning District), restrictions on particular uses, required lighting, fences and dumpsters. Other proposed changes regarding junk yards, tattoo establishments, temporary events, and short-term rentals were referenced. Regulations regarding parking and loading requirements, buffers/tree plantings, and project design/construction standards and the fee schedule also had some recommended amendments.

Council was asked to submit final comments for UDC recommendations to staff no later than 8/4/25 in order for the Planning Commission to consider on August 18th and Council to consider on September 8.

2. FINANCIAL UPDATE/STORMWATER TRANSFER REQUEST {B}

Asst. City Manager/Finance Ken Sakmar came forward to provide a financial update in conjunction with a request from the Stormwater Division regarding funding for several emergency projects. Accordingly, he presented an overview of the city's financial reserves and recommended a transfer of \$1,000,000 to the stormwater utility fund.

City Manager James Riker described the project locations and gave cost estimates.

Staff was authorized to place a budget amendment on the next Council consent agenda for authorization.

3. PURCHASING POLICY AMENDMENT – HB 137 {C}

Mr. Sakmar explained that, effective July 1, 2025, House Bill 137 increased the threshold for public works public bidding from \$100,000 to \$250,000. HB 137 exempts public works projects under \$250,000 from certain bidding and procedural obligations. Thus, projects under \$250,000 would be governed by the city's adopted purchasing policy.

Given the ongoing rise in costs for construction materials, labor, and services, raising the city's internal threshold for public bidding from \$100,000 to \$250,000 would provide staff greater flexibility to manage smaller projects without triggering the formal bidding process. Such flexibility would allow staff to respond more efficiently to project needs while still maintaining transparency and essential projects can proceed without delays.

Therefore, staff recommended approving an amendment to the adopted purchasing policy to be consistent with limits identified within HB 137.

Staff was authorized to place an amendment to the purchasing policy on the next Council consent agenda for authorization.

4. RECAP OF 2025 STRATEGIC CONFERENCE

{D}

Staff presented a summary of the topics discussed during the 2025 Strategic Retreat. Discussion topics were best ways to support economic development, discussions of SWOT by districts/corridors/neighborhoods, and incentive programs. Other topics included residential infill, accessory dwelling units and duplexes etc., and other concepts such as cottage courts. There were also conversations surrounding specific neighborhoods and their challenges, adding another zoning category (RI-50), and finally other ideas for connectivity, redevelopment and placemaking.

Staff will put together a work program for some of the items discussed.

5. BOARD VACANCIES – DULUTH PUBLIC ART COMMISSION

Mayor Whitlock explained that two seats on the commission became available following the resignation of previous members Sheila Harmony and Augustine Emmanuel. The application period was open for a month, during which five applications were received. All five candidates were interviewed in the months of June and July by a selection panel composed of a council member, the commission chair, and city staff. After thoughtful discussion and vote, Marisa Tontaveetong "Ginger" and Shaena Leuthe were selected and recommended to fill the vacant seats. They will serve for the remainder of the unexpired terms, which end in March 2026.

These two vacancies are "off cycle" appointments:

- Marisa Tontaveetong "Ginger" to serve the unexpired term of Sheila Harmony, which ends in March 2026.
- Shaena Leuthe to serve the unexpired term of Augustine Emmanuel, which also ends in March 2026.

Staff was authorized to place an ordinance appointing DPAC members on the next Council consent agenda for approval.

6. RECAP OF OUTDOOR WEATHER SIRENS

Chuck Wilson came forward to provide a brief update on the strategy behind discontinuing the outdoor weather sirens.

Council asked the Police Dept staff to provide more public information regarding public safety measures.

III. MATTERS FROM MAYOR & COUNCIL

City Manager James Riker discussed the public input meetings for the 2025 tax millage rate and the possible dates for daytime meetings. Council agreed to hold the first meeting at 10am on August 25, second at 5:30 on August 25, and adoption on September 8.

Mayor Whitlock asked about improving landscape maintenance at the Davenport RR crossing.

The train viewing platform construction will be starting the week of August 11.

Red Clay improvements are in progress.

IV. ADJOURNMENT

Meeting adjourned at 8:30pm.

Approved this _____ day of _____, 2025.

Mayor Greg Whitlock

ATTEST:

Asst. City Mgr./City Clerk, Teresa Lynn

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2026 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2026 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 2026 fiscal year as follows:

Total Revenues:	<u>83,545,977</u>
Operations Expenditures:	<u>32,215,980</u>
Capital Improvement Expenditures:	<u>51,329,997</u>
Total Expenditures:	<u>83,545,977</u>

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

WHEREAS the City of Duluth Mayor and Council were updated by staff at the July 28th work session on recent critical infrastructure repairs involving two neighborhoods; and

WHEREAS based on staff's report council approved the transfer of \$1,000,000 from the General Fund to the Stormwater Utility Fund to address the needed stormwater system repairs; and

WHEREAS it is requested \$1,000,000 in prior year reserves be added to General Fund – Other Financing Uses – Transfer to Stormwater Utility line item, Stormwater Utility – Transfer from the General Fund line item and Stormwater Utility – Stormwater Collection & Disposal – Repairs & Maintenance – Drainage line item; and

NOW THEREFORE, the City of Duluth 2026 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>84,545,977</u>
Operations Expenditures:	<u>33,215,980</u>
Capital Improvement Expenditures:	<u>51,329,997</u>
Total Expenditures:	<u>84,545,977</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 Cummings, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

Purchases Over \$99,999 But Less Than \$250,000

Obtaining competitive prices is a requirement for purchases of this dollar amount. However, the competitive sealed bid requirements are much less than the formal competitive procedures for purchases greater than \$250,000.

The competitive sealed bid process is a procurement method which allows bidders to submit bids in sealed envelopes by a specific date specified in the invitation to bid. Departments are required to obtain a minimum of three (3) bids or explain why they could not obtain three bids.

Departments should prepare an invitation to bid which clearly describes the project scope and requirements. The invitation to bid should include the timeline of the process for awarding the contract, location, date and deadline for submitting bids, how the bids will be evaluated or scored, any meeting to be held prior to the bid award and if they are mandatory or optional. Any bonding requirements for the project, the time and place the bids will be opened, estimate of the time and place the bid will be awarded and how the winning bidder will be notified.

Contractor/Vendor bids should be submitted in sealed envelopes, clearly labeled with their name and the name of the project they are bidding on. The sealed envelopes should be stamped or marked with the date and time they were received and kept in a secure location until the bid opening. Bids received after the deadline for submitting bids should not be considered and the bidder should be notified their bid will not be considered.

All qualified sealed bids received should be recorded on the City of Duluth Competitive Sealed Bid Form (Exhibit XX) along with the documents received from each qualified bidder. Departments should note on the form the winning bidder and submit this documentation to Accounts Payable when requesting a purchase order (PO) or submitting an invoice for payment.

**ORDINANCE
DULUTH PUBLIC ART COMMISSION**

WHEREAS, in accordance with Section 2-270 of the Duluth Code of Ordinances, the Duluth Public Art Commission shall be made up of six (6) regular members and one (1) member of the mayor and council, DPAC membership must at all times contain at least five (5) members who are citizens of the City of Duluth.

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 Duluth Public Art Commission for a four-year term unless a majority vote of Council removes such member(s). Board shall serve without compensation.

Appoint:

Shaena Leuthe	3/31/26	Term begin date: 2025
(filling unexpired term of Dr. Augustine Emmanuel)		
Marissa "Ginger" Tontaveetong	3/31/26	Term begin date: 2025
(filling unexpired term of Sheila Harmony)		

Current Members:

Ken Sebastian	Expires 3/31/26	Term begin date: 2023
Sanjay Parekh	Expires 3/31/28	Term begin date: 2020
Julie McKevitt	Expires 3/31/28	Term begin date: 2020
Heather Blanchard	Expires 3/31/28	Term begin date: 2023

Governing Body:

Greg Whitlock	Expires 3/31/26	Term begin date: 2019
---------------	-----------------	-----------------------

City Staff Appointed by City Manager:

Aron Hall
Maria Mejia

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

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Mayor & Council Meeting 8/11/25

Manfred Graeder, Post 4

Shenée Johnson Cummings, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2026 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2026 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 2026 fiscal year as follows:

Total Revenues:	<u>85,049,488</u>
Operations Expenditures:	<u>33,719,491</u>
Capital Improvement Expenditures:	<u>51,329,997</u>
Total Expenditures:	<u>84,049,488</u>

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

WHEREAS the City of Duluth entered into a paving contract to resurface several road within the City over the next few months; and

WHEREAS due to problem encountered during the street resurfacing staff is requesting \$85,000 to add Wood Acres Boulevard to the current resurfacing contract; and

WHEREAS it is requested \$85,000 in 2023 SPLOST Transportation funds be add to the Transportation/Infrastructure Improvements – Paved Streets – Repairs & Maintenance – Streets/Sidewalks line item, including associated transfers; and

NOW THEREFORE, the City of Duluth 2026 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>85,134,488</u>
Operations Expenditures:	<u>33,719,491</u>
Capital Improvement Expenditures:	<u>51,414,997</u>
Total Expenditures:	<u>84,134,488</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 Cummings, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2026 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2026 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 2026 fiscal year as follows:

Total Revenues:	<u>85,134,488</u>
Operations Expenditures:	<u>33,719,491</u>
Capital Improvement Expenditures:	<u>51,414,997</u>
Total Expenditures:	<u>84,134,488</u>

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

WHEREAS the City of Duluth's Municipal Court Fund records revenue received from citations and either disburses the funds to a third party or transfers the funds to the General Fund; and

WHEREAS revenue into the fund has exceeded the available budget, therefore staff is requesting \$21,000 to close out the fund for FY 2025; and

WHEREAS it is requested \$21,000 additional revenue and expenses be add to the Municipal Court Fund – Court Fines line item and a like amount to Municipal Court Fund – Municipal Court – Transfer to General Fund line item; and

NOW THEREFORE, the City of Duluth 2026 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>85,155,488</u>
Operations Expenditures:	<u>33,740,491</u>
Capital Improvement Expenditures:	<u>51,414,997</u>
Total Expenditures:	<u>84,155,488</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 Cummings, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

RESOLUTION OF ABANDONMENT OF MUNICIPAL STREET

WHEREAS, the Mayor and Council of the City of Duluth, Georgia have determined that Peachtree Road located within the City of Duluth off of Buford Highway in its current location has ceased to be used by the public to such an extent that no substantial public purpose is accomplished by leaving the street in its current location as part of the municipal street system; and

WHEREAS, the Mayor and Council of the City of Duluth have determined that the abandonment and closing of the street in its current location as shown on the plat which is attached hereto as Exhibit "A" and more fully described in the legal description attached hereto as Exhibit "B" is in the best interest of the citizens of the City of Duluth.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby resolves and ordains that Peachtree Road as shown on Exhibit "A" attached hereto and incorporated herein by reference and fully described in Exhibit "B", which is attached hereto and incorporated herein by reference, is hereby declared to be closed and abandoned as a part of the municipal street system of the City of Duluth. This action is taken pursuant to O.C.G.A. §32-7-2(c) following proper notice to all property owners located on the portions of the municipal street system closed and abandoned by this action. This abandonment is subject to any and all previous utility easements conveyed to Gwinnett County or any other public or private entity or franchise holder and these easements or other property rights previously conveyed shall not be extinguished or altered by this action.

IT IS FURTHER RESOLVED AND ORDAINED that pursuant to the authority found in O.C.G.A. § 32-3-3(b) and O.C.G.A. § 32-7-2(c) the Council hereby authorizes the Mayor, City Administrator, City Clerk, and the City Attorney to take such action and execute such documents as are necessary to exchange the property where the now abandoned Peachtree Road existed with Embry Development Company, LLC for construction and dedication of a new road located as generally shown highlighted in the plat attached hereto as Exhibit "C" and incorporated herein by reference. The deed conveying the abandoned Peachtree Road Property shall include conditions requiring the construction and dedication of the new road to the City and shall include a reversionary clause setting forth that in the event the new road is not dedicated and conveyed to the City within three (3) years that the property may revert to the City of Duluth; provided that this three (3) year deadline may be extended by the City Manager by two (2) years if Embry Development Company, LLC, or its successor(s) or assign(s), has made substantial progress towards the permitting, construction, and/or dedication of such public rights of way prior to the expiration of said three (3) year deadline. The deed conveying the now abandoned Peachtree Road shall also contain a provision that the transfer is subject to all existing easements.

IT IS SO RESOVLED AND ORDAINED this 11th day of August, 2025

Those councilmembers voting in favor:

Mayor Greg Whitlock

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Cummings, Post 5

Those councilmembers voting in opposition:

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

EXHIBIT "A"

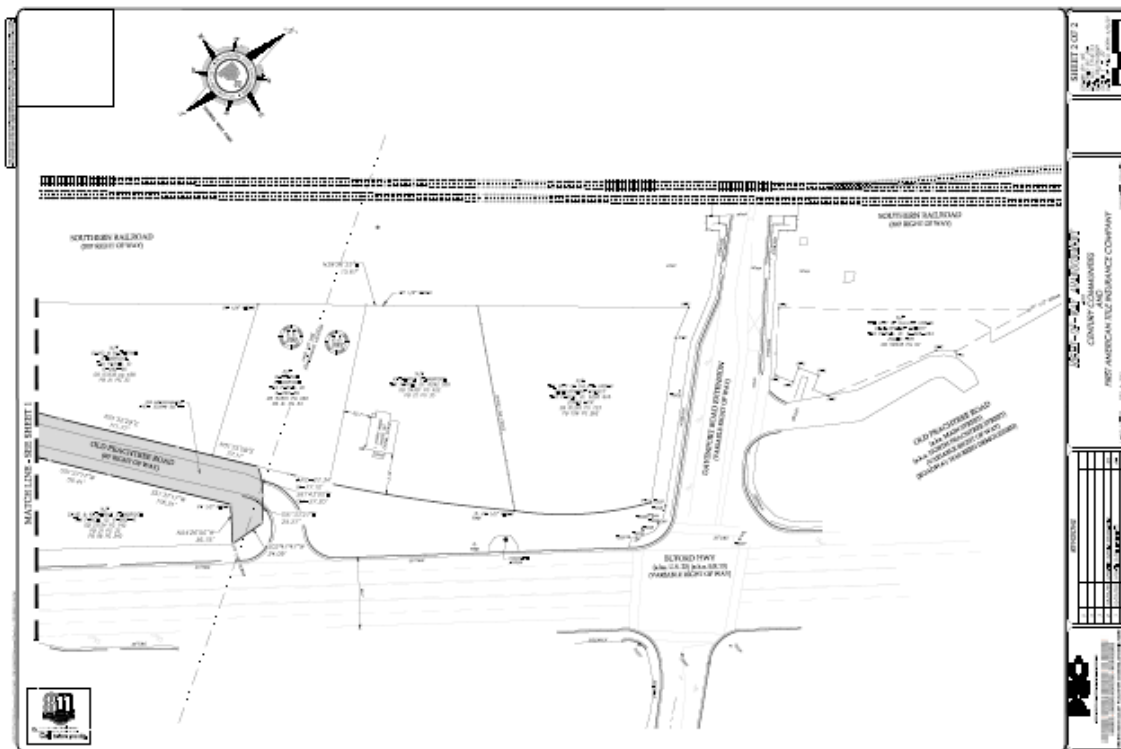
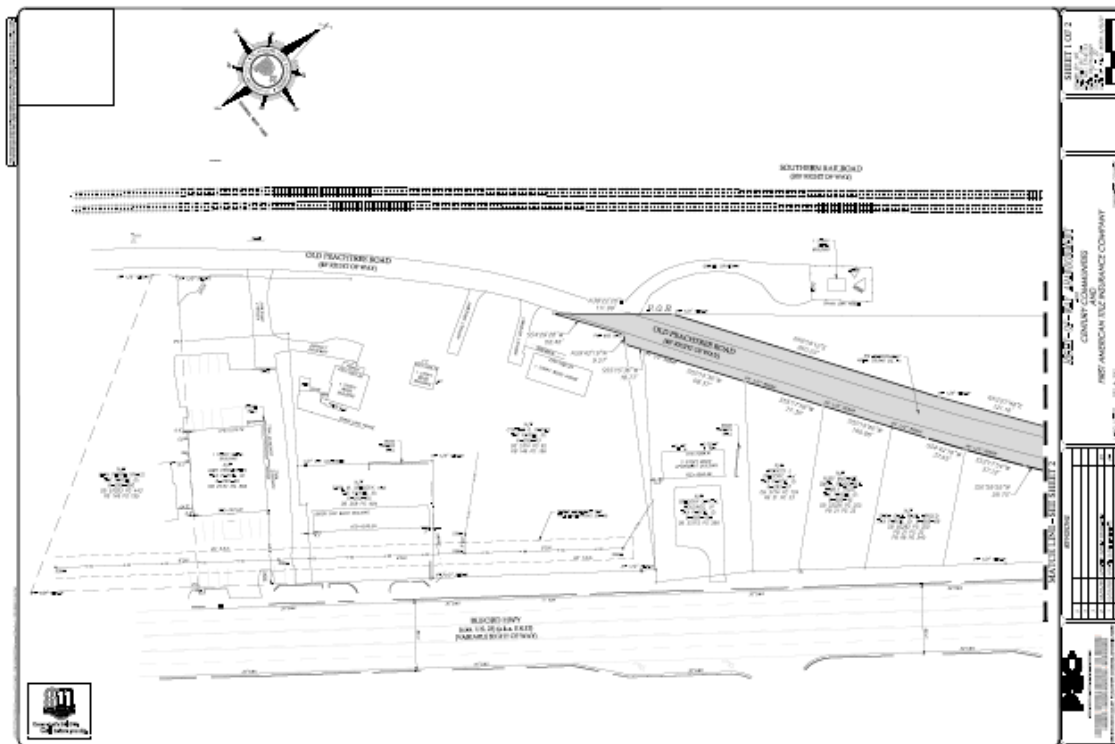


EXHIBIT "B"

LEGAL DESCRIPTION OF PEACHTREE ROAD
(Area to be abandoned)

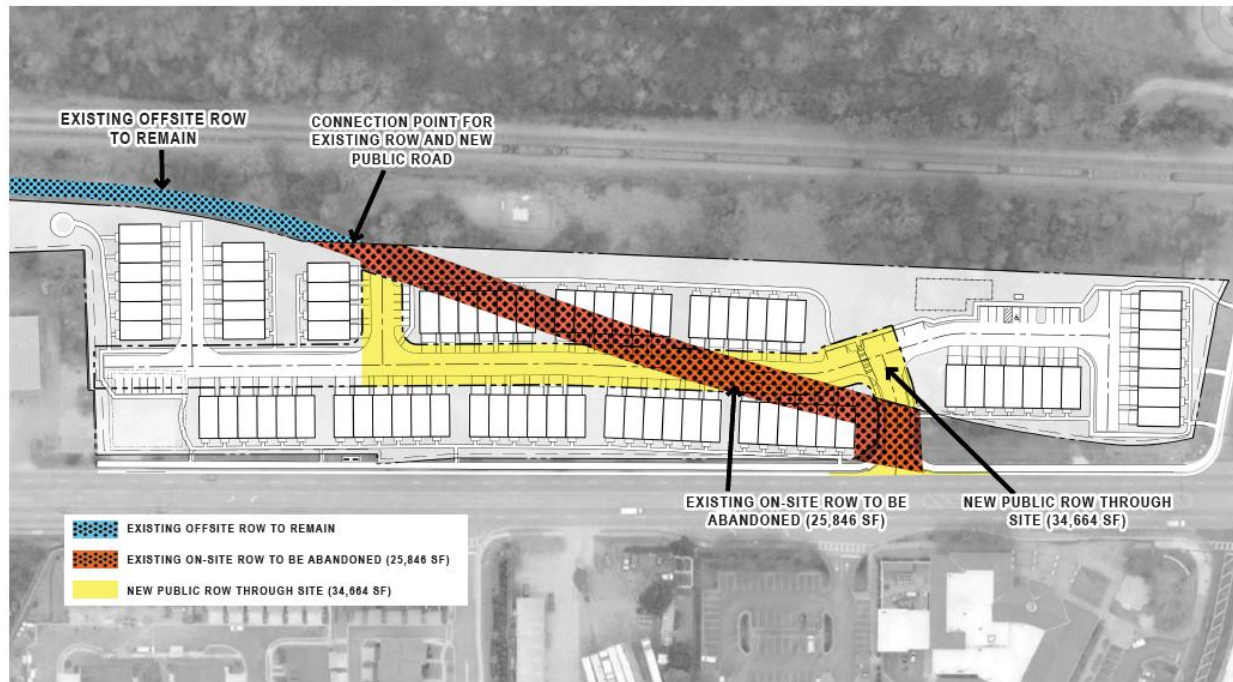
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGIN at the found 1/2 inch rebar located at the intersection of the southeasterly right of way of Southern Railroad (200 foot right of way) with the northerly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northerly right of way of Old Peachtree Road, North 55 degrees 19 minutes 12 seconds East a distance of 260.23 feet to a point; thence North 53 degrees 27 minutes 48 seconds East a distance of 121.16 feet to a point; thence North 51 degrees 32 minutes 29 seconds East a distance of 111.77 feet to a point; thence North 51 degrees 35 minutes 8 seconds East a distance of 77.11 feet to a point; thence 27.34 feet along an arc of a curve to the right, said curve having a radius of 77.10 feet and a chord bearing and distance of South 61 degrees 43 minutes 0 seconds East 27.20 feet to a point; thence South 51 degrees 33 minutes 27 seconds East a distance of 25.27 feet to a point; thence South 2 degrees 47 minutes 47 seconds West a distance of 34.09 feet to a point; thence North 54 degrees 26 minutes 50 seconds West a distance of 36.75 feet to a point; thence South 51 degrees 37 minutes 17 seconds West a distance of 116.51 feet to a point; thence continue Southwesterly along said line, a distance of 56.41 feet; thence South 51 degrees 59 minutes 55 seconds West a distance of 28.70 feet to a point; thence South 53 degrees 17 minutes 54 seconds West a distance of 57.12 feet to a point; thence South 54 degrees 42 minutes 16 seconds West a distance of 37.65 feet to a point; thence South 55 degrees 15 minutes 46 seconds West a distance of 100.66 feet to a point; thence South 55 degrees 17 minutes 58 seconds West a distance of 77.35 feet to a point; thence South 55 degrees 15 minutes 36 seconds West a distance of 98.37 feet to a point; thence continue Southwesterly along said line, a distance of 18.77 feet; thence North 59 degrees 42 minutes 19 seconds West a distance of 9.27 feet to a point; thence South 54 degrees 29 minutes 28 seconds West a distance of 68.46 feet to a point; thence North 38 degrees 22 minutes 26 seconds East a distance of 111.99 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.593 acres (25,846 square feet).

EXHIBIT "C"

NEW PUBLIC ROAD DEDICATION



TIMES JOURNAL, INC.
P.O. BOX 1633
ROME GA 30162-1633
(770)795-3050

ORDER CONFIRMATION

Salesperson: BRITTANY ESTES

Printed at 07/21/25 13:56 by bingl-tj

Acct #: 238452

Ad #: 497251

Status: New

DULUTH, CITY OF (LEGAL ADS)
3167 MAIN ST
DULUTH GA 30096

Start: 07/27/2025 Stop: 07/27/2025
Times Ord: 1 Times Run: ***
LEGLV 1.00 X 7.83 Words: 300
Total LEGLV 7.83

Class: 9003 PUBLIC HEARING
Rate: LEGL Cost: 45.00

Ad Descrpt: GDP8389 PUB HRG

Descr Cont: GDP8389 GPN16 CITY OF DUL

Given by: JOHN GRACIA

P.O. #:

Contact: DULUTHCITYOFLEGALADS

Phone: (770)476-1790

Fax#: (770)814-3008

Email: accountspayable@duluthga.net

Agency:

Created: bingl 07/21/25 13:53

Last Changed: bingl 07/21/25 13:56

PUB ZONE EDT TP RUN DATES
GDP A 95 S 07/27

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

TIMES JOURNAL, INC.
P.O. BOX 1633
ROME GA 30162-1633
(770)795-3050

ORDER CONFIRMATION (CONTINUED)

Salesperson: BRITTANY ESTES

Printed at 07/21/25 13:56 by bingl-tj

Acct #: 238452

Ad #: 497251

Status: New

GDP8389

gpn16

CITY OF DULUTH
NOTICE OF PUBLIC
HEARING

NOTICE IS HEREBY
GIVEN that a public
hearing will be held be-
fore Mayor and Council
regarding the Resolution
of a proposed abandon-
ment of the road desig-
nated as Peachtree
Road. Peachtree Road
serves the following ad-
dresses: 3375 Buford
Hwy; 3355 Buford Hwy;
3366 Buford Hwy; 3356
Peachtree Rd; 3346
Peachtree Rd; 3305
Peachtree Rd; 3357
Peachtree Rd; 3337
Peachtree Rd; 3307 Bu-
ford Hwy; 3435 Daven-
port Road Duluth, GA
30096. The public is invit-
ed to attend this meeting
regarding this matter.
The meeting date, place
and time are as follows:

WHEN:

August 11, 2025 - 6:00pm

WHERE:

City Hall Council Cham-
bers
3167 Main Street
Duluth, GA 30096

PERSONS INTEREST-
ED IN THIS MATTER
are invited to review the
files, which are with the
Department of Planning
& Development of the
City of Duluth and to at-
tend the public hearing
at the date, time and
place provided in this no-
tice, 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 Depart-
ment
3167 Main Street
Duluth, GA 30096
OR

Email: Planning@du-
luthga.net

For more information,
contact Planning & De-
velopment, at (770)476-
1790.

In compliance with the
Americans with Disabili-
ties 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 accom-
modations are necessary
and/or if program infor-
mation is needed in an
alternative format. Spe-
cial requests must be
made in a reasonable
amount of time in order
that accommodations
can be arranged.

7:27,2025

**CITY OF DULUTH
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council regarding the Resolution of a proposed abandonment of the road designated as Peachtree Road. Peachtree Road serves the following addresses: 3375 Buford Hwy; 3355 Buford Hwy; 3366 Buford Hwy; 3356 Peachtree Rd; 3346 Peachtree Rd; 3305 Peachtree Rd; 3357 Peachtree Rd; 3337 Peachtree Rd; 3307 Buford Hwy; 3435 Davenport Road Duluth, GA 30096. The public is invited to attend this meeting regarding this matter. The meeting date, place and time are as follows:

WHEN: August 11, 2025 - 6:00pm
WHERE: City Hall Council Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to review the files, which are 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@duluthga.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.

LEGAL NOTICES

THE DESIGNATED LEGAL ORGAN FOR GWINNETT COUNTY, GEORGIA

Mail legal to:
Times Journal, Inc.

GWINNETT DAILY POST
P.O. Box 603
Lawrenceville, GA 30046

Attention: Legal Advertising

Telephone:
(770) 963-9205, Ext. 1161

Email address is:
legals@gwinnettdailypost.com
(text or word format)

Times Journal, Inc.

Gwinnett Daily Post **Clayton News Daily**
Rockdale Citizen **Henry Herald**
Jackson Progress-Argus

LEGAL ADVERTISING DEADLINES THROUGH DECEMBER 2025

The deadline for legal advertising in the Wednesday Legal Section (other than Foreclosures and Tax Sales) is 3pm Tuesday of the previous week.

EARLY DEADLINES DUE TO HOLIDAYS ARE
MARKED WITH AN *

PLEASE NOTIFY US IF YOU HAVE LATE ADS AND
APPROX. HOW MANY IF MORE THAN A FEW.
LATE FEE IS A \$100.00 FEE PER AD FOR 1ST 24
HOURS LATE ** AFTER 24 HOURS THE LATE FEE IS
\$200.00

The deadline for Modifications, Cancellations or
Early Pubs is **Tuesday (week prior) at 3pm** for the
following week's publications. This deadline is only
for changes to ads currently publish or starting early
(Early Pubs).

Foreclosures, Sheriff's Sales and Tax Sales are held on the first Tuesday of each month.
Notices publish four consecutive weeks prior to the first Tuesday. Deadlines are below:

MONTH	DEADLINES (NOON)	PUBLICATION DATES	SALE DATE
JANUARY	DEC 2, 2024	DEC 11, 18, 25, 2024; JAN 1, 2025	JAN 7, 2025
FEBRUARY	DEC 30, 2024	JAN 8, 15, 22, 29	FEB 4, 2025
MARCH	JAN 27	FEB 5, 12, 19, 26	MAR 4, 2025
APRIL	FEB 24	MAR 5, 12, 19, 26	APR 1, 2025
MAY	MAR 31	APR 9, 16, 23, 30	MAY 6, 2025
JUNE	APR 28	MAY 7, 14, 21, 28	JUN 3, 2025
JULY	MAY 26	JUN 11, 18, 25	JUL 1, 2025
AUGUST	JUN 30	JUL 9, 16, 23, 30	AUG 5, 2025
SEPTEMBER	JUL 28	AUG 6, 13, 20, 27	SEPT 2, 2025
OCTOBER	SEPT 1	SEPT 10, 17, 24; OCT 1	OCT 7, 2025
NOVEMBER	SEPT 29	OCT 8, 15, 22, 29	NOV 4, 2025
DECEMBER	OCT 27	NOV 5, 12, 19, 26	DEC 2, 2025
JANUARY 2026	DEC 1	DEC 10, 17, 24, 31 2025	JAN 6, 2026

9000 Miscellaneous Legal

GDP8278
gn14
FATHER'S BIRTH
ANNOUNCEMENT &
PUBLIC NOTICE OF
LIVE BIRTH AND
PATERNAL
DECLARATION
I, Kevin Gerrard Miles, a living man, native to the land commonly known as Louisiana and domiciled privately, do hereby issue this public notice and declaration as the natural biological father: A live birth occurred, witnessed by me, and is herein affirmed for the purpose of establishing a lawful record of said event.
Child's Full Name at Birth: Devin Emery Miles
Date of Birth: December 10, 2008
Location of Birth: Fulton County, Georgia, United States of America
This announcement is made in good faith and is published voluntarily by the father, an Illinoisian by birth and standing, for the lawful purpose of authenticating the birth record and preserving paternal rights and biological lineage.
This notice is intended to support state and federal-level authentication of the child's vital record, including under the seal of the State of Georgia and the United States Department of State.
Any presumed agency, wardship, or authority over the child's vital record is hereby challenged unless established by verifiable and lawful instrument executed with proper execution.
Dated this 2nd day of July 2025
Kevin Miles
Kevin Gerrard Miles,
Attorney at Law
Mailing Location:
7283 Veterans Parkway, Ste 102-333
Raleigh, North Carolina 27603-7530
7:27,2025

9000 Miscellaneous Legal

Gdp8455
gn14
PUBLIC NOTICE
CITY OF DACULA

The public is hereby notified that the City of Dacula has scheduled a Special Called Meeting consisting of a quorum of members on **Tuesday, July 29, 2025** to discuss general business. This meeting will begin at 10:30 AM at Tequila Mama Taqueria Dacula, 952 Harbins Road, Dacula, Georgia 30019.

7/27,2025

Legal Notice Deadlines

Wednesday
Publication Deadline:
3pm Tuesday the
week prior

Sunday
Publication Deadline:
12 Noon Tuesday of
the same week.

Foreclosure
Deadlines:
Please send a
request for a
deadline calendar to
the email below.

Email:
legals@gwinnett
dailypost.com

9003 Public Hearing

GDP8386
gn16
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING

PERSONS INTERESTED IN THIS MATTER GIVEN THAT a public hearing will be held before Mayor and Council to consider a Modified rezoning request from 4RNJ3, LLC/Andrew Perry on approximately 7.21 acres of property in Land Lot 264, 6th District, Gwinnett County, located at 3282 Davenport Road, consisting of parcels 624-496, case number MZ2025-001. The request is to Modify a condition requiring a walking trail. The public is invited to attend this hearing before the Mayor and Council on the proposed modified rezoning. The meeting date, place and time regarding this matter are as follows:

WHEN:
August 18, 2025 at 5:30pm
WHERE: Council Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to attend the meeting 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. Written comments may be sent to the following address: City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR
Email: Planning@du-luthga.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 accommodation can be arranged.
7:27,2025

GDP8387
gn16
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING

PERSONS INTERESTED IN THIS MATTER GIVEN THAT a quorum of Zoning boards of appeals may be present at the policies and procedures training at City Hall. The meeting date, place and time regarding this matter are as follows:

WHEN:
August 27, 2025 - 5:30pm
WHERE: City Hall Main Street
Conference Room
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER 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:

WHEN:
August 11, 2025 - 6:00pm
WHERE: City Hall Council Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER GIVEN THAT a public hearing will be held before Mayor and Council regarding the Resolution of a proposed abandonment of the road designated as Peachtree Road. Peachtree Road serves the following addresses: 3375 Buford Hwy; 3355 Buford Hwy; 3366 Buford Hwy; 3356 Peachtree Rd; 3346 Peachtree Rd; 3337 Peachtree Rd; 3337 Peachtree Rd; 3307 Buford Hwy; 3435 Davenport Road Duluth, GA 30096. The public is invited to attend this meeting regarding this matter. The meeting date, place and time are as follows:

WHEN:
August 11, 2025 - 6:00pm
WHERE: City Hall Council Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER GIVEN THAT a public hearing will be held before Mayor and Council regarding the Rezoning request from FP Peachtree Industrial, LLC on approximately 32.008 acres of property in Land Lot 322, 6th District, Gwinnett County, located at 3350 Peachtree Industrial Boulevard, consisting of parcels 6322-133, case number Z2025-002. The request is to modify three- bedroom units to one-bedroom units. 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:
August 11, 2025 - 6:00pm
WHERE: City Hall Council Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER GIVEN THAT a public hearing will be held before Mayor and Council regarding the Rezoning request from FP Peachtree Industrial, LLC on approximately 32.008 acres of property in Land Lot 322, 6th District, Gwinnett County, located at 3350 Peachtree Industrial Boulevard, consisting of parcels 6322-133, case number Z2025-002. The request is to modify three- bedroom units to one-bedroom units. 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:
August 11, 2025 - 6:00pm
WHERE: City Hall Council Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER GIVEN THAT a public hearing will be held before Mayor and Council regarding the Rezoning request from FP Peachtree Industrial, LLC on approximately 32.008 acres of property in Land Lot 322, 6th District, Gwinnett County, located at 3350 Peachtree Industrial Boulevard, consisting of parcels 6322-133, case number Z2025-002. The request is to modify three- bedroom units to one-bedroom units. 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:

9003 Public Hearing

City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR
Email: Planning@du-luthga.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 accommodation can be arranged.
7:27,2025

GDP8388
gn16
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING

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WHEN:
August 11, 2025 - 6:00pm
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9003 Public Hearing

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
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Email: Planning@du-luthga.net

FOR MORE INFORMATION, contact Planning & Development, at (770) 476-1790.

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CITY OF DULUTH
Mayor and Council
Staff Report
August 11, 2025

CASE NUMBER:	Z2025-001
LOCATION:	3375 Buford Hwy; 3355 Buford Hwy; 3366 Buford Hwy; 3356 Peachtree Rd; 3346 Peachtree Rd; 3305 Peachtree Rd; 3357 Peachtree Rd; 3337 Peachtree Rd; 3307 Buford Hwy; 3435 Davenport Road
PARCEL(S):	R6292 065; R6292 043; R6292 043A; R6292 057; R6292 042; R6292 069; R6292 041; R6292 049; R6292 056; R6292 050; R6293 644
CURRENT ZONING:	HC-A (Highway Commercial – Auto) and HC-R (Highway Commercial – Retail)
PROPOSED ZONING:	PUD (Planned Unit Development)
ACREAGE:	+/- 6.12 acres
REQUEST:	Approval of a Rezoning from HC-A (Highway Commercial – Auto) and HC-R (Highway Commercial – Retail) to PUD (Planned Unit Development) to allow for a 77 unit townhome development
OWNER/APPLICANT:	Various Owners Embry Development Company LLC 667 Main Street Suwanee, GA 30024

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of the rezoning request (Z2025-001) is to rezone the current parcels from HC-A (Highway Commercial – Auto) and HC-R (Highway Commercial – Retail) to PUD (Planned Unit Development) to allow for a 77-unit townhome development.

Maps detailing the location, zoning district and character area of the subject properties are attached hereto as Exhibit “A”. The legal description of the subject properties are attached hereto as Exhibit “B”. Recommended conditions of rezoning 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 Concept Plan is located in Exhibit “F”. An illustrative site plan is included as Exhibit “G”. Elevations are included as Exhibit “H”. And, the public notice and ad exhibits are included in Exhibit “I”.

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

II. EXISTING CONDITIONS

The overall subject properties total +/- 6.12 acres and consists of 11 parcels with various property owners. Tax parcel R6264 065 (3375 Buford Highway) is currently a carwash zoned HC-A (Highway Commercial – Auto). Tax parcel 6292 043 (3355 Buford Highway) contains three single-family detached units (two of which are boarded up) zoned HC-A (Highway Commercial – Auto). Tax parcel 6292 043A (3355 Buford Highway) contains a boarded up quadplex zoned HC-A (Highway Commercial – Auto). Tax parcels 6292 057 (3366 Buford Highway), 6292 042 (3356 Peachtree Road), 6292 069 (3346 Peachtree Road), 6292 041 (3305 Peachtree Road), 6292 049 (3357 Peachtree Road), 6292 056 (3337 Peachtree Road) are all undeveloped and zoned HC-A (Highway Commercial – Auto). Tax parcels 6292 050 (3307 Buford Highway) and 6293 644 (3435 Davenport Road) are both undeveloped and zoned HC-R (Highway Commercial-Retail). The subject property abuts the railroad. Northwest of the railroad is a residential Planned Unit Development (PUD) called Willbrooke. Properties to the southeast include: Sherwood Crossing, a PUD (Planned Unit Development) townhome community, Waterbug Properties LLC at 3330 Buford Highway (zoned HC-A (Highway Commercial-Auto)), Atlanta Pine Straw at 3320 Buford Highway (zoned HC-A (Highway Commercial-Auto)), and the City of Duluth’s Public Safety facility at 3276 Buford Highway (zoned HC-A (Highway Commercial-Auto)).

There is a portion of Peachtree Road that separates several of these properties. This right-of-way will be abandoned through a formal process with Mayor and Council at their August 11th Voting meeting. Peachtree Road will be reconfigured with an equal or greater portion being rededicated as public right-of-way prior to the closeout of the townhome project.

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 (planned unit development) 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, 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 properties that constitute the proposed project straddle two character areas. The western portion is part of the Core Neighborhood District. FORWARDuluth envisions this 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 eastern portion of the project is located in the Downtown Core District Character Area. FORWARDuluth envisions this Character Area to be the cultural and entertainment heart of the City and region, celebrating the hometown, historic character while utilizing big city aesthetic and amenities.

The Future Land Use Map (FLUM) calls for Medium Density Residential. Residential and planned unit development zoned properties consisting of detached single-family homes and townhomes with a density between 6-12 units per acre.

IV. PLANNING STAFF REVIEW

Density

The Planned Unit Development application is requesting 77 townhomes over 6.21 acres. With the right-of-way excluded from the acreage, the density will be 12.39 units per acre, which is consistent with the Future Land Use Map.

Walkability

The proposed development will be an extension of the downtown core residential development as seen within and around South on Main. The furthest point of the development will be roughly a half mile walk to the library with the nearest unit being less than 1,000 feet to the library. With less than a mile walk to Parsons Alley, all of downtown will be accessible through alternative modes of transportation, greatly reducing vehicle trips for residents of the development. There will also be connectivity via sidewalks throughout the development and along Buford Highway and a small trail connection directly to Davenport Road.

Landscaping

A key feature of this development includes an enhanced landscape plan fronting Buford Highway. This landscape 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 within the buffer and throughout the site. This enhanced buffer is in addition to the required Tree Density Units for the rest of the site. An approved landscape plan shall be reviewed and approved prior to development.

Open Space

The applicant is proposing 15% of the development be open space, which is approximately 40,000 square feet of open space. The amount of open space is over 13,000 square feet more than required. The programming for the open space is a mix of passive pocket parks, green space and a dog park. With its proximity to downtown, the greatest amenity remains town green and access to all adjacent activities.

Architecture

The architecture, along with the landscaping, will be a key feature of the development. The proposed elevations show a timeless classic brick design with large industrial looking windows. The look of the architecture is reminiscent of the post-industrial-looking façade of the Thrive Building giving a clear connection to the downtown.

V. RECOMMENDATION

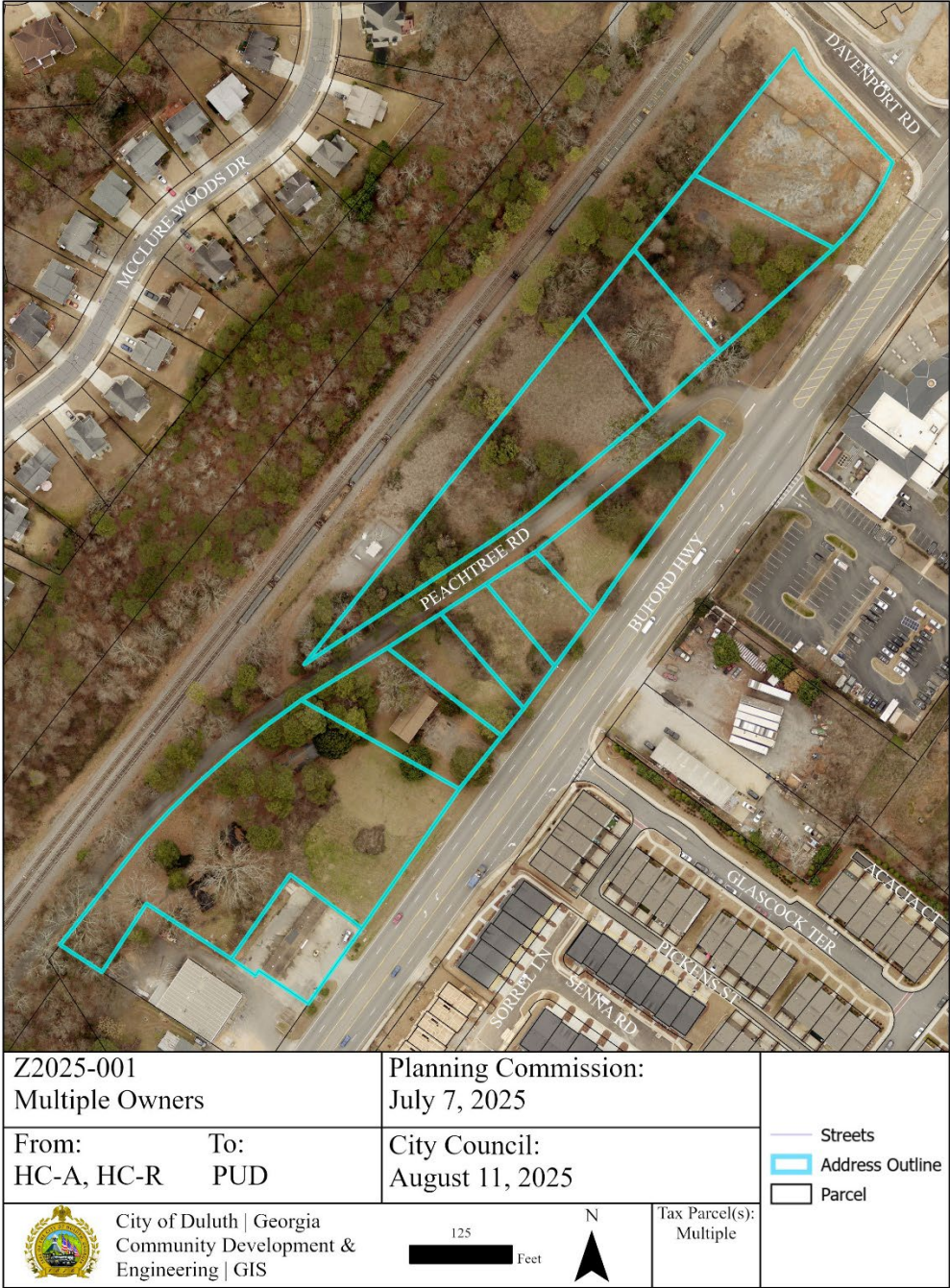
Planning Commission recommended **Approval with Conditions**.

ATTACHMENTS:

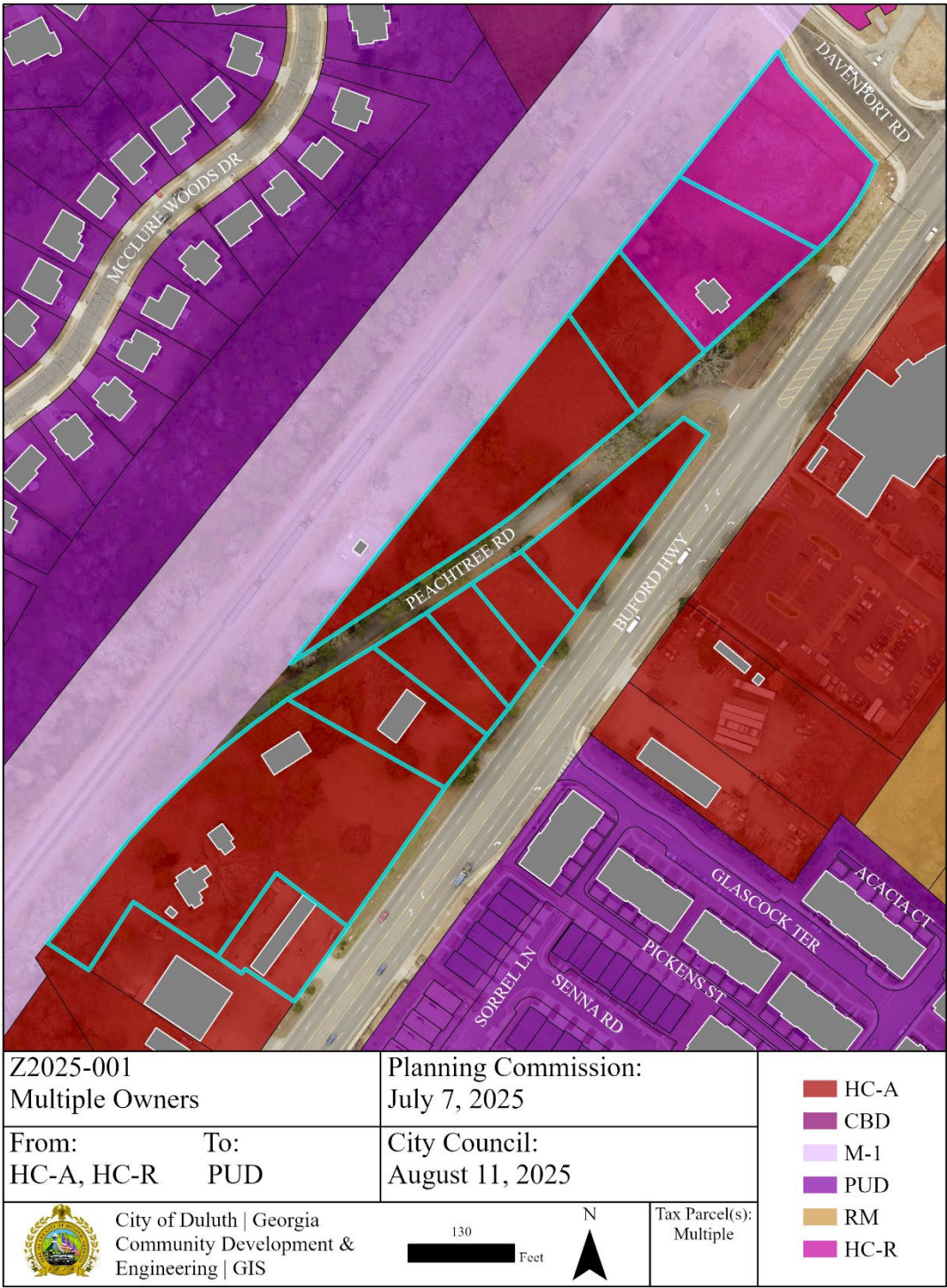
- Exhibit "A": Maps
- Exhibit "B": Legal Description
- Exhibit "C": Conditions of Approval
- Exhibit "D": Applicant's Response to the Standards Governing Exercise of Zoning Power
- Exhibit "E": Applicant's Letter of Intent
- Exhibit "F": Master Concept Plan
- Exhibit "G": Illustrative Site Plan
- Exhibit "H": Elevations
- Exhibit "I": Public Hearing Advertisement/Public Notice

Exhibit "A"
Maps

Location Map



Zoning Map



Character Map

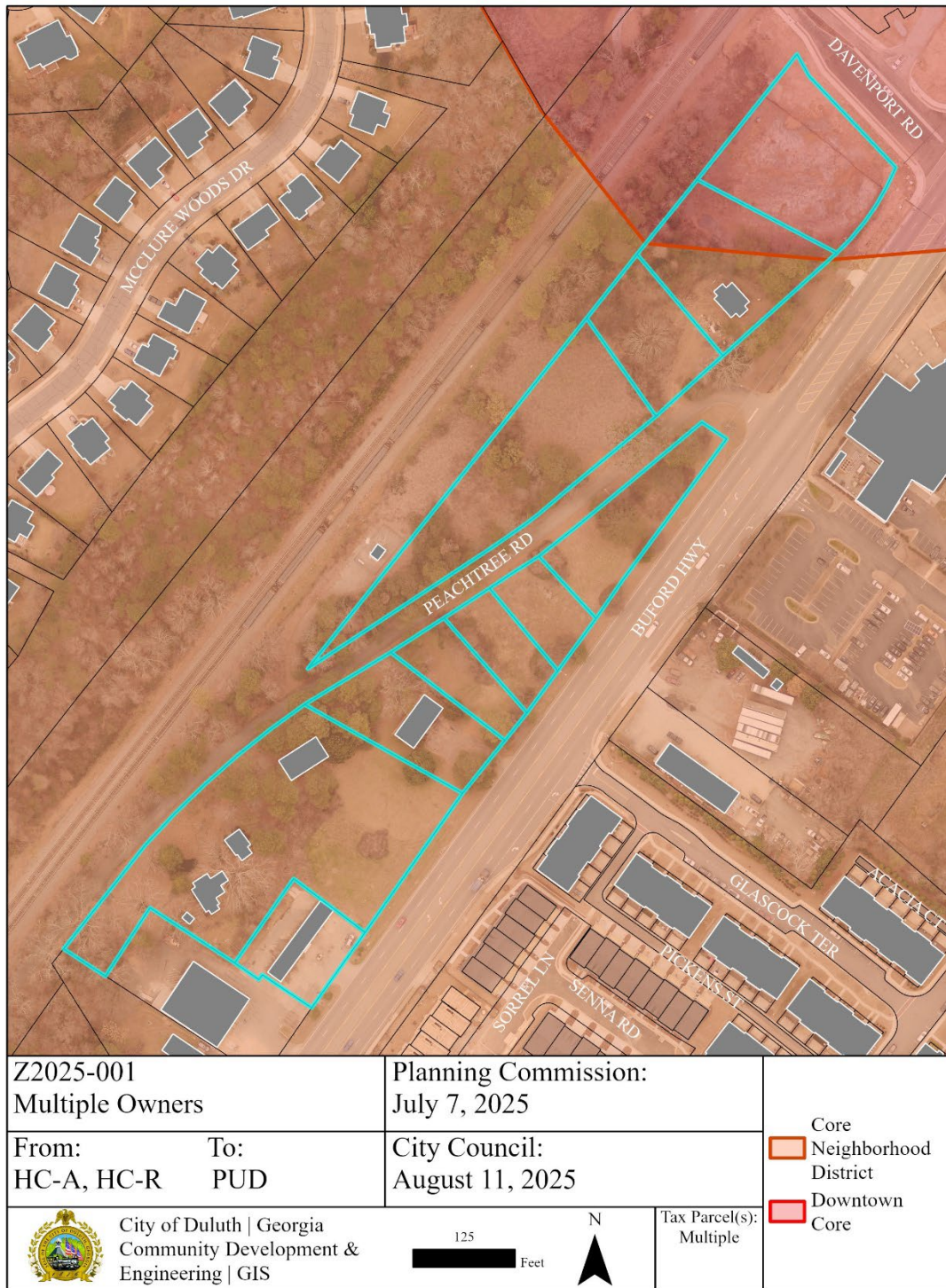
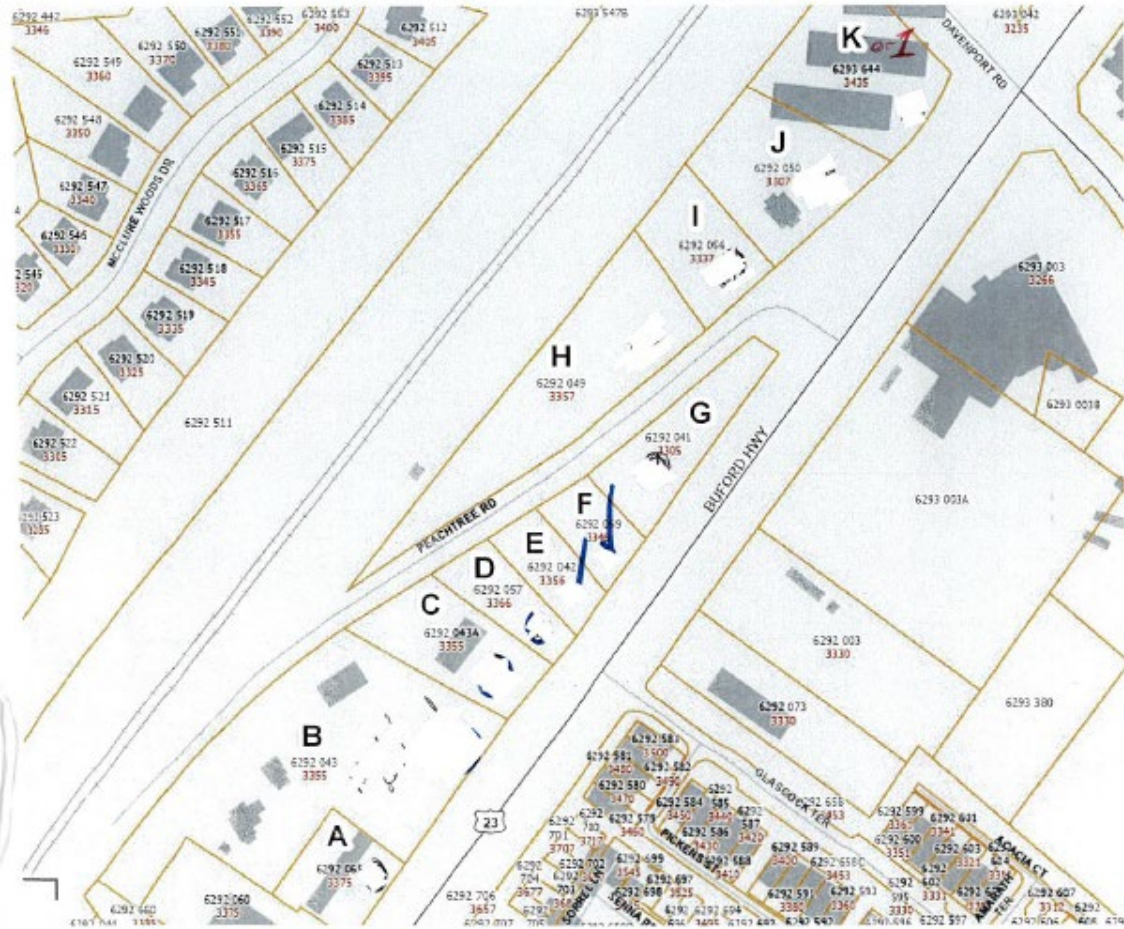


Exhibit "B"

Legal Descriptions

EXHIBIT A - PROPERTY OWNERS



Parcel	GIS Parcel IDs	GIS Acreage	Address	Owner	Signatory
A	6292 065	0.296785	3375 BUFORD HWY	GREGORY SARA M ETAL	Cynthia G Raines
B	6292 043	1.738773	3380 BUFORD HWY	RAINES CYNTHIA G	Cynthia G Raines
C	6292 043A	0.441793	3355 BUFORD HWY	GREGORY CAPITAL HOLDINGS LP	G&R Properties, LLP
D	6292 057	0.224125	3366 BUFORD HWY	GREGORY FRANCIS S ETAL	Cynthia G Raines
E	6292 042	0.210135	3356 PEACHTREE RD	RUBY MCDANIEL SMITH REVOCABLE FAMILY	Ruby McDaniel Smith, Revocable Family Trust
F	6292 069	0.200179	3346 PEACHTREE RD	ARNOLD SARA GALE WADE	Sara Gale Wade Arnold
G	6292 041	0.412668	3305 PEACHTREE RD	STEMBRIDGE FAMILY TRUST	David Stemberidge, Katherine Stemberidge
H	6292 049	0.972587	3357 PEACHTREE RD	STEMBRIDGE FAMILY TRUST	David Stemberidge, Katherine Stemberidge
I	6292 056	0.367694	3317 PEACHTREE RD	STEMBRIDGE KATHERINE L	Katherine Stemberidge
J	6292 050	0.371232	3307 BUFORD HWY	STEMBRIDGE KATHERINE L	Katherine Stemberidge
K	6293 644	0.6876	3435 DAVENPORT RD	CITY OF DULUTH URBAN REDEVELOPMENT AGENCY	City of Duluth Urban Redevelopment Agency

PARCEL A

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at the set 5/8 inch rebar with cap at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 08 minutes 07 seconds West a distance of 215.11 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 73.21 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 62.23 feet to a set 5/8 inch rebar with cap; South 36 degrees 19 minutes 07 seconds West a distance of 42.14 feet to a set 5/8 inch rebar with cap; South 31 degrees 38 minutes 27 seconds West a distance of 91.15 feet to a point; North 55 degrees 00 minutes 46 seconds West a distance of 11.44 feet to a found 1/2 inch rebar; South 35 degrees 51 minutes 50 seconds West a distance of 208.07 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said northwesterly right of way of Buford Highway South 35 degrees 45 minutes 59 seconds West a distance of 112.96 feet to a point; thence leaving said northwesterly right of way of Buford Highway North 55 degrees 57 minutes 35 seconds West a distance of 73.54 feet to a point; thence South 34 degrees 01 minutes 47 seconds West a distance of 5.96 feet to a point; thence North 55 degrees 58 minutes 01 seconds West a distance of 36.33 feet to a point; thence North 35 degrees 51 minutes 35 seconds East a distance of 126.13 feet to a point; thence South 52 degrees 11 minutes 21 seconds East a distance of 109.50 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING.

CONTAINS 12,983 square feet or 0.298 acres.

PARCEL B

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at the set 5/8 inch rebar with cap at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 08 minutes 07 seconds West a distance of 215.11 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 73.21 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 62.23 feet to a set 5/8 inch rebar with cap; South 36 degrees 19 minutes 07 seconds West a distance of 42.14 feet to a set 5/8 inch rebar with cap; South 31 degrees 38 minutes 27 seconds West a distance of 91.15 feet to a point; North 55 degrees 00 minutes 46 seconds West a distance of 11.44 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said northwesterly right of way of Buford Highway thence South 35 degrees 51 minutes 50 seconds West a distance of 208.07 feet to a found 1/2 inch rebar; thence leaving said northwesterly right of way of Buford Highway North 52 degrees 11 minutes 21 seconds West a distance of 109.50 feet to a point; thence South 35 degrees 51 minutes 35 seconds West a distance of 126.13 feet to a point; thence North 55 degrees 58 minutes 01 seconds West a distance of 123.81 feet to a point; thence South 33 degrees 57 minutes 09 seconds West a distance of 100.00 feet to a set 5/8 inch rebar with cap; thence North 56 degrees 02 minutes 51 seconds West a distance of 61.21 feet to a found 1/2 inch rebar on said southwesterly right of way of Old Peachtree Road; thence along said southwesterly right of way of Old Peachtree Road the following courses and distances: North 39 degrees 04 minutes 21 seconds East a distance of 162.38 feet to a point; along a curve turning to the right with an arc length of 260.45 feet, having a radius of 1086.71 feet, being subtended by a chord bearing of North 49 degrees 27 minutes 32 seconds East, and a chord length of 259.83 to a point; South 59 degrees 45 minutes 19 seconds East a distance of 9.23 feet to a point; thence leaving said southwesterly right of way of Old Peachtree Road and proceed South 59 degrees 45 minutes 37 seconds East a distance of 212.69 feet to a point, said point being the TRUE POINT OF BEGINNING.

CONTAINS 75,739 square feet or 1.739 acres.

LEGAL DESCRIPTION
PARCEL C

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at the set 5/8 inch rebar with cap at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 08 minutes 07 seconds West a distance of 215.11 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 73.21 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 62.23 feet to a set 5/8 inch rebar with cap; South 36 degrees 19 minutes 07 seconds West a distance of 42.14 feet to a set 5/8 inch rebar with cap, said rebar being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said northwesterly right of way of Buford Highway the following courses and distances: South 31 degrees 38 minutes 27 seconds West a distance of 91.15 feet to a point; North 55 degrees 00 minutes 46 seconds West a distance of 11.44 feet to a found 1/2 inch rebar; thence leaving said northwesterly right of way of Buford Highway North 55 degrees 00 minutes 46 seconds West a distance of 205.46 feet to a found 1/2 inch rebar on said southwesterly right of way of Old Peachtree Road; thence along said southwesterly right of way of Old Peachtree Road North 55 degrees 15 minutes 36 seconds East a distance of 98.37 feet to a found 1/2 inch rebar; thence leaving said southwesterly right of way of Old Peachtree Road South 54 degrees 35 minutes 56 seconds East a distance of 177.50 feet to a set 5/8 inch rebar with cap, said rebar being the TRUE POINT OF BEGINNING.

CONTAINS 18,079 square feet or 0.415 acres.

PARCEL D

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at the set 5/8 inch rebar with cap at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 08 minutes 07 seconds West a distance of 215.11 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 73.21 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 62.23 feet to a point, said point being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said northwesterly right of way of Buford Highway South 36 degrees 19 minutes 07 seconds West a distance of 42.14 feet to a point; thence leaving said northwesterly right of way of Buford Highway North 54 degrees 35 minutes 56 seconds West a distance of 177.50 feet to a found 1/2 inch rebar on said southwesterly right of way of Old Peachtree Road; thence along said southwesterly right of way of Old Peachtree Road North 55 degrees 18 minutes 02 seconds East a distance of 77.35 feet to a found 1/2 inch rebar; thence leaving said southwesterly right of way of Old Peachtree Road South 43 degrees 12 minutes 17 seconds East a distance of 154.90 feet to a point, said point being the TRUE POINT OF BEGINNING.

CONTAINS 9,664 square feet or 0.222 acres.

PARCEL E

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at the set 5/8 inch rebar with cap at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 08 minutes 07 seconds West a distance of 215.11 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 73.21 feet to a point, said point being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said northwesterly right of way of Buford Highway South 36 degrees 09 minutes 43 seconds West a distance of 62.23 feet to a set 5/8 inch rebar with cap; thence leaving said northwesterly right of way of Buford Highway North 43 degrees 12 minutes 17 seconds West a distance of 154.90 feet to a found 1/2 inch rebar on said southwesterly right of way of Old Peachtree Road; thence along said southwesterly right of way of Old Peachtree Road North 55 degrees 15 minutes 43 seconds East a distance of 66.55 feet to a point; thence leaving said southwesterly right of way of Old Peachtree Road South 41 degrees 12 minutes 21 seconds East a distance of 133.70 feet to a point, said point being the TRUE POINT OF BEGINNING.

CONTAINS 9,158 square feet or 0.210 acres.

LEGAL DESCRIPTION
PARCEL F

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at the set 5/8 inch rebar with cap at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 08 minutes 07 seconds West a distance of 215.11 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point, said point being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said northwesterly right of way of Buford Highway South 36 degrees 09 minutes 43 seconds West a distance of 73.21 feet to a point; thence leaving said northwesterly right of way of Buford Highway North 41 degrees 12 minutes 21 seconds West a distance of 133.70 feet to a point on said southwesterly right of way of Old Peachtree Road; thence along said southwesterly right of way of Old Peachtree Road the following courses and distances: North 55 degrees 15 minutes 42 seconds East a distance of 34.10 feet to a point; along a curve turning to the left with an arc length of 37.65 feet, having a radius of 1929.86 feet, being subtended by a chord bearing of North 54 degrees 42 minutes 16 seconds East, and a chord length of 37.65 feet to a found 1/2 inch rebar; thence leaving said southwesterly right of way of Old Peachtree Road South 41 degrees 15 minutes 30 seconds East a distance of 109.97 feet to a point, said point being the TRUE POINT OF BEGINNING.

CONTAINS 8,689 square feet or 0.199 acres.

PARCEL G

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGIN at a found 1/2 inch rebar at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 11 minutes 31 seconds West a distance of 215.09 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point; thence leaving said northwesterly right of way of Buford Highway North 41 degrees 15 minutes 30 seconds West a distance of 109.97 feet to a found 1/2 inch rebar on said southwesterly right of way of Old Peachtree Road; thence along said southwesterly right of way of Old Peachtree Road the following courses and distances: along a curve turning to the left with an arc length of 57.12 feet, having a radius of 1929.86 feet, being subtended by a chord bearing of North 53 degrees 17 minutes 54 seconds East, and a chord length of 57.12 feet to a point; along a curve turning to the left with an arc length of 28.70 feet, having a radius of 1929.86 feet, being subtended by a chord bearing of North 51 degrees 59 minutes 55 seconds East, and a chord length of 28.70 feet to a point; North 51 degrees 37 minutes 17 seconds East a distance of 172.92 feet to a found 1/2 inch rebar; South 54 degrees 26 minutes 39 seconds East a distance of 36.75 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING.

CONTAINS 19,037 square feet or 0.437 acres.

LEGAL DESCRIPTION
PARCEL H

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGIN at the found 1/2 inch rebar located at the intersection of the southeasterly right of way of Southern Railroad (200 foot right of way) with the northerly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said southeasterly right of way of Southern Railroad North 38 degrees 22 minutes 27 seconds East a distance of 549.10 feet to a found 1/2 inch rebar; thence leaving said southeasterly right of way of Southern Railroad South 35 degrees 10 minutes 35 seconds East a distance of 146.54 feet to a found 1/2 inch rebar on said northerly right of way of Old Peachtree Road; thence along said northerly right of way of Old Peachtree Road the following courses and distances: South 51 degrees 32 minutes 29 seconds West a distance of 145.51 feet to a point; along a curve turning to the right with an arc length of 121.19 feet, having a radius of 1890.47 feet, being subtended by a chord bearing of South 53 degrees 27 minutes 51 seconds West, and a chord length of 121.16 feet to a found 1/2 inch rebar; South 55 degrees 19 minutes 11 seconds West a distance of 260.23 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING.

CONTAINS 40,717 square feet or 0.935 acres.

PARCEL I

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 292 and 293 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at the found 1/2 inch rebar located at the intersection of the southeasterly right of way of Southern Railroad (200 foot right of way) with the northerly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said southeasterly right of way of Southern Railroad North 38 degrees 22 minutes 27 seconds East a distance of 549.10 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said Southern Railroad North 38 degrees 26 minutes 33 seconds West a distance of 100.27 feet to a point; thence leaving said Southern Railroad South 40 degrees 13 minutes 44 seconds East a distance of 168.85 feet to a point on said northerly right of way of Old Peachtree Road; thence along said northerly right of way of Old Peachtree Road the following courses and distances: along a curve turning to the right with an arc length of 38.59 feet, having a radius of 1412.39 feet, being subtended by a chord bearing of South 51 degrees 01 minutes 05 seconds West, and a chord length of 38.59 feet to a point; South 51 degrees 37 minutes 12 seconds West a distance of 72.68 feet to a found 1/2 inch rebar; thence leaving said northerly right of way of Old Peachtree Road North 35 degrees 10 minutes 35 seconds West a distance of 146.54 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING.

CONTAINS 16,456 square feet or 0.378 acres.

PARCEL J

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 293 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at the found 1/2 inch rebar located at the intersection of the southeasterly right of way of Southern Railroad (200 foot right of way) with the northerly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said southeasterly right of way of Southern Railroad the following courses and distances: North 38 degrees 22 minutes 27 seconds East a distance of 549.10 feet to a found 1/2 inch rebar; North 38 degrees 26 minutes 33 seconds West a distance of 100.27 feet to a point, said point being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said Southern Railroad the following courses and distances: North 38 degrees 26 minutes 33 seconds East a distance of 15.67 feet to a found 1/2 inch rebar; North 38 degrees 20 minutes 14 seconds East a distance of 87.28 feet to a point; thence leaving said Southern Railroad South 62 degrees 16 minutes 34 seconds East a distance of 193.11 feet to a found 1/2 inch rebar on northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way); thence along said northwesterly right of way Buford Highway along a curve turning to the right with an arc length of 173.91 feet, having a radius of 1412.39 feet, being subtended by a chord bearing of South 46 degrees 23 minutes 32 seconds West, and a chord length of 173.70 feet to a point; thence leaving said northwesterly right of way North 40 degrees 13 minutes 44 seconds West a distance of 168.85 feet to a point, said point being the TRUE POINT OF BEGINNING.

CONTAINS 24,716 square feet or 0.567 acres.

TRACT 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 293 of the 6th District, City of Duluth, Gwinnett County, Georgia, and being more particularly described as follows:

BEGIN at a found iron pin with cap located at the intersection of the southeasterly right of way of Southern Railroad (200 foot right of way) with the southwesterly right of way line of Davenport Road Extension (variable public right of way), said point being the TRUE POINT OF BEGINNING;

THENCE along said southwesterly right of way of Davenport Road Extension the following courses and distances: S28°59'44"E a distance of 30.69 feet to a found iron pin with cap; S43°32'39"E a distance of 154.09 feet to a found iron pin with cap located at the intersection of said southwesterly right of way line of Davenport Road Extension with the northerly right of way of Buford Highway (a.k.a. U.S. 23) (a.k.a. S.R. 13) (variable public right of way); thence along said northerly right of way of Buford highway along a curve turning to the right with an arc length of 128.11 feet, having a radius of 300.00 feet, being subtended by a chord bearing of S34°30'29"W, and a chord length of 127.13 feet to a found 1/2 inch rebar; thence leaving said northerly right of way and proceed N62°16'34"W a distance of 193.11 feet to a point located on said southerly right of way of Southern Railroad; thence along said southerly right of way N38°28'10"E a distance of 196.01 feet to a found iron pin with cap, said rebar being the TRUE POINT OF BEGINNING.

Tract or parcel contains 29,907 square feet or 0.687 acres.

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 right-of-way. 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 seventy-seven (77) townhomes.
10. Minimum heated floor area shall be no less than 2,200 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 "H" 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.
 - c. All homes shall have a two-car garage.
 - d. Driveways must conform to the Driveway Design Standards listed in the UDC. 909.07.b.1.b
 - e. 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.
 - f. All dwellings shall incorporate front porches, stoops, awnings or balconies consistent with the architecture of the dwelling.
 - 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.** 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 public right-of-way 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 public right-of-way 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.** A four-foot high decorative iron fence with brick pillars must be installed along the length of Buford Highway and Davenport Road.
- 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, along Davenport Road and along Buford Highway. The buffer shall be a combination of evergreen trees and shrubs and deciduous trees.

- 20.** 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.
- 21.** 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.
- 22.** 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



2/28/2025

City of Duluth
 Department of Planning & Development
 3167 Main Street
 Duluth, GA 30096

Re: **Section 4 - Applicant Responses**
Buford Hwy @ Peachtree Road
 Planners and Engineers Collaborative, Inc. Project No. 17141.03A

To whom it may concern,

Please see below our responses to page 8 of the Rezoning Application.

A) How the proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. Uses surrounding the site include small, single-family detached homes, townhome communities, the City of Duluth Municipal Court and Police Precinct, and some light industrial uses that have redevelopment potential. In view of the surroundings, the proposed rezoning is clearly appropriate at this location.

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

This rezoning will not permit a use that would adversely affect any surrounding use or property. This proposed rezoning will help increase value for surrounding properties by introducing additional high-quality housing and complementing the surrounding residential development. Additionally, the proposal for the subject property improves the redevelopment potential of surrounding sites, since it showcases the area as primed for redevelopment with high quality housing and mixed uses. Another positive impact of the development is that it improves the walkability of the residents to nearby business and establishments, and improves the streetscape along Buford Highway.

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

The tract that is currently zoned HC-Auto does not have an economic use as currently zoned. It does not make economic sense to redevelop this single parcel with outdated, auto-centric, heavy commercial uses while the prevailing nearby pattern of development is trending toward high-quality residential uses in PUDs. Traditional highway commercial uses in this location severely limit the success of the site and the corridor, while residential development at this location, in such proximity to Downtown Duluth, would enhance not only the streetscape, but the overall public/pedestrian realm along Buford Highway.

D) Whether the proposed rezoning 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 rezoning will not cause undue burden on existing public facilities. Utilities are available to the site at the requisite capacity to support such a development. Stormwater generated by the infill site would be captured by the underground stormwater system included in the plans. The townhomes would be targeted toward young

350 Research Ct, Ste 200, Peachtree Corners, Georgia 30092 ■ Main: (770) 451-2741 ■ Fax: (770) 451-3915
www.pecatl.com

Buford Hwy at Peachtree Road
 Project No. 17141.03A
 3/12/2025

professionals and empty nesters, so it is unlikely that school age families would represent a significant portion of buyers. Traffic would not be worse than conditions permitted by an as-of-right development under the HC-A zoning.

E) Whether the proposed rezoning 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.

This proposal conforms to The City of Duluth's comprehensive plan, land use plan, and transportation plan. The proposed use is exactly what the redevelopment plan describes for this corridor and this infill property. The current and future demand for townhomes near commercial uses in Duluth promotes walkability to the area retail and entertainment venues, and a strong tax-base to patronize them. The proposed project advances the purpose and intent of the Forward Duluth Comprehensive Plan. The proposed project site is located within the 'Downtown Core Neighborhoods' character area. Core Neighborhoods are 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 proposed project takes aim at all of the above-mentioned goals of the Downtown Core Neighborhoods character area. The proposal places housing density at the edge of downtown, introducing 77 new units within walking distance of shops and restaurants. Additionally, the homes are smaller to accommodate the 'lock-and-go' style living that is popular in Downtown fringe areas--an expressed goal of this character area. The units along Buford Highway are oriented so that they face the pedestrian realm and offer sidewalks to provide connectivity. The streetscape should be vastly improved with the additions from this project.

F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

The approval of the proposed rezoning will replace obsolete, auto-oriented zoning to become part of a larger, high-quality residential development pattern that will help to revitalize this corridor. Additionally, it provides more rooftops to this area, improves walkability by creating a cohesive, unified streetscape outside of 'core downtown' and will ultimately be beneficial to the success and viability of nearby businesses in Duluth.

Sincerely,
Planners and Engineers Collaborative, Inc.



Kenneth J. Wood, P.E., LEED AP
 President

Exhibit “E”
Applicant’s Letter of Intent



2/28/2025

City of Duluth
Department of Planning & Development
3167 Main Street
Duluth, GA 30096

Re: **Letter of Intent**
Buford Hwy @ Peachtree Road
Planners and Engineers Collaborative, Inc. Project No. 17141.03A

Dear Community Development officials,

This rezoning application is being submitted on behalf of the developer. This application proposes to rezone the 6.12-acre infill property located near the northwest intersection of Buford Highway and Peachtree Road from HC-A and HC-R to Planned Unit Development (PUD). This rezoning would facilitate the development of a new 77-unit single-family attached community.

Existing Conditions:

The zoning districts surrounding the property include:

- North: PUD and HC-A
- East: HC-A
- South: PUD and HC-A
- West: PUD

The site is bounded by Buford Highway to the east/southeast, and the Norfolk Southern rail to the west/northwest. As it currently exists, the property is partly developed with auto-oriented, intense uses and warehouses along the Buford Highway frontage. The development of the site would involve the abandonment of approximately 14,000 square feet of existing right-of-way of Peachtree Road, which runs diagonally through the site. In exchange, approximately 50,000 square feet of new public roadway will be created on-site, and will have inter-parcel connection to the off-site remaining portions of Peachtree Road. Directly across from the development is a townhome community; directly behind the development (across the railroad) is a single-family detached subdivision, and another townhome community. The site sits just outside of the Downtown Duluth area, and is an approximately 10-minute walk into the heart of downtown.

Proposed Development

The proposed development is a new, 6.12-acre (net) infill redevelopment project that will add 77 single-family attached homes just outside of the Downtown Duluth core. The proposed density of the development is approximately 12.41 units per acre, calculated based on the net density, which is the overall site area minus the right-of-way that will be abandoned. Without the right-of-way abandonment taken into consideration, the gross density would be approximately 11.46 units per acre. The density is artificially inflated but will not create a precedent, and should instead be evaluated through the lens of a “special circumstance.” The site is a highly complex assemblage of parcels that could not otherwise be developed. In fact, redevelopment on this site has been in process for a number of years with little success due to the complicated nature of the site. With that in mind, these special circumstances are unique to this site, and should be considered in view of the overall benefit of the development.

Additionally, 15% of the site reserved for community open space. Homes would be three-stories tall and would range in size from 1,500 to 2,000 square feet. There would be both front-loaded and rear-loaded homes within this community. The units are oriented within the development to create small shared courtyards, while the units lining Buford Highway are oriented to create a welcoming and attractive streetscape. The development includes ample greenspace, shared courtyards, an exceptional pool and clubhouse amenity, walking trails, and a dog park. The

350 Research Ct, Ste. 200, Peachtree Corners, Georgia 30092 ■ 48 Atlanta Street, Marietta, Georgia 30060
Main: (770) 451-2741 ■ Fax: (770) 451-3915
www.pecatl.com

Project No. 17141.03A
3/12/2025

variety of amenities and exterior finishes are geared toward adults and young professionals looking to live near the growing job opportunities in the Duluth area, with proximity to Interstate-85. There is an underground master stormwater facility proposed that would collect rainwater during significant precipitation events and prevent runoff from hitting nearby properties or spilling onto Buford Highway.

The site would maintain as much of the existing vegetation along the rear property line as possible, buffering new residents from the Norfolk Southern rail right-of-way and surrounding developments.

Zoning Rationale

The proposed project is directly adjacent to the study area boundaries for the Downtown Duluth Revitalization Plan established in 2014. The land directly east of the project site was shown as 'townhome development.' The proposed project builds on the study area defined by the plan, and helps to create a transitional area along the edge of Downtown.

In addition to ideal geographic location relative to the Downtown study area, the proposed site plan also employs the design elements noted in the Downtown Master Plan. The development is highly connected, both internally and externally, with sidewalks throughout and along the Buford Highway frontage. Additionally, this layout also incorporates the elements of compactness and sustainability; the walkability and proximity to downtown, coupled with the density and relative size of the development will reduce car trips and improve overall function of the greater area.

The development places a particular emphasis on open space, providing residents ample opportunities to get outside and foster a sense of community. Finally, the development is intended to attract a diverse market of residents. The size of the homes, interior and exterior finishes, ideal location, and unique amenities will surely attract a variety of users, including young professionals, first-time homeowners, empty-nesters, and older adults looking to downsize.

The proposed project advances the purpose and intent of the ForwardDuluth Comprehensive Plan. As shown in the excerpt from the Plan, the proposed project site is located within the 'Downtown Core Neighborhoods' character area. Core Neighborhoods are 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 proposed project takes aim at all of the above-mentioned goals of the Downtown Core Neighborhoods character area. The proposal places housing density at the edge of downtown, introducing 77 new units within walking distance of shops and restaurants. Additionally, the homes are smaller to accommodate the 'lock-and-go' style living that is popular in Downtown fringe areas—an expressed goal of this character area. The units along Buford Highway are oriented so that they face the pedestrian realm and offer sidewalks to provide connectivity. The streetscape should be vastly improved with the additions from this project.

Conclusion

The applicant and owner respectfully request that the City of Duluth City Council, Planning Commission and Planning Staff approve and support the Applicant's request to rezone this property from HC-A and HC-R to PUD. This would facilitate the development of a new, single-family attached townhome community that would contribute to the advancement of the purpose and intent of the City of Duluth comprehensive plan. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

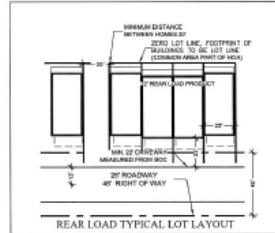
Sincerely,
Planners and Engineers Collaborative, Inc.



Kenneth J. Wood, P.E., LEED AP, President

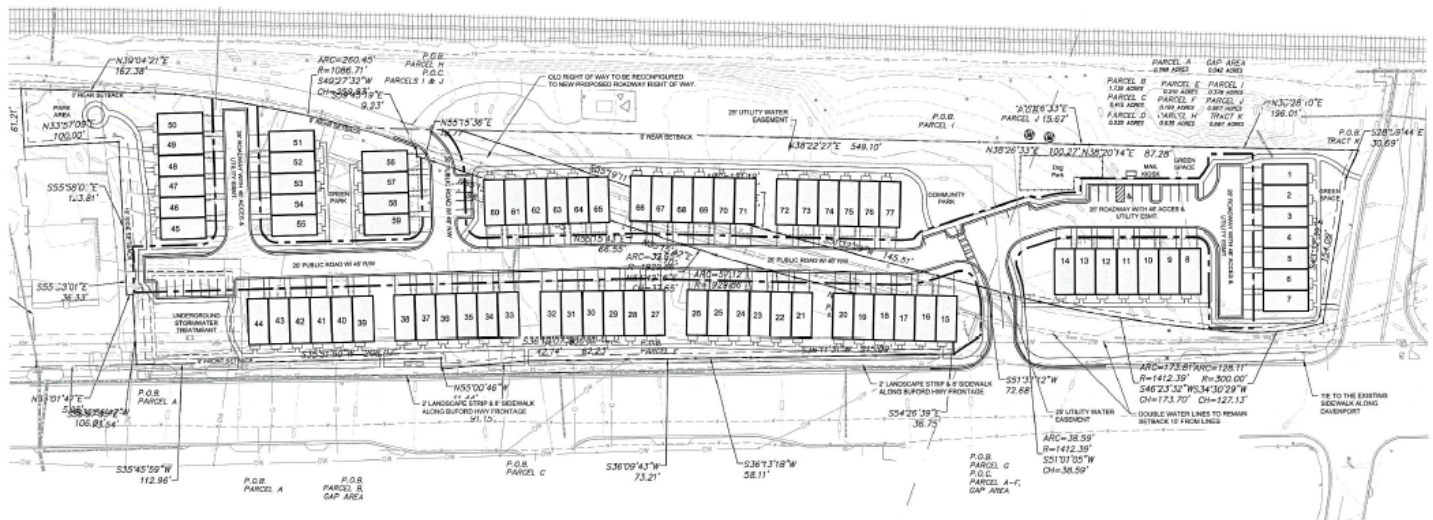
Exhibit "F"
Master Planned Development

MASTER PLAN



GENERAL NOTES:

3. REFERENCE ZONING ORDINANCES FROM THE CITY OF ILLINOIS FOR ANY CONDITION NOT COVERED IN THE ZONING SITE PLAN.
4. ALL LOT CORNERS ARE TO BE CORNERED TO BE IN ACCORDANCE TO THE ILLINOIS SURVEYING ACT OF THE TOWNSHIP ROAD.
5. ALL LOT CORNERS AND LANDSCAPE AREA IS NOT TO BE LOCATED BY THE ROAD.
6. RIGHT OF WAY OF PUBLIC ROAD IS TO BE 6 FEET IN WIDTH AND 10 FEET IN WIDTH MEASURED FROM THE FACE OF CURB.
7. INTERNAL DRIVEWAYS ARE TO BE A MINIMUM WIDTH OF 6 FEET WIDE.
8. TYPICAL STANDARD PARKING SPACES FOR 90 DEGREE PARKING IS 10 FEET BY 20 FEET FOR PARALLEL PARKING.
9. NO MORE THAN 50% OF ALL PARKING SPACES SHALL BE CONDUCT TRUCKS.
10. ENTRANCE CURB CUTS TO BE APPROVED BY THE GEORGIA DEPARTMENT OF TRANSPORTATION.
11. KNOW A MAJOR PAVING ALONG THE AGE OF ROAD LOADED INTO, NOT IN ALLY CIRCLES.
12. INTERNAL TOWNSHIP LOT SETBACKS ARE:
 - FRONT: 10 FEET
 - REAR: 10 FEET
 - SIDE: 5 FEET

[illegible]

II. MASTER PLAN

Exhibit "G"
Illustrative Site Plan

ILLUSTRATIVE SITE PLAN



II. MASTER PLAN

Exhibit "H"

Elevations

**PROPOSED
ARCHITECTURE**



III. ARCHITECTURE & DESIGN

ARCHITECTURE PRECEDENTS



III. ARCHITECTURE & DESIGN



ARCHITECTURE PRECEDENTS



III. ARCHITECTURE & DESIGN

ARCHITECTURE PRECEDENTS



III. ARCHITECTURE & DESIGN

Exhibit "I"

Public Notice

Public Notice Printed in Gwinnett Daily Post 7/21/2025

GDP8390
8/21/25
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 regarding a Planned Unit Development for 3375 Buford Hwy; 3355 Buford Hwy; 3366 Buford Hwy; 3356 Peachtree Rd; 3346 Peachtree Rd; 3305 Peachtree Rd; 3357 Peachtree Rd; 3307 Buford Hwy; 3435 Davenport Road Duluth, GA 30096.

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:

August 11, 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@duluthga.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.

7:27,2025









Jun 25, 2025 at 3:31:57 PM

CITY OF DULUTH PUBLIC NOTICE

Z2025-001

REQUEST TO

Rezone from HC-A to PUD
Proposed abandonment of road designated
as Peachtree Road.

PARCEL: 6292 069

ADDRESS: 3346 Peachtree Road

CURRENT ZONING: HC-A

PROPOSED ZONING: PUD

Planning Commission DATE: 7/7/2025 @6 p.m.

Mayor & Council DATE: 8/11/2025 @6 p.m.

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

CITY HALL COUNCIL CHAMBERS
3167 MAIN STREET, DULUTH, GA 30096
770.476.1790

on the dates and times provided above.



Jun 25, 2025 at 3:36:42 PM



Jun 25, 2025 at 3:36:17 PM



Jun 25, 2025 at 3:35:24 PM





Public Notice Published July 21, 2025
Public Hearing Held August 11, 2025

ORDINANCE OF REZONING
O2025-33
CITY OF DULUTH

AN ORDINANCE FOR THE REZONING OF +/- 6.12 ACRES OF PROPERTIES IN LAND LOTS 292 AND 293, 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCELS R6292 065; R6292 043; R6292 043A; R6292 057; R6292 042; R6292 069; R6292 041; R6292 049; R6292 056; R6292 050; R6293 644, ALL 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, Embry Development Company LLC has filed a complete application (Z2025-001) with the City of Duluth seeking a rezoning. Said rezoning plan includes, but is not limited to, the rezoning of +/- 6.21 acres of property from HC-A (Highway Commercial-Auto) and HC-R (Highway Commercial-Retail) to PUD (Planned Unit Development); and

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 July 7, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At the July 7, 2025 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 August 11, 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 rezone the properties from HC-A (Highway Commercial-Auto) and HC-R (Highway Commercial-Retail) to PUD (Planned Unit Development), 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 properties that constitute the proposed project straddle two character areas. The western portion is part of the Core Neighborhood District. FORWARDuluth envisions this 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 eastern portion of the project is located in the Downtown Core District Character Area. FORWARDuluth envisions this Character Area to be the cultural and entertainment heart of the City and region, celebrating the hometown, historic character while utilizing big city aesthetic and amenities.

The Future Land Use Map (FLUM) calls for Medium Density Residential. Residential and planned unit development zoned properties consisting of detached single-family homes and townhomes with a density between 6-12 units per acre.

SECTION 2. LEGAL DESCRIPTIONS.

The properties that are subject to this ordinance consists of ± 6.12 acres and are 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 02025-33.

ATTACHMENTS:

Exhibit “A”: Maps

Exhibit “B”: Legal Description

Exhibit “C”: Conditions of Approval

Exhibit “D”: Applicant’s Responses to the Standards Governing Exercise of Zoning Power

Exhibit “E”: Applicant’s Letter of Intent

Exhibit “F”: Master Concept Plan

Exhibit “G”: Illustrative Site Plan

Exhibit “H”: Elevations

Exhibit “I”: Public Hearing Advertisement/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

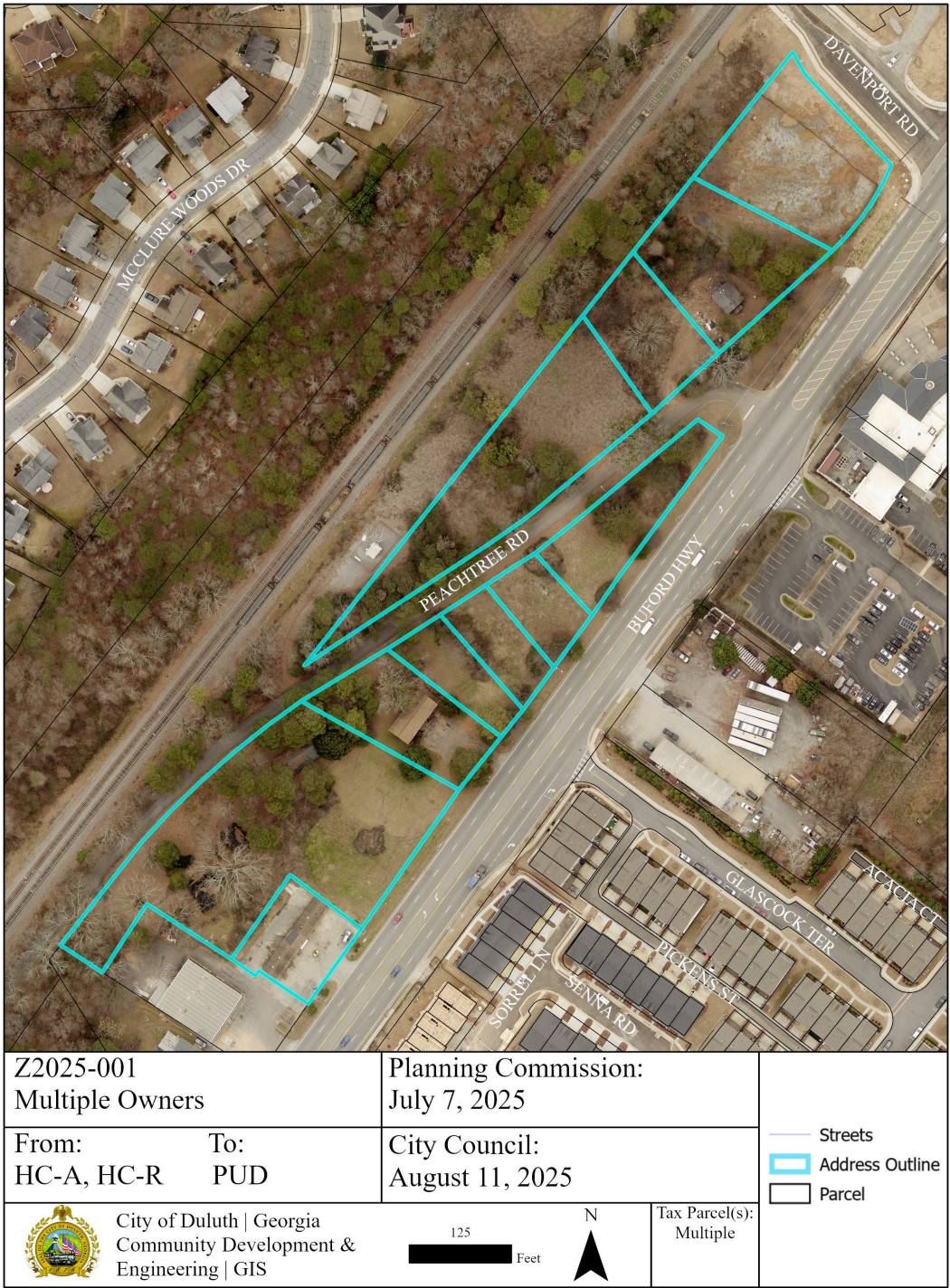
Shenée Johnson-Cummings, Post 5

Those councilmembers voting in opposition:

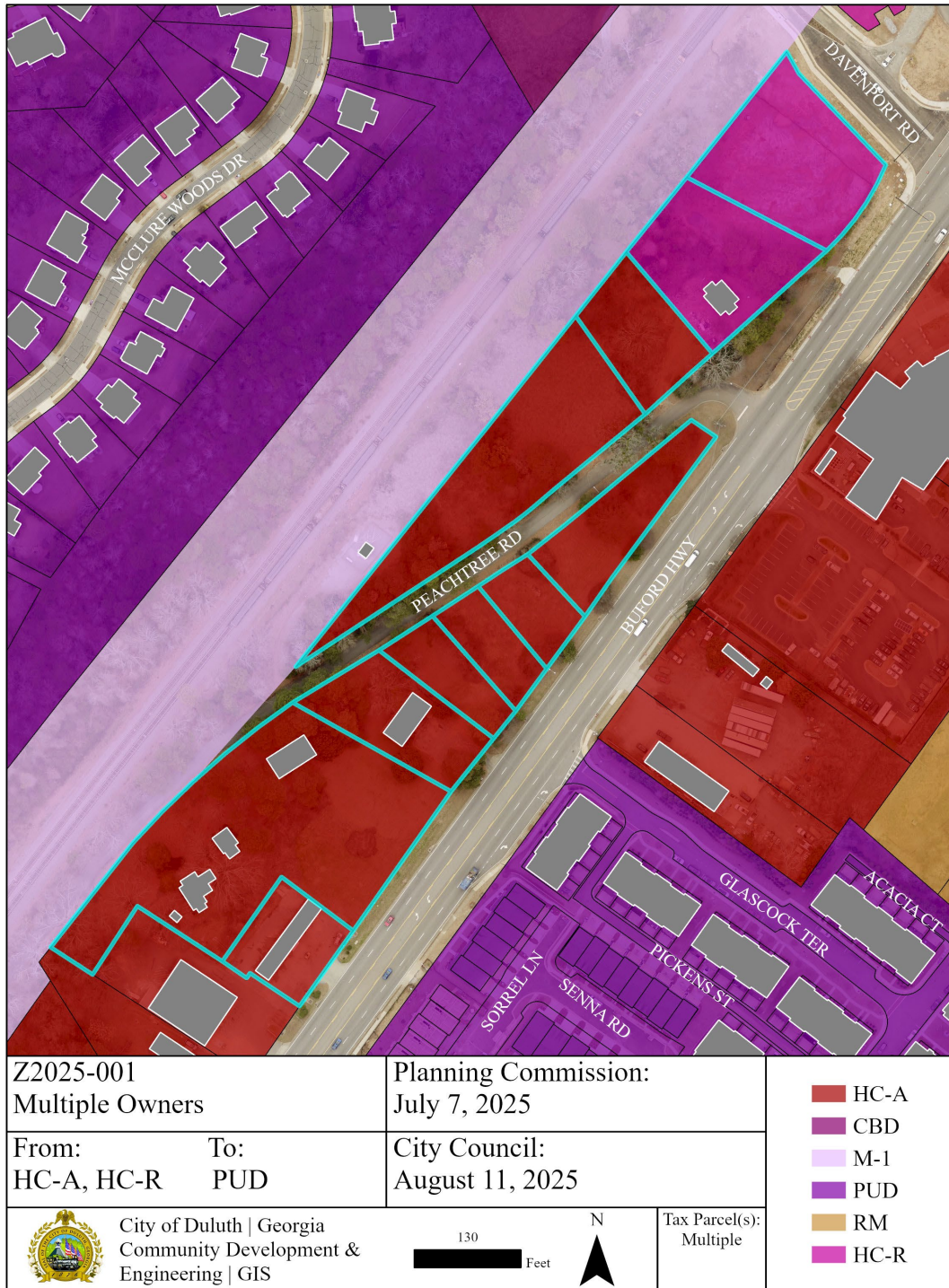
ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

Exhibit "A"
Maps

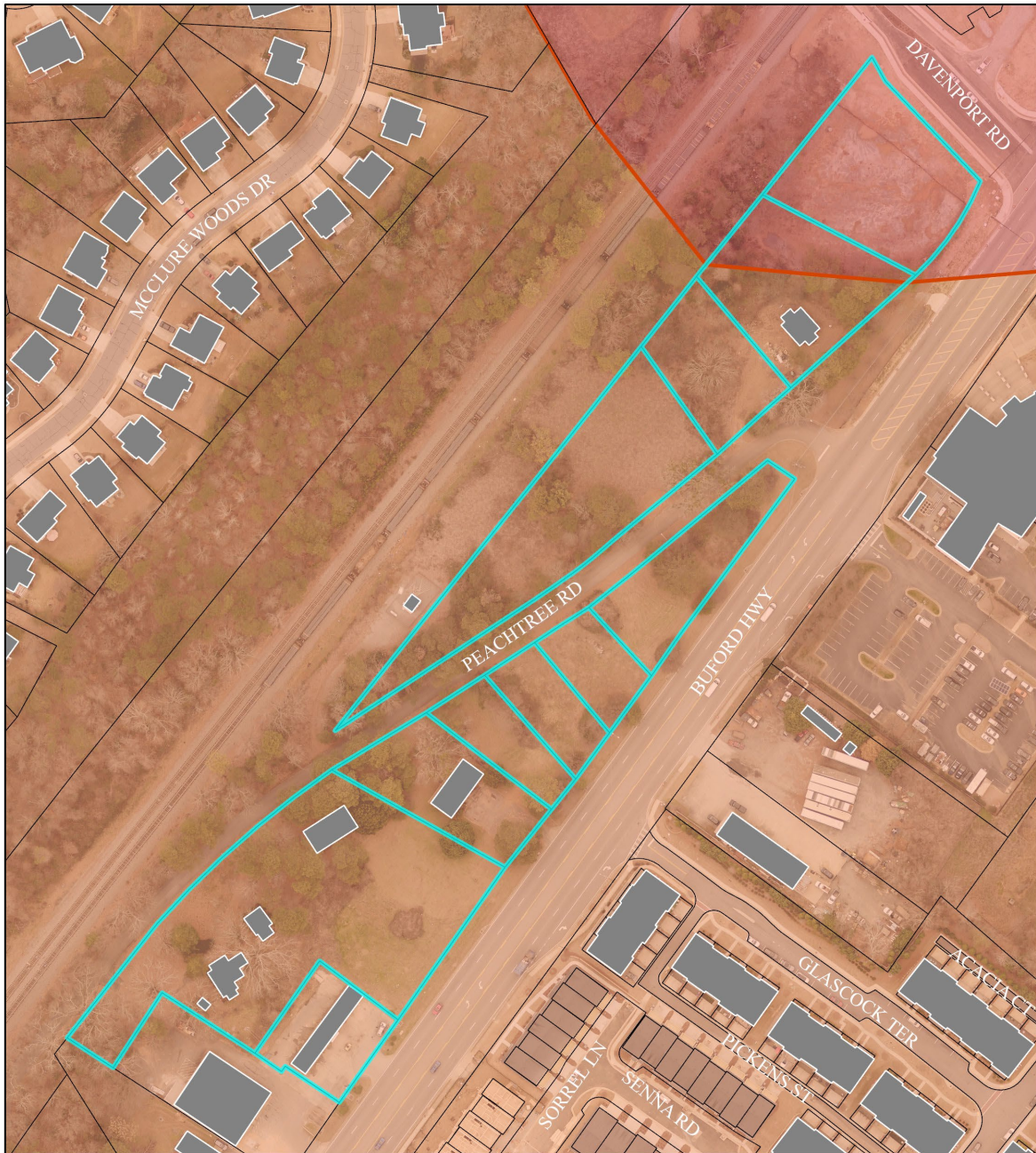
Location Map



Zoning Map



Character Area Map



Z2025-001 Multiple Owners		Planning Commission: July 7, 2025		Core Neighborhood District Downtown Core
From: HC-A, HC-R	To: PUD	City Council: August 11, 2025		
City of Duluth Georgia Community Development & Engineering GIS		125 Feet	N	Tax Parcel(s): Multiple

Exhibit "B" Legal Descriptions

EXHIBIT A - PROPERTY OWNERS



Parcel	GIS Parcel IDs	GIS Acreage	Address	Owner	Signatory
A	6292 065	0.296785	3375 BUFORD HWY	GREGORY SARA M ETAL	Cynthia G Raines
B	6292 043	1.738773	3355 BUFORD HWY	RAINES CYNTHIA G	Cynthia G Raines
C	6292 043A	0.441793	3355 BUFORD HWY	GREGORY CAPITAL HOLDINGS LP	G&R Properties, LLP
D	6292 057	0.224125	3366 BUFORD HWY	GREGORY FRANCIS S ETAL	Cynthia G Raines
E	6292 042	0.210135	3356 PEACHTREE RD	RUBY MCDANIEL SMITH REVOCABLE FAMILY	Ruby McDaniel Smith, Revocable Family Trust
F	6292 069	0.200179	3346 PEACHTREE RD	ARNOLD SARA GALE WADE	Sara Gale Wade Arnold
G	6292 041	0.412668	3305 PEACHTREE RD	STEMBRIDGE FAMILY TRUST	David Stemberidge, Katherine Stemberidge
H	6292 049	0.972587	3357 PEACHTREE RD	STEMBRIDGE FAMILY TRUST	David Stemberidge, Katherine Stemberidge
I	6292 056	0.367604	3337 PEACHTREE RD	STEMBRIDGE KATHERINE L	Katherine Stemberidge
J	6292 050	0.371232	3307 BUFORD HWY	STEMBRIDGE KATHERINE L	Katherine Stemberidge
K	6293 644	0.6876	3329 BUFORD HWY	CITY OF DULUTH URBAN REDEVELOPMENT AGENCY	City of Duluth Urban Redevelopment Agency

PARCEL A

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at the set 5/8 inch rebar with cap at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 08 minutes 07 seconds West a distance of 215.11 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 73.21 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 62.23 feet to a set 5/8 inch rebar with cap; South 36 degrees 19 minutes 07 seconds West a distance of 42.14 feet to a set 5/8 inch rebar with cap; South 31 degrees 38 minutes 27 seconds West a distance of 91.15 feet to a point; North 55 degrees 00 minutes 46 seconds West a distance of 11.44 feet to a found 1/2 inch rebar; South 35 degrees 51 minutes 50 seconds West a distance of 208.07 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said northwesterly right of way of Buford Highway South 35 degrees 45 minutes 59 seconds West a distance of 112.96 feet to a point; thence leaving said northwesterly right of way of Buford Highway North 55 degrees 57 minutes 35 seconds West a distance of 73.54 feet to a point; thence South 34 degrees 01 minutes 47 seconds West a distance of 5.96 feet to a point; thence North 55 degrees 58 minutes 01 seconds West a distance of 36.33 feet to a point; thence North 35 degrees 51 minutes 35 seconds East a distance of 126.13 feet to a point; thence South 52 degrees 11 minutes 21 seconds East a distance of 109.50 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING.

CONTAINS 12,983 square feet or 0.298 acres.

PARCEL B

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at the set 5/8 inch rebar with cap at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 08 minutes 07 seconds West a distance of 215.11 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 73.21 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 62.23 feet to a set 5/8 inch rebar with cap; South 36 degrees 19 minutes 07 seconds West a distance of 42.14 feet to a set 5/8 inch rebar with cap; South 31 degrees 38 minutes 27 seconds West a distance of 91.15 feet to a point; North 55 degrees 00 minutes 46 seconds West a distance of 11.44 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said northwesterly right of way of Buford Highway thence South 35 degrees 51 minutes 50 seconds West a distance of 208.07 feet to a found 1/2 inch rebar; thence leaving said northwesterly right of way of Buford Highway North 52 degrees 11 minutes 21 seconds West a distance of 109.50 feet to a point; thence South 35 degrees 51 minutes 35 seconds West a distance of 126.13 feet to a point; thence North 55 degrees 58 minutes 01 seconds West a distance of 123.81 feet to a point; thence South 33 degrees 57 minutes 09 seconds West a distance of 100.00 feet to a set 5/8 inch rebar with cap; thence North 56 degrees 02 minutes 51 seconds West a distance of 61.21 feet to a found 1/2 inch rebar on said southwesterly right of way of Old Peachtree Road; thence along said southwesterly right of way of Old Peachtree Road the following courses and distances: North 39 degrees 04 minutes 21 seconds East a distance of 162.38 feet to a point; along a curve turning to the right with an arc length of 260.45 feet, having a radius of 1086.71 feet, being subtended by a chord bearing of North 49 degrees 27 minutes 32 seconds East, and a chord length of 259.83 to a point; South 59 degrees 45 minutes 19 seconds East a distance of 9.23 feet to a point; thence leaving said southwesterly right of way of Old Peachtree Road and proceed South 59 degrees 45 minutes 37 seconds East a distance of 212.69 feet to a point, said point being the TRUE POINT OF BEGINNING.

CONTAINS 75,739 square feet or 1.739 acres.

LEGAL DESCRIPTION
PARCEL C

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at the set 5/8 inch rebar with cap at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 08 minutes 07 seconds West a distance of 215.11 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 73.21 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 62.23 feet to a set 5/8 inch rebar with cap; South 36 degrees 19 minutes 07 seconds West a distance of 42.14 feet to a set 5/8 inch rebar with cap, said rebar being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said northwesterly right of way of Buford Highway the following courses and distances: South 31 degrees 38 minutes 27 seconds West a distance of 91.15 feet to a point; North 55 degrees 00 minutes 46 seconds West a distance of 11.44 feet to a found 1/2 inch rebar; thence leaving said northwesterly right of way of Buford Highway North 55 degrees 00 minutes 46 seconds West a distance of 205.46 feet to a found 1/2 inch rebar on said southwesterly right of way of Old Peachtree Road; thence along said southwesterly right of way of Old Peachtree Road North 55 degrees 15 minutes 36 seconds East a distance of 98.37 feet to a found 1/2 inch rebar; thence leaving said southwesterly right of way of Old Peachtree Road South 54 degrees 35 minutes 56 seconds East a distance of 177.50 feet to a set 5/8 inch rebar with cap, said rebar being the TRUE POINT OF BEGINNING.

CONTAINS 18,079 square feet or 0.415 acres.

PARCEL D

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at the set 5/8 inch rebar with cap at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 08 minutes 07 seconds West a distance of 215.11 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 73.21 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 62.23 feet to a point, said point being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said northwesterly right of way of Buford Highway South 36 degrees 19 minutes 07 seconds West a distance of 42.14 feet to a point; thence leaving said northwesterly right of way of Buford Highway North 54 degrees 35 minutes 56 seconds West a distance of 177.50 feet to a found 1/2 inch rebar on said southwesterly right of way of Old Peachtree Road; thence along said southwesterly right of way of Old Peachtree Road North 55 degrees 18 minutes 02 seconds East a distance of 77.35 feet to a found 1/2 inch rebar; thence leaving said southwesterly right of way of Old Peachtree Road South 43 degrees 12 minutes 17 seconds East a distance of 154.90 feet to a point, said point being the TRUE POINT OF BEGINNING.

CONTAINS 9,664 square feet or 0.222 acres.

PARCEL E

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at the set 5/8 inch rebar with cap at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 08 minutes 07 seconds West a distance of 215.11 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point; South 36 degrees 09 minutes 43 seconds West a distance of 73.21 feet to a point, said point being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said northwesterly right of way of Buford Highway South 36 degrees 09 minutes 43 seconds West a distance of 62.23 feet to a set 5/8 inch rebar with cap; thence leaving said northwesterly right of way of Buford Highway North 43 degrees 12 minutes 17 seconds West a distance of 154.90 feet to a found 1/2 inch rebar on said southwesterly right of way of Old Peachtree Road; thence along said southwesterly right of way of Old Peachtree Road North 55 degrees 15 minutes 43 seconds East a distance of 66.55 feet to a point; thence leaving said southwesterly right of way of Old Peachtree Road South 41 degrees 12 minutes 21 seconds East a distance of 133.70 feet to a point, said point being the TRUE POINT OF BEGINNING.

CONTAINS 9,158 square feet or 0.210 acres.

**LEGAL DESCRIPTION
PARCEL F**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at the set 5/8 inch rebar with cap at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 08 minutes 07 seconds West a distance of 215.11 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point, said point being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said northwesterly right of way of Buford Highway South 36 degrees 09 minutes 43 seconds West a distance of 73.21 feet to a point; thence leaving said northwesterly right of way of Buford Highway North 41 degrees 12 minutes 21 seconds West a distance of 133.70 feet to a point on said southwesterly right of way of Old Peachtree Road; thence along said southwesterly right of way of Old Peachtree Road the following courses and distances: North 55 degrees 15 minutes 42 seconds East a distance of 34.10 feet to a point; along a curve turning to the left with an arc length of 37.65 feet, having a radius of 1929.86 feet, being subtended by a chord bearing of North 54 degrees 42 minutes 16 seconds East, and a chord length of 37.65 feet to a found 1/2 inch rebar; thence leaving said southwesterly right of way of Old Peachtree Road South 41 degrees 15 minutes 30 seconds East a distance of 109.97 feet to a point, said point being the TRUE POINT OF BEGINNING.

CONTAINS 8,689 square feet or 0.199 acres.

PARCEL G

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGIN at a found 1/2 inch rebar at the intersection of the northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way) with the southwesterly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said northwesterly right of way of Buford Highway the following courses and distances: South 36 degrees 11 minutes 31 seconds West a distance of 215.09 feet to a found 1/2 inch rebar; South 36 degrees 13 minutes 18 seconds West a distance of 58.11 feet to a point; thence leaving said northwesterly right of way of Buford Highway North 41 degrees 15 minutes 30 seconds West a distance of 109.97 feet to a found 1/2 inch rebar on said southwesterly right of way of Old Peachtree Road; thence along said southwesterly right of way of Old Peachtree Road the following courses and distances: along a curve turning to the left with an arc length of 57.12 feet, having a radius of 1929.86 feet, being subtended by a chord bearing of North 53 degrees 17 minutes 54 seconds East, and a chord length of 57.12 feet to a point; along a curve turning to the left with an arc length of 28.70 feet, having a radius of 1929.86 feet, being subtended by a chord bearing of North 51 degrees 59 minutes 55 seconds East, and a chord length of 28.70 feet to a point; North 51 degrees 37 minutes 17 seconds East a distance of 172.92 feet to a found 1/2 inch rebar; South 54 degrees 26 minutes 39 seconds East a distance of 36.75 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING.

CONTAINS 19,037 square feet or 0.437 acres.

PARCEL H

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 292 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGIN at the found 1/2 inch rebar located at the intersection of the southeasterly right of way of Southern Railroad (200 foot right of way) with the northerly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said southeasterly right of way of Southern Railroad North 38 degrees 22 minutes 27 seconds East a distance of 549.10 feet to a found 1/2 inch rebar; thence leaving said southeasterly right of way of Southern Railroad South 35 degrees 10 minutes 35 seconds East a distance of 146.54 feet to a found 1/2 inch rebar on said northerly right of way of Old Peachtree Road; thence along said northerly right of way of Old Peachtree Road the following courses and distances: South 51 degrees 32 minutes 29 seconds West a distance of 145.51 feet to a point; along a curve turning to the right with an arc length of 121.19 feet, having a radius of 1890.47 feet, being subtended by a chord bearing of South 53 degrees 27 minutes 51 seconds West, and a chord length of 121.16 feet to a found 1/2 inch rebar; South 55 degrees 19 minutes 11 seconds West a distance of 260.23 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING.

CONTAINS 40,717 square feet or 0.935 acres.

PARCEL I

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 292 and 293 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at the found 1/2 inch rebar located at the intersection of the southeasterly right of way of Southern Railroad (200 foot right of way) with the northerly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said southeasterly right of way of Southern Railroad North 38 degrees 22 minutes 27 seconds East a distance of 549.10 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said Southern Railroad North 38 degrees 26 minutes 33 seconds West a distance of 100.27 feet to a point; thence leaving said Southern Railroad South 40 degrees 13 minutes 44 seconds East a distance of 168.85 feet to a point on said northerly right of way of Old Peachtree Road; thence along said northerly right of way of Old Peachtree Road the following courses and distances: along a curve turning to the right with an arc length of 38.59 feet, having a radius of 1412.39 feet, being subtended by a chord bearing of South 51 degrees 01 minutes 05 seconds West, and a chord length of 38.59 feet to a point; South 51 degrees 37 minutes 12 seconds West a distance of 72.68 feet to a found 1/2 inch rebar; thence leaving said northerly right of way of Old Peachtree Road North 35 degrees 10 minutes 35 seconds West a distance of 146.54 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING.

CONTAINS 16,456 square feet or 0.378 acres.

PARCEL J

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 293 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at the found 1/2 inch rebar located at the intersection of the southeasterly right of way of Southern Railroad (200 foot right of way) with the northerly right of way of Old Peachtree Road (apparent 40 foot right of way); thence along said southeasterly right of way of Southern Railroad the following courses and distances: North 38 degrees 22 minutes 27 seconds East a distance of 549.10 feet to a found 1/2 inch rebar; North 38 degrees 26 minutes 33 seconds West a distance of 100.27 feet to a point, said point being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence continue along said Southern Railroad the following courses and distances: North 38 degrees 26 minutes 33 seconds East a distance of 15.67 feet to a found 1/2 inch rebar; North 38 degrees 20 minutes 14 seconds East a distance of 87.28 feet to a point; thence leaving said Southern Railroad South 62 degrees 16 minutes 34 seconds East a distance of 193.11 feet to a found 1/2 inch rebar on northwesterly right of way of Buford Highway (a.k.a. U.S. Highway 23) (a.k.a. S.R. 13) (variable right of way); thence along said northwesterly right of way Buford Highway along a curve turning to the right with an arc length of 173.91 feet, having a radius of 1412.39 feet, being subtended by a chord bearing of South 46 degrees 23 minutes 32 seconds West, and a chord length of 173.70 feet to a point; thence leaving said northwesterly right of way North 40 degrees 13 minutes 44 seconds West a distance of 168.85 feet to a point, said point being the TRUE POINT OF BEGINNING.

CONTAINS 24,716 square feet or 0.567 acres.

TRACT 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 293 of the 6th District, City of Duluth, Gwinnett County, Georgia, and being more particularly described as follows:

BEGIN at a found iron pin with cap located at the intersection of the southeasterly right of way of Southern Railroad (200 foot right of way) with the southwesterly right of way line of Davenport Road Extension (variable public right of way), said point being the TRUE POINT OF BEGINNING;

THENCE along said southwesterly right of way of Davenport Road Extension the following courses and distances: S28°59'44"E a distance of 30.69 feet to a found iron pin with cap; S43°32'39"E a distance of 154.09 feet to a found iron pin with cap located at the intersection of said southwesterly right of way line of Davenport Road Extension with the northerly right of way of Buford Highway (a.k.a. U.S. 23) (a.k.a. S.R. 13) (variable public right of way); thence along said northerly right of way of Buford highway along a curve turning to the right with an arc length of 128.11 feet, having a radius of 300.00 feet, being subtended by a chord bearing of S34°30'29"W, and a chord length of 127.13 feet to a found 1/2 inch rebar; thence leaving said northerly right of way and proceed N62°16'34"W a distance of 193.11 feet to a point located on said southerly right of way of Southern Railroad; thence along said southerly right of way N38°28'10"E a distance of 196.01 feet to a found iron pin with cap, said rebar being the TRUE POINT OF BEGINNING.

Tract or parcel contains 29,907 square feet or 0.687 acres.

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 right-of-way. 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 seventy-seven (77) townhomes.
10. Minimum heated floor area shall be no less than 2,200 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 "H" 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.
 - c. All homes shall have a two-car garage.
 - d. Driveways must conform to the Driveway Design Standards listed in the UDC. 909.07.b.1.b
 - e. 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.
 - f. All dwellings shall incorporate front porches, stoops, awnings or balconies consistent with the architecture of the dwelling.
 - 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. 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 public right-of-way 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 public right-of-way 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. A four-foot high decorative iron fence with brick pillars must be installed along the length of Buford Highway and Davenport Road.
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, along Davenport Road and along Buford Highway. The buffer shall be a combination of evergreen trees and shrubs and deciduous trees.

20. 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.
21. 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.
22. 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 Special Use Consideration



2/28/2025

City of Duluth
Department of Planning & Development
3167 Main Street
Duluth, GA 30096

Re: **Section 4 - Applicant Responses**
Buford Hwy @ Peachtree Road
Planners and Engineers Collaborative, Inc. Project No. 17141.03A

To whom it may concern,

Please see below our responses to page 8 of the Rezoning Application.

A) How the proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. Uses surrounding the site include small, single-family detached homes, townhome communities, the City of Duluth Municipal Court and Police Precinct, and some light industrial uses that have redevelopment potential. In view of the surroundings, the proposed rezoning is clearly appropriate at this location.

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

This rezoning will not permit a use that would adversely affect any surrounding use or property. This proposed rezoning will help increase value for surrounding properties by introducing additional high-quality housing and complementing the surrounding residential development. Additionally, the proposal for the subject property improves the redevelopment potential of surrounding sites, since it showcases the area as primed for redevelopment with high quality housing and mixed uses. Another positive impact of the development is that it improves the walkability of the residents to nearby business and establishments, and improves the streetscape along Buford Highway.

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

The tract that is currently zoned HC-Auto does not have an economic use as currently zoned. It does not make economic sense to redevelop this single parcel with outdated, auto-centric, heavy commercial uses while the prevailing nearby pattern of development is trending toward high-quality residential uses in PUDs. Traditional highway commercial uses in this location severely limit the success of the site and the corridor, while residential development at this location, in such proximity to Downtown Duluth, would enhance not only the streetscape, but the overall public/pedestrian realm along Buford Highway.

D) Whether the proposed rezoning 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 rezoning will not cause undue burden on existing public facilities. Utilities are available to the site at the requisite capacity to support such a development. Stormwater generated by the infill site would be captured by the underground stormwater system included in the plans. The townhomes would be targeted toward young

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www.pecatl.com

Buford Hwy at Peachtree Road
 Project No. 17141.03A
 3/12/2025

professionals and empty nesters, so it is unlikely that school age families would represent a significant portion of buyers. Traffic would not be worse than conditions permitted by an as-of-right development under the HC-A zoning.

E) Whether the proposed rezoning 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.

This proposal conforms to The City of Duluth's comprehensive plan, land use plan, and transportation plan. The proposed use is exactly what the redevelopment plan describes for this corridor and this infill property. The current and future demand for townhomes near commercial uses in Duluth promotes walkability to the area retail and entertainment venues, and a strong tax-base to patronize them. The proposed project advances the purpose and intent of the ForwardDuluth Comprehensive Plan. The proposed project site is located within the 'Downtown Core Neighborhoods' character area. Core Neighborhoods are 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 proposed project takes aim at all of the above-mentioned goals of the Downtown Core Neighborhoods character area. The proposal places housing density at the edge of downtown, introducing 77 new units within walking distance of shops and restaurants. Additionally, the homes are smaller to accommodate the 'lock-and-go' style living that is popular in Downtown fringe areas--an expressed goal of this character area. The units along Buford Highway are oriented so that they face the pedestrian realm and offer sidewalks to provide connectivity. The streetscape should be vastly improved with the additions from this project.

F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

The approval of the proposed rezoning will replace obsolete, auto-oriented zoning to become part of a larger, high-quality residential development pattern that will help to revitalize this corridor. Additionally, it provides more rooftops to this area, improves walkability by creating a cohesive, unified streetscape outside of 'core downtown' and will ultimately be beneficial to the success and viability of nearby businesses in Duluth.

Sincerely,
Planners and Engineers Collaborative, Inc.



Kenneth J. Wood, P.E., LEED AP
 President

Exhibit "E"

Applicant's Letter of Intent



2/28/2025

City of Duluth
Department of Planning & Development
3167 Main Street
Duluth, GA 30096

Re: **Letter of Intent**
Buford Hwy @ Peachtree Road
Planners and Engineers Collaborative, Inc. Project No. 17141.03A

Dear Community Development officials,

This rezoning application is being submitted on behalf of the developer. This application proposes to rezone the 6.12-acre infill property located near the northwest intersection of Buford Highway and Peachtree Road from HC-A and HC-R to Planned Unit Development (PUD). This rezoning would facilitate the development of a new 77-unit single-family attached community.

Existing Conditions:

The zoning districts surrounding the property include:

- North: PUD and HC-A
- East: HC-A
- South: PUD and HC-A
- West: PUD

The site is bounded by Buford Highway to the east/southeast, and the Norfolk Southern rail to the west/northwest. As it currently exists, the property is partly developed with auto-oriented, intense uses and warehouses along the Buford Highway frontage. The development of the site would involve the abandonment of approximately 14,000 square feet of existing right-of-way of Peachtree Road, which runs diagonally through the site. In exchange, approximately 50,000 square feet of new public roadway will be created on-site, and will have inter-parcel connection to the off-site remaining portions of Peachtree Road. Directly across from the development is a townhome community; directly behind the development (across the railroad) is a single-family detached subdivision, and another townhome community. The site sits just outside of the Downtown Duluth area, and is an approximately 10-minute walk into the heart of downtown.

Proposed Development

The proposed development is a new, 6.12-acre (net) infill redevelopment project that will add 77 single-family attached homes just outside of the Downtown Duluth core. The proposed density of the development is approximately 12.41 units per acre, calculated based on the net density, which is the overall site area minus the right-of-way that will be abandoned. Without the right-of-way abandonment taken into consideration, the gross density would be approximately 11.46 units per acre. The density is artificially inflated but will not create a precedent, and should instead be evaluated through the lens of a "special circumstance." The site is a highly complex assemblage of parcels that could not otherwise be developed. In fact, redevelopment on this site has been in process for a number of years with little success due to the complicated nature of the site. With that in mind, these special circumstances are unique to this site, and should be considered in view of the overall benefit of the development.

Additionally, 15% of the site reserved for community open space. Homes would be three-stories tall and would range in size from 1,500 to 2,000 square feet. There would be both front-loaded and rear-loaded homes within this community. The units are oriented within the development to create small shared courtyards, while the units lining Buford Highway are oriented to create a welcoming and attractive streetscape. The development includes ample greenspace, shared courtyards, an exceptional pool and clubhouse amenity, walking trails, and a dog park. The

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variety of amenities and exterior finishes are geared toward adults and young professionals looking to live near the growing job opportunities in the Duluth area, with proximity to Interstate-85. There is an underground master stormwater facility proposed that would collect rainwater during significant precipitation events and prevent runoff from hitting nearby properties or spilling onto Buford Highway.

The site would maintain as much of the existing vegetation along the rear property line as possible, buffering new residents from the Norfolk Southern rail right-of-way and surrounding developments.

Zoning Rationale

The proposed project is directly adjacent to the study area boundaries for the Downtown Duluth Revitalization Plan established in 2014. The land directly east of the project site was shown as 'townhome development.' The proposed project builds on the study area defined by the plan, and helps to create a transitional area along the edge of Downtown.

In addition to ideal geographic location relative to the Downtown study area, the proposed site plan also employs the design elements noted in the Downtown Master Plan. The development is highly connected, both internally and externally, with sidewalks throughout and along the Buford Highway frontage. Additionally, this layout also incorporates the elements of compactness and sustainability; the walkability and proximity to downtown, coupled with the density and relative size of the development will reduce car trips and improve overall function of the greater area.

The development places a particular emphasis on open space, providing residents ample opportunities to get outside and foster a sense of community. Finally, the development is intended to attract a diverse market of residents. The size of the homes, interior and exterior finishes, ideal location, and unique amenities will surely attract a variety of users, including young professionals, first-time homeowners, empty-nesters, and older adults looking to downsize.

The proposed project advances the purpose and intent of the ForwardDuluth Comprehensive Plan. As shown in the excerpt from the Plan, the proposed project site is located within the 'Downtown Core Neighborhoods' character area. Core Neighborhoods are 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 proposed project takes aim at all of the above-mentioned goals of the Downtown Core Neighborhoods character area. The proposal places housing density at the edge of downtown, introducing 77 new units within walking distance of shops and restaurants. Additionally, the homes are smaller to accommodate the 'lock-and-go' style living that is popular in Downtown fringe areas—an expressed goal of this character area. The units along Buford Highway are oriented so that they face the pedestrian realm and offer sidewalks to provide connectivity. The streetscape should be vastly improved with the additions from this project.

Conclusion

The applicant and owner respectfully request that the City of Duluth City Council, Planning Commission and Planning Staff approve and support the Applicant's request to rezone this property from HC-A and HC-R to PUD. This would facilitate the development of a new, single-family attached townhome community that would contribute to the advancement of the purpose and intent of the City of Duluth comprehensive plan. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,
Planners and Engineers Collaborative, Inc.



Kenneth J. Wood, P.E., LEED AP, President

Exhibit "G"

Illustrative Site Plan

ILLUSTRATIVE SITE PLAN



II. MASTER PLAN

Exhibit "H"

Elevations



ARCHITECTURE PRECEDENTS



III. ARCHITECTURE & DESIGN



ARCHITECTURE PRECEDENTS



III. ARCHITECTURE & DESIGN

ARCHITECTURE PRECEDENTS



III. ARCHITECTURE & DESIGN

Exhibit "I"

Public Notice

CITY OF DULUTH NOTICE OF PUBLIC HEARING

GDP8390
apn16
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 regarding a Planned Unit Development for 4275 Buford Hwy; 3355 Buford Hwy; 3366 Buford Hwy; 3356 Peachtree Rd; 3346 Peachtree Rd; 3305 Peachtree Rd; 3357 Peachtree Rd; 3307 Peachtree Rd; 3307 Buford Hwy; 3435 Davenport Road Duluth, GA 30096.

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:

August 11, 2025 - 6:00pm

WHERE:

City Hall Council Chambers
3157 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
3157 Main Street
Duluth, GA 30096
OR

Email: Planning@duluthga.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.

7:27,2025



CITY OF DULUTH
Mayor and Council
Staff Report
August 11, 2025

CASE NUMBER:	MZ2025-001
LOCATION:	3282 Davenport Road
PARCEL(S):	R6264 496 and R6264 037
CURRENT ZONING:	PUD (Planned Unit Development)
PROPOSED ZONING:	PUD (Planned Unit Development)
ACREAGE:	+/- 7.91 acres
REQUEST:	Approval of a Modification of Rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development) which proposes to remove a condition set in the prior approval to rezone.
OWNER/APPLICANT:	Estate of Nelly Kate Beck 3282 Davenport Road 4RNJ3, LLC Andrew Perry, Manager PO Box 720314 Atlanta, GA 30358

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of the modification of rezoning request (MZ2025-001) is to remove a condition of zoning which required a 10' ADA compliant concrete or asphalt trail through the property in question connecting to city owned property with a trailhead at Hall Circle.

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". Revised conditions of approval are detailed in Exhibit "C". Applicant's Letter of Intent is provided in Exhibit "D". The Master Plan is located in Exhibit "E". And public notice is located in Exhibit "F".

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. These two properties were rezoned from R-100 (Single-Family Residential District) to PUD (Planned Unit Development) for the construction of 29 Single-Family detached homes at the March 10th 2025 hearing. 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), each containing a single-family home. Across Davenport Road the properties are zoned RM (Residential Multi-family District) and contain 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 504.08 of the UDC states that any changes that, in the opinion of the Planning and Development Director, result in a development of such intent and character that has not been conceptually approved by the City Council shall require additional approval in accordance with procedures established in the Procedures and Permits Article for a revision of conditions of rezoning approval.

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, 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 letter of intent for the modification of the PUD. The letter is attached hereto as Exhibit "D".

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

The original Planned Unit Development proposal was approved by City Council at their March 10, 2025 meeting. Staff finds the following facts:

The original condition was as follows:

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.

A second condition relating to the first was written as follows:

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.

When the city is reviewing Planned Unit Development applications, the UDC requires a master plan showing the development in as much detail as possible. Staff require approved conditions to be met. However, this is all prior to full plan sets with engineering that takes topography fully into consideration. Once the developer had initial engineered plans of what the trail would require, staff and the developer determined construction of such a trail would be prohibitive given the topography of the subject location.

V. RECOMMENDATION

Planning Commission recommended **Approval with Conditions.**

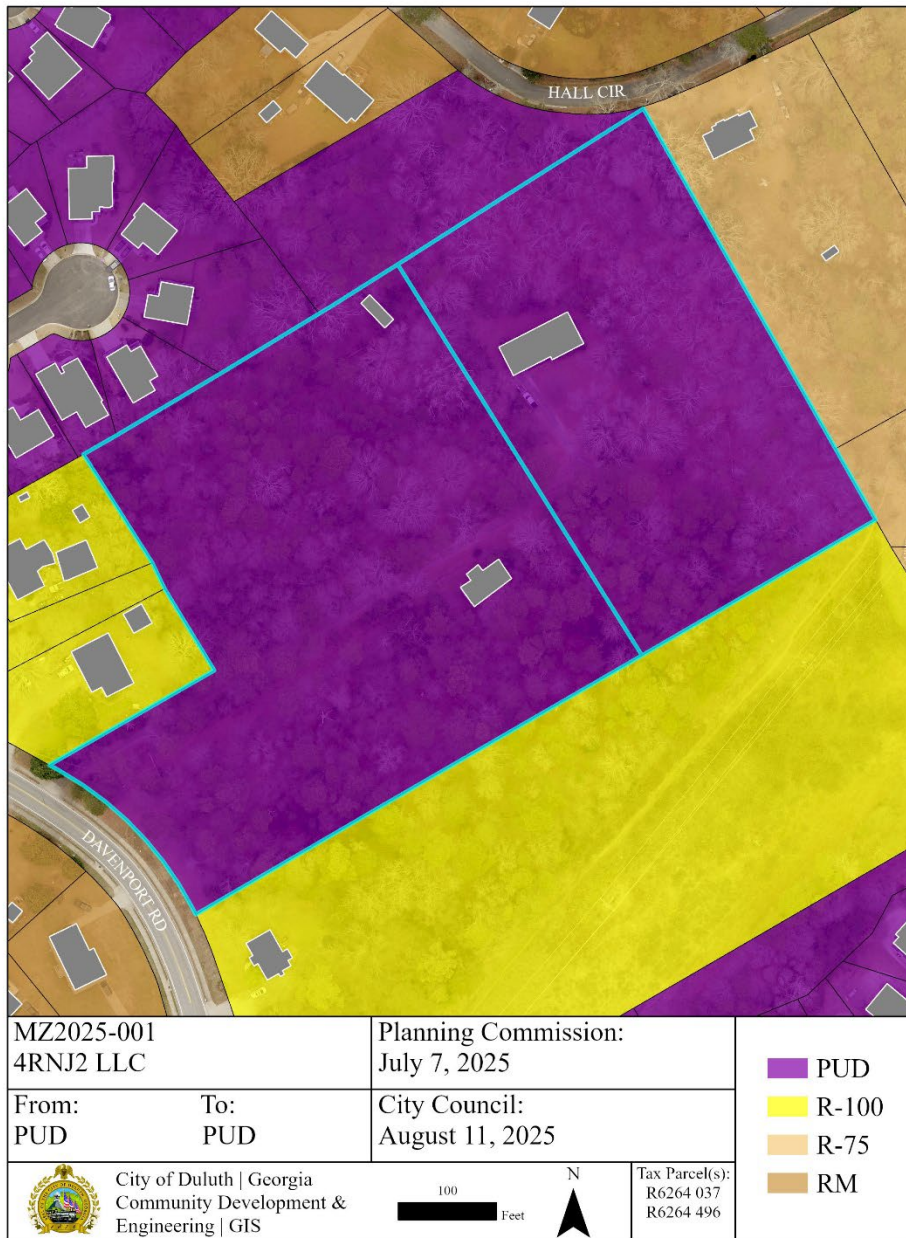
ATTACHMENTS:

Exhibit "A": Maps
 Exhibit "B": Legal Description
 Exhibit "C": Conditions of Approval
 Exhibit "D": Applicant's Letter of Intent
 Exhibit "E": Master Planned Development
 Exhibit "F": Public Hearing Advertisement/Public Notice

Exhibit "A"
Maps
Location Map



Zoning Map



Character Map

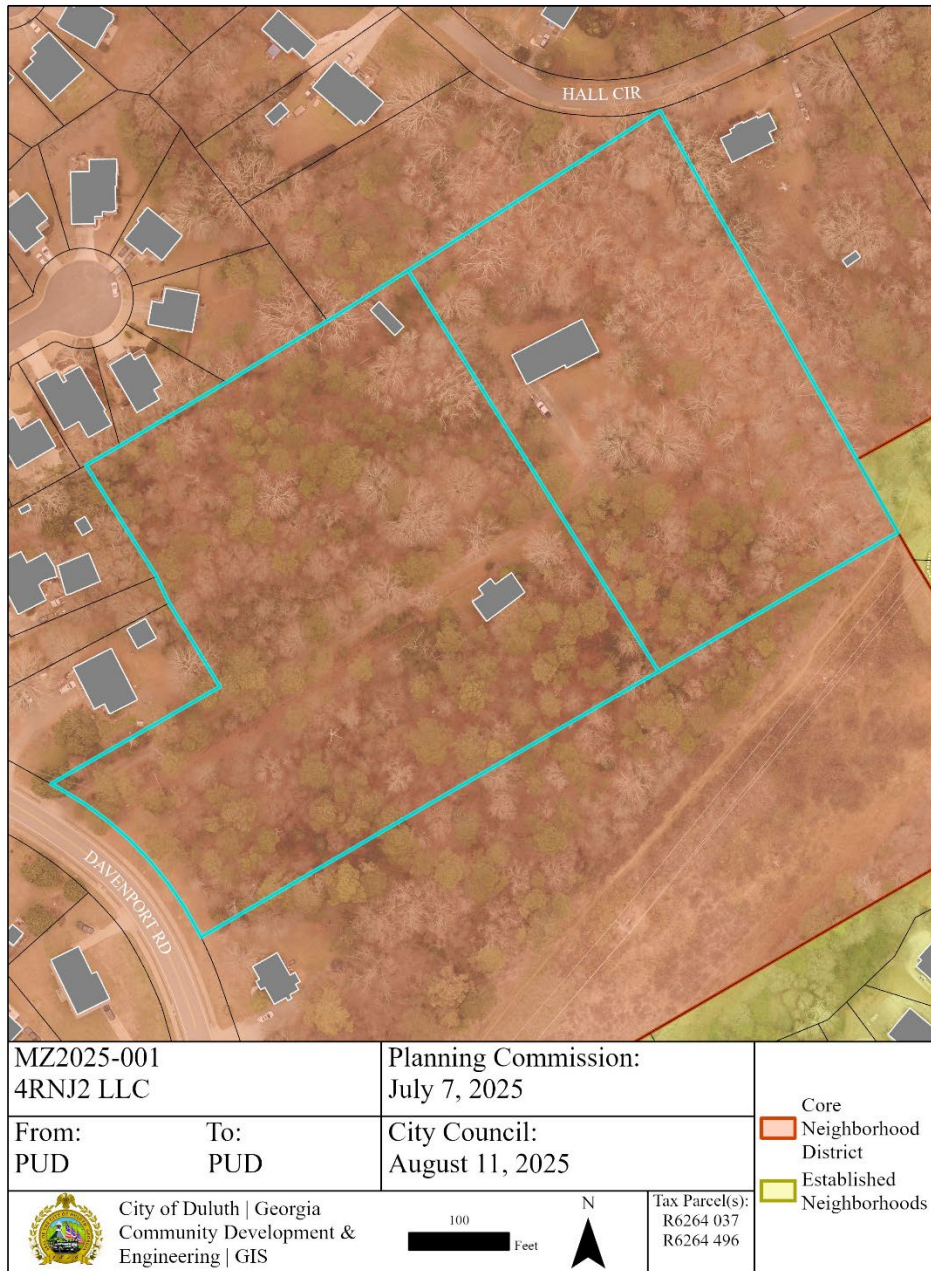


Exhibit "B"
Legal Description

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 from the March 10, 2025 Ordinance No. 02025-20 adoption by Mayor and Council still hold except the following:
- 21** The developer shall install a 10’ concrete paved walking trail 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 through City property at parcel R6293 083. Details of the trail shall be approved by the Community Development and Engineering Department prior to issuing a Land Disturbance Permit.

And

- 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.

Exhibit "D"

Applicant's Letter of Intent

3282 Davenport Road**Modification (Change in Condition) Plan for 4RNJ3, LLC****(Letter of Intent)****May 9th, 2025**

We respectfully submit this modification application for the purpose of eliminating the condition requiring a walking trail to be installed between Hall Circle and our recently zoned property at 3282 Davenport Road.

We accepted this condition at the time of zoning. This acceptance without the benefit of engineering to demonstrate the route of connectivity was an error. The drastic topography and legal issues we have become aware of after the zoning are the reason we are asking to remove this condition.

We deem the construction of a 10-foot ADA accepted pathway to be an extraordinary requirement given the field topography. There is a topographical difference of about 60' in height between the pathway exiting our property and the connection to Hall Circle. To maintain the required ADA slope, the condition would create a jogging sidewalk delineating a course through the entirety of the City of Duluth owned parcel. There is no acceptable way to run a direct sidewalk. The meandering, developer maintained and lighted sidewalk would require a majority of the parcel and connecting state and City stream buffers. The path would require walls, state and nationwide permits relative to the Duluth parcel that would be subject to encroachment permitting. While the permitting was not unknown, the degree of disturbance and angle of encroachment have varied greatly.

Legally there are challenges with connecting a public access sidewalk to our private interior roads. During our control of the development, the utility and access easements would remain unencumbered. But turnover to residents would create hurdles relative to continued agreed upon access, insurance requirements and expenses not factored during the acceptance of this condition. This would create problems for the future association.

With staff we have discussed estimates of cost incurred with building the walking trail. The future maintenance and legal costs are difficult to estimate and therefore problematic for us. If we are to commit future homeowners to unforeseen costs, the fiduciary duty we have is not being upheld.

Because there are cost and legal issues presented to us from engineering completed post zoning, we are respectfully asking to remove this zoning condition.

Thank you for your time.

Sincerely,



Andrew Perry
4RNJ3, LLC



Exhibit "F"

Public Notice

Public Notice Printed in Gwinnett Daily Post 7/21/2025

GDP6888
apn16
**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 Modified rezoning request from 4RNJ3, LLC/Andrew Perry on approximately 7.91 acres of property in Land Lot 264, 6th District, Gwinnett County, located at 3282 Davenport Road, consisting of tax parcels 6264-496, case number MZ2025-001. The request is to Modify a condition requiring a walking trail. The public is invited to attend this hearing before the Mayor and Council on the proposed modify rezoning. The meeting date, place and time regarding this matter are as follows:

WHEN:

August 11, 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 modify 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@duluthga.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.
7/27/2025



Public Notice Published July 21, 2025
Public Hearing Held August 11, 2025

ORDINANCE OF REZONING
O2025-34
CITY OF DULUTH

AN ORDINANCE FOR THE MODIFICATION OF A 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 “B”. THE ORDINANCE PROVIDES FOR FINDINGS, ESTABLISHES MODIFIED 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, 4RNJ3, LLC, c/o Andrew Perry, Manager, and the following property owner: Estate of Nelly Kate Beck, have had a successful rezoning of the property to PUD (Planned Unit Development) at the meeting of the Mayor and Council held on March 10, 2025.

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 (MZ2025-001) with the City of Duluth seeking a modification to the approved Planned Unit Development (PUD). Said modification includes an exclusion of two of the conditions in the original PUD approved on March 10, 2025.

WHEREAS, per Article 5 of the Duluth Unified Development Code, a substantial revision to an approved Planned Unit Development (PUD) must be approved by the Governing Body; and

WHEREAS, the City of Duluth Planning Commission held a public hearing at the meeting of July 7th, 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 without further conditions than those set forth in the original PUD and attached here as Exhibit “C” as is set forth in the minutes of said meeting; and

WHEREAS, the City Council held a public hearing at the meeting of August 4th, 2025, duly noticed as prescribed by law and published in eh 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 5 of the Duluth Unified Development Code, the City Council finds that it is appropriate to grant a modification to the original PUD, for the following reasons:

- A. The modification is suitable given the use and development of adjacent and nearby properties.
- B. The proposed modification is not anticipated to adversely affect the existing use or usability of adjoining or nearby properties.

- C. The proposed modification 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 Core Neighborhood District Character Area. The Planned Unit Development (PUD) remains consistent with the spirit and intent of the Comprehensive Plan.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of $\pm$ 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.

Modified Conditions of approval attached hereto as Exhibit “C”. Said Exhibits are 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 O2025-34.

ATTACHMENTS:

Exhibit “A”: Maps

Exhibit “B”: Legal Description

Exhibit “C”: Modified Conditions of Approval

Exhibit “D”: Applicant’s Letter of Intent

Exhibit “E”: Master Planned Development

Exhibit “F”: Public Hearing Advertisement/Public Notice

{Signatures on the following page}

IT IS SO ORDAINED this _____ day of _____ 2025.

Those councilmembers voting in favor:

Mayor Greg Whitlock

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson-Cummings, Post 5

Those councilmembers voting in opposition:

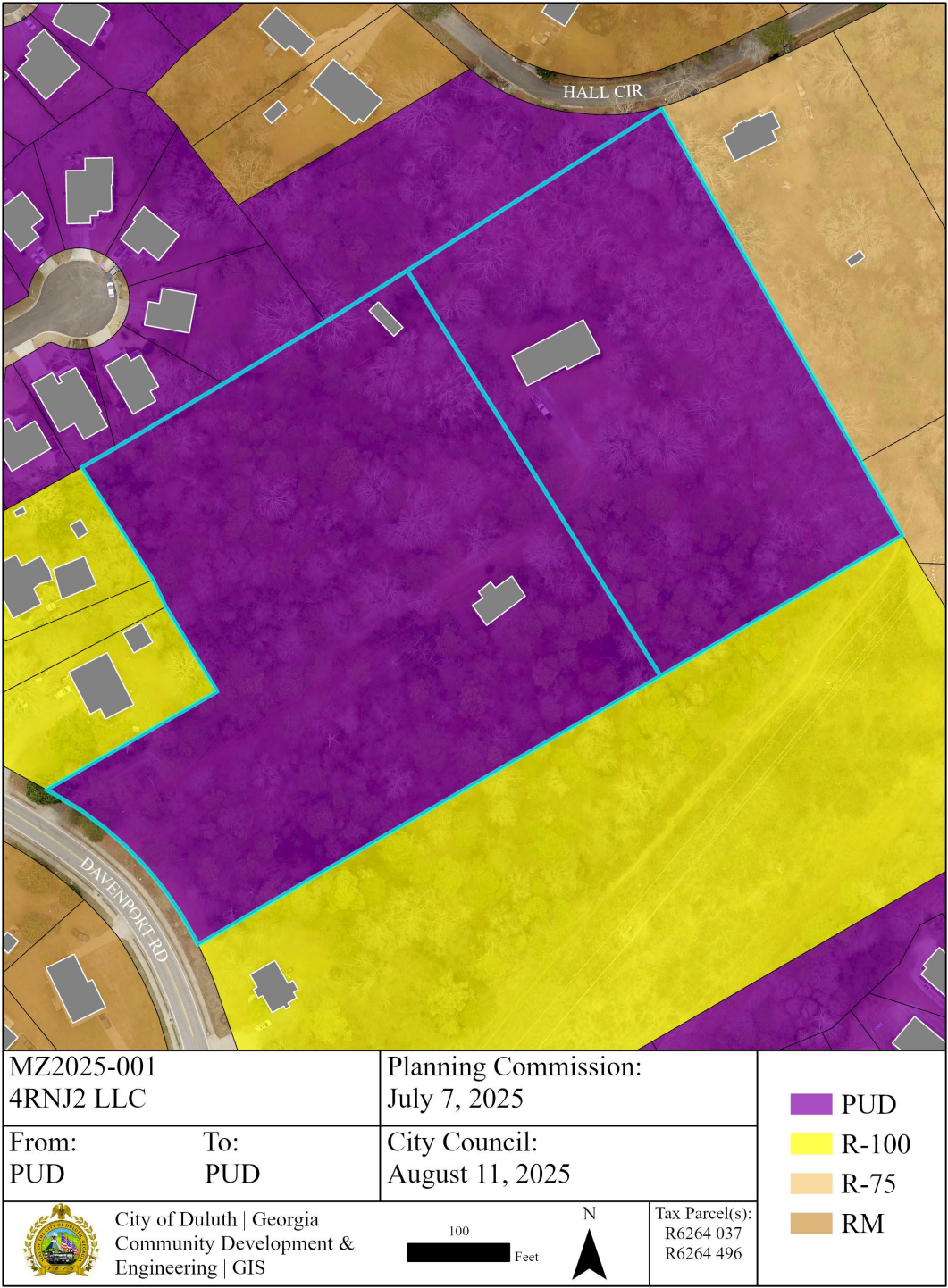
ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

Exhibit "A"
Maps

Location Map



Zoning Map



Character Area Map

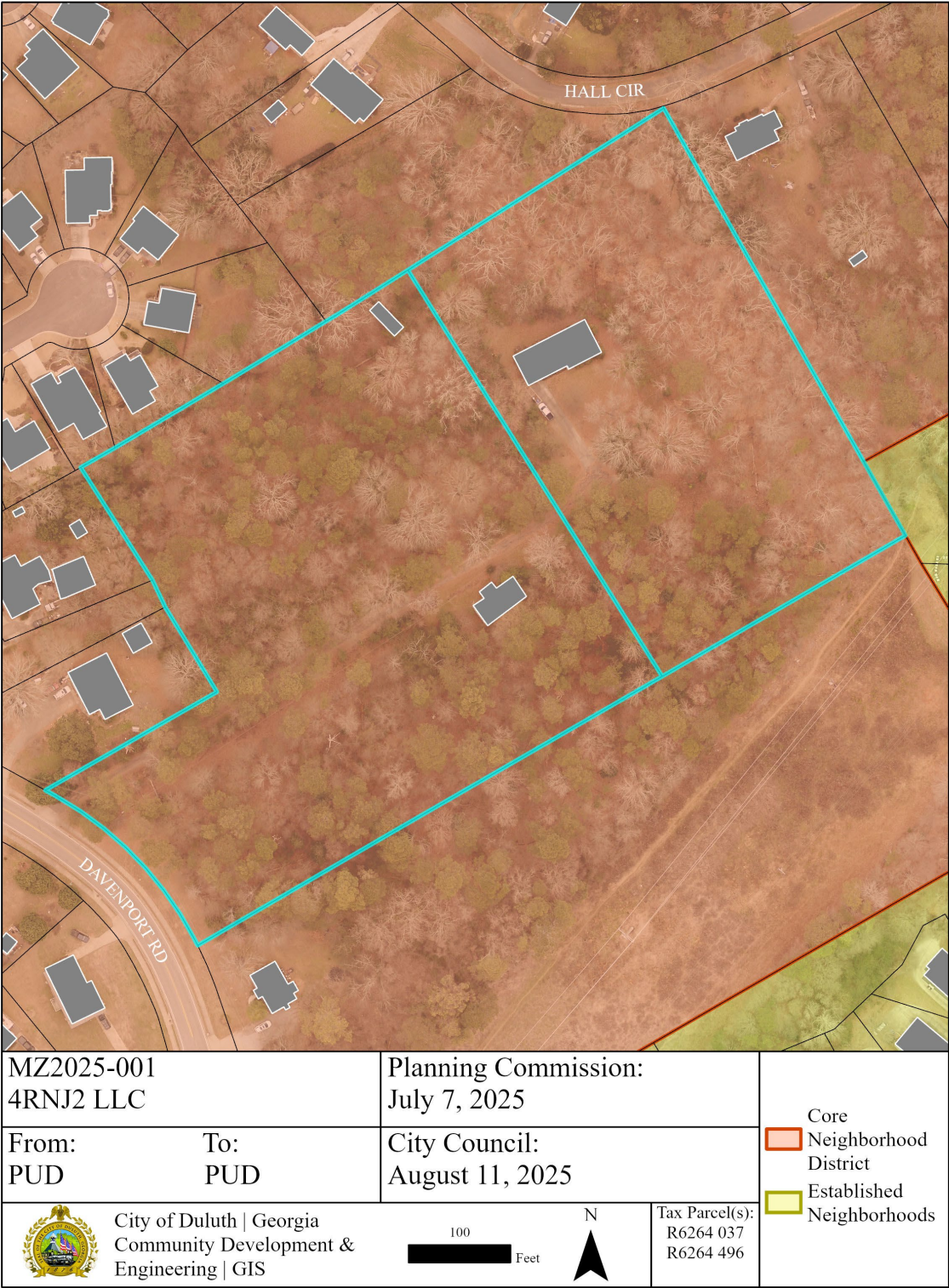


Exhibit "B"

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”**Modified 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, steeples, awnings or balconies consistent with the architecture of the dwelling.
 - f. All dwellings shall incorporate 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 the curb to the garage face. The privilege of a Special Use is subject to all conditions that have been attached to it. It is within the City's rights to take legal action if it is proven that the conditions of the Special Use have been violated.
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 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 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 overstory 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 being 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 Letter of Intent

3282 Davenport Road

Modification (Change in Condition) Plan for 4RNJ3, LLC

(Letter of Intent)

May 9th, 2025

We respectfully submit this modification application for the purpose of eliminating the condition requiring a walking trail to be installed between Hall Circle and our recently zoned property at 3282 Davenport Road.

We accepted this condition at the time of zoning. This acceptance without the benefit of engineering to demonstrate the route of connectivity was an error. The drastic topography and legal issues we have become aware of after the zoning are the reason we are asking to remove this condition.

We deem the construction of a 10-foot ADA accepted pathway to be an extraordinary requirement given the field topography. There is a topographical difference of about 60' in height between the pathway exiting our property and the connection to Hall Circle. To maintain the required ADA slope, the condition would create a jogging sidewalk delineating a course through the entirety of the City of Duluth owned parcel. There is no acceptable way to run a direct sidewalk. The meandering, developer maintained and lighted sidewalk would require a majority of the parcel and connecting state and City stream buffers. The path would require walls, state and nationwide permits relative to the Duluth parcel that would be subject to encroachment permitting. While the permitting was not unknown, the degree of disturbance and angle of encroachment have varied greatly.

Legally there are challenges with connecting a public access sidewalk to our private interior roads. During our control of the development, the utility and access easements would remain unencumbered. But turnover to residents would create hurdles relative to continued agreed upon access, insurance requirements and expenses not factored during the acceptance of this condition. This would create problems for the future association.

With staff we have discussed estimates of cost incurred with building the walking trail. The future maintenance and legal costs are difficult to estimate and therefore problematic for us. If we are to commit future homeowners to unforeseen costs, the fiduciary duty we have is not being upheld.

Because there are cost and legal issues presented to us from engineering completed post zoning, we are respectfully asking to remove this zoning condition.

Thank you for your time.

Sincerely,



Andrew Perry
4RNJ3, LLC



Exhibit "F"

Public Notice

CITY OF DULUTH NOTICE OF PUBLIC HEARING

GDP8386
2025
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 Modified rezoning request from JRM/J3, LLC/Andrew Parry on approximately 7.91 acres of property in Land Lot 264, 6th District, Gwinnett County, located at 3182 Davenport Road, consisting of tax parcels 684-46, case number W2205-00. The request is to Modify a condition requiring a walking trail. The public is invited to attend this hearing before the Mayor and Council on the proposed modify rezoning. The meeting date, place and time regarding this matter are as follows:

WHEN:

August 11, 2025 - 6:00pm

WHERE:

City Hall Council Chambers
3187 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to review the proposed modify 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
3187 Main Street
Duluth, GA 30096
OR

Email: Planning@duluthga.net

For more information, contact Planning & Development, at (770)496-1700.

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) 496-3404 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.
7/27/2025



CITY OF DULUTH
Mayor and Council
Staff Report
August 11, 2025

CASE NUMBER:	Z2025-002
LOCATION:	3350 Peachtree Industrial Boulevard
PARCEL(S):	R6322 133
CURRENT ZONING:	PUD (Planned Unit Development)
PROPOSED ZONING:	PUD (Planned Unit Development)
ACREAGE:	+/- 32.00 acres
REQUEST:	Approval of a PUD Amendment to allow for the modification of three-bedroom units into one-bedroom units.
OWNER/APPLICANT:	FP Peachtree Industrial, LLC C/O Fargos Properties 1 Allegheny Square Nova Tower One, Suite 300 Pittsburgh, PA 15212

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of the rezoning request (Z2025-002) is to modify the current PUD to allow for the modification of three-bedroom units into one-bedroom units.

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 the Exercise of Zoning Power are provided in Exhibit “D”. Applicant’s Letter of Intent is provided in Exhibit “E”. The Master Plan is located in Exhibit “F”. Elevations are provided in Exhibit “G”. and Public Notices are included in Exhibit “H”.

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 +/- 32.00 acres and currently has 256 units with a mix of 1-, 2-, and 3-bedroom units, with a density of 8 units per acre. The subject property abuts a large undeveloped commercially zoned property to its south. It abuts R-100 properties to its east. It abuts a mix of residential and commercial office PUD properties (Hampton Arbors, Woodhaven, and River Parc) along with a Montessori school to its west. And it abuts a residential PUD (Chattahoochee Landing) and commercial auto repair center to its north.

III. REVIEW OF THE REQUEST

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

Section 504.08 of the UDC states that any changes that, in the opinion of the Planning and Development Director, result in a development of such intent and character that has not been conceptually approved by the City Council shall require additional approval in accordance with procedures established in the Procedures and Permits Article for a revision of conditions of rezoning approval. Such changes may be additions in the types of land uses, increases in square footage or density, decreases in lot sizes, changes in the location or dimensions of major streets, decreases in dwelling unit floor areas, major alterations in the land use patterns, or other substantial changes that are inconsistent with the summary report or the master concept plan approved for the PUD. 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 public records are relevant in balancing the interest and

promoting public health, safety, 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 Urban Neighborhood District Character Area. FORWARDuluth envisions this Character Area to be a high-quality multi-family corridor with connection through multi-modal transportation to regional employment opportunities. The Future Land Use Map (FLUM) envisions this parcel as Mixed Use, which includes properties zoned PUD.

IV. PLANNING STAFF REVIEW

The original Planned Unit Development was approved in 1985. The applicant could not locate the original PUD approval through Gwinnett County, however, the City’s records show that this parcel was annexed into the City of Duluth through a new charter, “so as to clarify the corporate limits of said city,” which was signed into law on March 31, 1995. Therefore, this property was brought into the city as having been rezoned to PUD by Gwinnett County.

Density

The property has had 256 units since its original zoning approval in 1985. The owner is now requesting a modification for all the three-bedroom units to become one bedroom units, which would increase the overall unit count from 256 units to 320 units. This change would increase the density from 8 units an acre to 10 units an acre.

Parking

There are currently 503 parking spaces. By today's standards, set forth in the current Unified Development Code, this development would be required to have 640 covered parking spaces plus 64 guest parking spaces for a total of 704 parking spaces. By comparison, the District at Duluth has 153 two-bedroom and 218 one-bedroom apartments and required a ratio of no less than 1.59 parking spaces per unit for a total of 590 parking spaces. If the same logic is applied to this development, 509 parking spaces would be required. Therefore, 6 additional parking spaces should be included in the PUD amendment. Garden style apartments such as this development are not conducive to covered parking, since the units are spread out throughout the site. Staff does not recommend requiring parking to be covered for this development.

Walkability

When this development was built in 1985-1986 there was no known requirement for sidewalk along Peachtree Industrial Boulevard. There is now a noticeable gap in sidewalk along Peachtree Industrial Boulevard. This sidewalk gap is also shown as proposed sidewalk in the City's master sidewalk plan. Any development would trigger the developer to have to build the frontage sidewalk. The developer will have to coordinate with Gwinnett County Department of Transportation. This gap will become even more pronounced when the large property to the south develops with a required sidewalk; therefore, staff is recommending a 5' sidewalk from property line to property line along Peachtree Industrial Boulevard connecting to the sidewalk to the north of the property.

Landscaping

It is staff's opinion that a key feature of this development would be an enhanced landscape plan fronting Peachtree Industrial Boulevard. The landscape plan should enhance the buffer between Peachtree Industrial Boulevard 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. An approved landscape plan shall be reviewed by the City and approved prior to development.

V. RECOMMENDATION

Planning Commission recommended **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

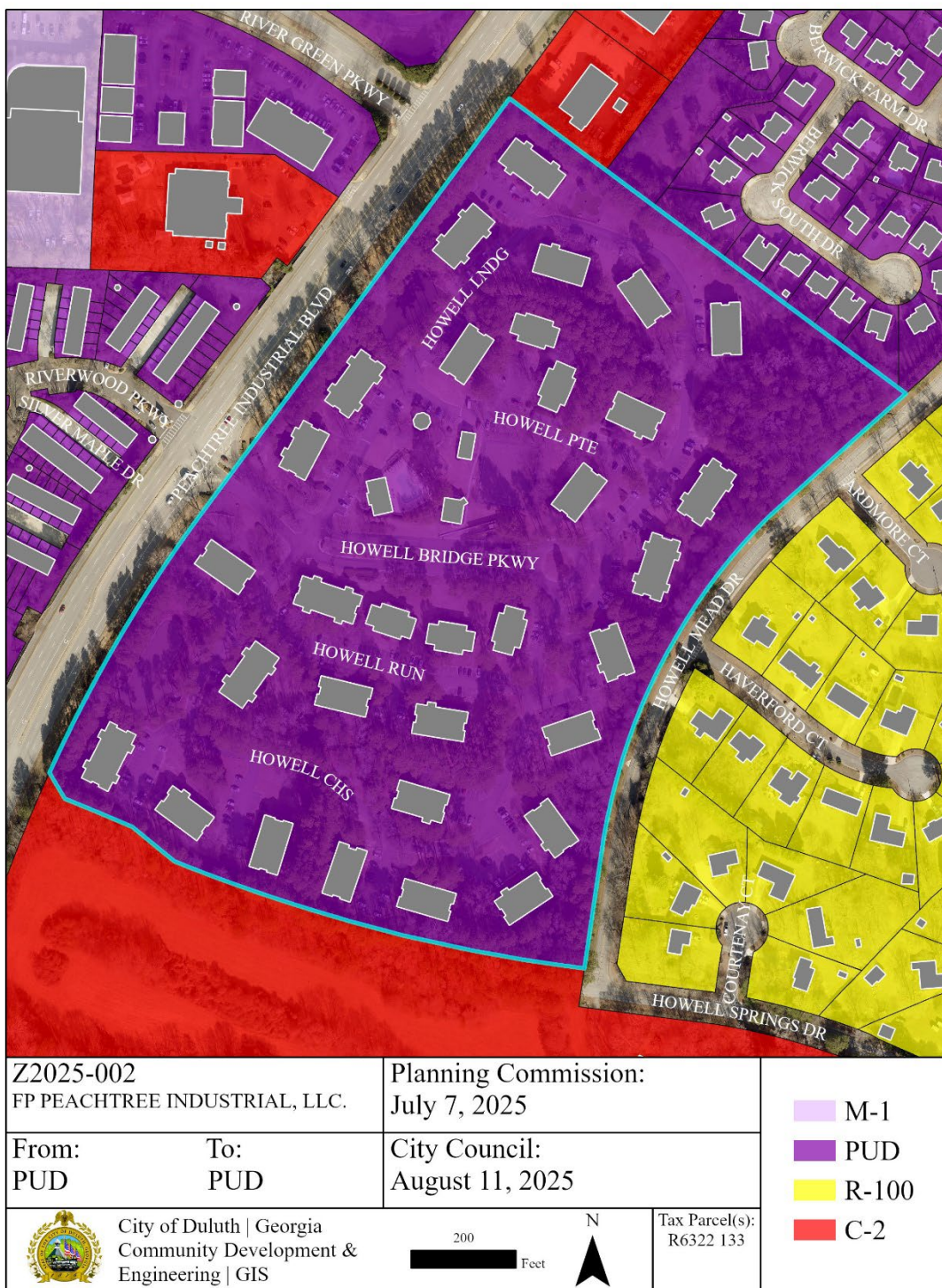
Exhibit "H": Public Hearing Advertisement/Public Notice

Exhibit “A”
Maps

Location Map



Zoning Map



Character Map



Exhibit "B"

Legal Description

Property Description

All that tract or parcel of land lying and being in Land Lot 322 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

Commence at a point being the intersection of the southeasterly Right of Way of Peachtree Industrial Boulevard and the Land Lot Line Common to Land Lots 322 and 323; thence running along the southeasterly Right of Way of Peachtree Industrial Boulevard in southwesterly direction 1,631.8 feet to a 1/2" rebar found and the TRUE POINT OF BEGINNING, from point thus established and leaving said Right of Way and running South 53° 24' 11" East a distance of 230.10 feet to a 1/2" rebar found; thence South 53° 25' 17" East a distance of 557.72 feet to a 1/2" rebar found; thence South 53° 14' 52" East a distance of 140.95 feet to a 1/2" rebar found; thence South 53° 33' 49" East a distance of 16.03 feet to a 1/2" rebar found on the northwesterly Right of Way of Howell Mead Drive (60' R/W); thence running along said Right of Way the following courses: South 48° 25' 01" West a distance of 286.03 feet to a point; thence running along a curve to the left an arc length of 788.03 feet, (said curve having a radius of 1125.02 feet, with a chord bearing of South 28° 20' 34" West, and a chord length of 772.02 feet) to a point; thence South 08° 16' 30" West a distance of 240.02 feet to a 1/2" rebar found; thence leaving said Right of Way and running North 81° 42' 48" West a distance of 115.03 feet to a point; thence running along a curve to the right an arc length of 699.29 feet, (said curve having a radius of 2800.96 feet, with a chord bearing of North 74° 35' 55" West, and a chord length of 697.48 feet) to a 1/2" rebar found; thence North 50° 37' 24" West a distance of 104.46 feet to a 1/2" rebar found; thence North 67° 22' 03" West a distance of 139.95 feet to a 1/2" rebar found; thence North 31° 38' 46" West a distance of 60.05 feet to a 1/2" rebar found on the southeasterly Right of Way of Peachtree Industrial boulevard (150' R/W); thence running along said Right of Way along a curve to the right an arc length of 598.05 feet, (said curve having a radius of 2789.79 feet, with a chord bearing of North 30° 29' 02" East, and a chord length of 596.91 feet) to a point; thence North 36° 36' 19" East a distance of 975.10 feet to the TRUE POINT OF BEGINNING. Said tract contains 32.008 Acres (1,394,250 Square Feet).

Exhibit “C”**Conditions of Approval****General**

1. All requirements imposed under this Ordinance shall be the standards of the development regardless of any change in ownership.
2. The subject property 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

3. The project shall be limited to a maximum of 168 one-bedroom units and 152 two-bedroom units for a total of 320 units.
4. 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.

Parking

5. An additional six parking spaces shall be created prior to any certificate of occupancy being issued. The Director of Community Development and Engineering may approve up to an additional twelve parking spaces at any time in the future to accommodate the need should it arise.

Miscellaneous

6. Roof equipment shall be screened from the public right-of-way 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.

7. 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 along the entire frontage of the Planned Unit Development property along Peachtree Industrial Boulevard. The buffer shall be a combination of evergreen trees and shrubs and deciduous trees and shall be planted prior to the first certificate of occupancy.
8. The developer shall install a 5' concrete sidewalk along the entire frontage of the Planned Unit Development property along Peachtree Industrial Boulevard ultimately connecting to the sidewalk established at the north end of the property along PIB. Coordination with Gwinnett County Department of Transportation will be required. The sidewalk shall be completed prior to the first Certificate of Occupancy.
9. 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.
10. 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.

Yes The proposed unit conversion is suitable within the context of existing adjacent multifamily and residential developments. The Foundry is already an established residential community, and the proposal does not introduce a new use, but rather reconfigures existing units to better meet current market demands. The increase in one-bedroom units will create a more balanced housing mix that aligns with the demographic and economic evaluation of the area, complementing surrounding properties rather than conflicting with them.

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

No. The proposal is expected to enhance the usability and desirability of nearby properties. By reducing the average number of residents per unit and minimizing household size, the conversion will lead to less strain on shared infrastructure, quieter living environments, and lower traffic and congestion. These improvements can increase property values and make the surrounding neighborhood more attractive to new residents and investors.

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.

No. Although the total unit count will increase, the actual resident population is projected to decrease due to the shift from large 3-bedroom units to smaller 1-bedroom units. This will result in reduced traffic generation and a lower burden on utilities and public schools. The proposal is designed to optimize existing infrastructure without requiring any expansions or upgrades, making it a low-impact and sustainable solution for housing needs.

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.

Yes. The proposal directly supports the goals and recommendations of the 2040 Forward Duluth Comprehensive Plan. The plan encourages the redevelopment of aging multifamily properties into more efficient, diverse, and denser residential configurations. It also promotes smart growth strategies that improve housing affordability and expand workforce housing options—all of which are accomplished through the Application. Additionally, the plan favors

infill and redevelopment projects that reduce the strain on public services without expanding the City's physical footprint, which this project achieves.

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.

Yes. Regional and local housing trends clearly indicate increased demand for smaller, more affordable units, especially from young professionals, retirees, and smaller households. The Foundry's current stock of large 3-bedroom units is no longer the most efficient or desirable format for today's renters. The project modernizes the property in line with shifting demographics and helps fulfill Duluth's goals for economic vitality and housing diversity. These evolving conditions make a strong case for approval of the rezoning.

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

While the property does have a somewhat reasonable economic use under current zoning, the current unit configuration is not aligned with modern market demand. Approval of the Application would offer a more economically viable long-term use, ensuring the continued relevance and financial performance of the property while also enhancing community compatibility and stability.

Exhibit "E"
Applicant's Letter of Intent



P 412.231.6688 F 412.231.4510 One Allegheny Square | Nova Tower 1, Suite 300 | Pittsburgh, PA 15212

May 9, 2025

Via Hand Delivery

Margie Shames Pozin, PE
Director of Community Development & Engineering
City of Duluth
City Hall, 2nd Floor
3167 Main Street
Duluth, Georgia 30096

Re: Letter of Intent and Rezoning Application (the "**Application**") for FP Peachtree Industrial LLC ("**Applicant**") to Rezone Property Located at 3350 Peachtree Industrial Boulevard, Duluth, GA, 30096, Tax Parcel Number 6322 133 (the "**Property**")

Ladies and Gentlemen:

This Application is submitted by FP Peachtree Industrial LLC (the "Owner") as Applicant to request rezoning and/or modification of zoning conditions applicable to The Foundry, an existing multifamily development located within a Planned Unit Development ("PUD") at the Property in the City of Duluth. The purpose of this request is to permit the interior reconfiguration of existing units, without expansion of the development footprint, in order to respond to current market demands and advance policy goals outlined in the City's 2040 Forward Duluth Comprehensive Plan.

Existing Conditions and Proposed Redevelopment

The Foundry is an established multifamily community currently consisting of 256 units on a low-density site (approximately 8 units per acre). Property was originally developed in 1985 with the PUD plan approved prior to development. No record of the original PUD plan has been found, therefore it is assumed that the conditions must be updated and approved to include a change in density. Owner acquired the Property in 2021 and since has completed roughly \$2.4M worth of improvements, including in-unit upgrades and amenity additions. The playground and sports court have been replaced, a new dog park and amenity room with gym equipment have been installed, building decks have been power washed and stained and the pool area has been upgraded. This Application represents another step to providing new and existing residents with a revitalized community.¹

The Property includes 64 large three-bedroom units, each approximately 1,463 square feet. These units are frequently occupied by large households, with 5–6 residents per unit, often families with children. The Application seeks to reconfigure each of these three-bedroom units into two one-bedroom units of approximately 730 square feet each. This would increase the overall unit count from 256 to 320 units while simultaneously decreasing total bedroom count—from 192 to 128—by creating more

¹ Since acquiring the Property in December of 2021, Owner has worked quickly and diligently to remedy any code enforcement violation, mainly resulting from an aging Property, and has no open violations. A list of violations, along with detailed remediation work, is included as Exhibit "A" of this letter.

www.farosproperties.com

appropriately sized units aligned with workforce housing demand. The new unit mix would include 168 one-bedroom units and 152 two-bedroom units.

Although the unit count increases, the expected resident population will decrease. Smaller households (1–2 persons per unit) reduce demand on utilities, traffic circulation, and parking infrastructure. The proposed unit mix is less likely to house families with children, alleviating strain on local public schools and contributing to more stable student-to-teacher ratios. The addition of affordable, smaller units meets a growing need for young professionals, retirees, and couples seeking quality housing near employment hubs. This housing diversification supports local businesses and employer recruitment. Smaller households generally result in reduced wear-and-tear on units and community amenities, fewer disturbances, and more stable tenancy patterns. This contributes to a safer, quieter, and better-maintained living environment.

The site plan, made part of the Application, reflects the existing physical layout of the Property, including all current buildings, parking areas, and open space. No changes to the site's footprint or building structures are proposed. The plan includes updated notes indicating the proposed increase in unit count from 256 to 320 units through interior reconfiguration, resulting in a revised density of approximately 10 units per acre, up from the current 8 units per acre. The extent of exterior building changes involve points of access for the newly created units.

Alignment with Comprehensive Plan

The proposed conversion fully supports the City's vision for smart, sustainable growth and revitalization as outlined in the 2040 Forward Duluth Comprehensive Plan. The Plan encourages transformation of aging multifamily properties into denser, more efficient residential formats that reflect evolving market demands. This proposal achieves higher density without adding physical bulk or impervious surfaces. It represents an efficient reuse of existing infrastructure and built environment. The project introduces more one-bedroom units—an underrepresented housing type in the local market—thereby expanding access to affordable housing for singles and couples. By better accommodating the modern workforce, the project strengthens local employment ecosystems and helps retain talent within Duluth. Smaller households reduce pressure on city services such as schools, utilities, and traffic infrastructure, aligning with long-term fiscal sustainability goals.

Application Requirements

The City of Duluth Rezoning Application sets forth the requirements applicable to rezoning applications, some of which are addressed above and the remainder of which are addressed in supporting documents. Specifically, in support of the Application, Applicant submits the following documents:

1. Signed and Notarized Application Form;
2. This Letter of Intent;
3. Response to Standards Governing the Exercise of Zoning Power;
4. Property Owner Authorization and Disclosure Forms;
5. Payment of Application Fees;
6. Copy of Deed;
7. Legal Description;
8. List of Adjoining Property Owner Names and Addresses;

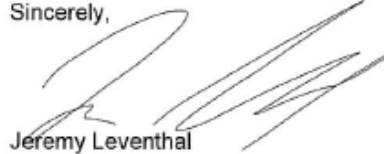
www.farosproperties.com

CITY OF DULUTH
MAY 9, 2025
PAGE 3 OF 4

- 9. Site Plan;
- 10. Survey;
- 11. Conceptual Building Elevations; and
- 12. Existing Site Photos

Applicant welcomes the opportunity to meet with the staff of the City of Duluth to answer any questions or to address any concerns relating to this letter or the requested rezoning. Applicant respectfully requests your favorable consideration of this Application.²

Sincerely,



Jeremy Leventhal

Managing Partner, Faros Properties LLC

² Applicant notifies the City of Duluth of its constitutional concerns with respect to its Application. If the City of Duluth City Council (the "**City Council**") denies the Application in whole or in part, then the Property does not have a reasonable economic use under the UDO. Moreover, the Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the City Council denies the Application in whole or in part, such an action will deprive Applicant of the ability to use the Property in accordance with its highest and best use. Similarly, if the City Council rezones the Property to some classification other than PUD without Applicant's consent, or if the City Council or limits its approval by attaching conditions to such approval affecting the Property or the use thereof without Applicant's consent, then such approval would deprive Applicant of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the UDO allows such an action by the Council, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Applicant and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Also, a failure to grant the Application or a conditional approval of the Application (with conditions not expressly approved by Applicant) would constitute a gross abuse of discretion and would constitute an unconstitutional violation of Applicant's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Applicant further challenges the constitutionality and enforceability of the UDO, in whole and in relevant part, for lack of objective standards, guidelines or criteria limiting the City Council's discretion in considering or deciding applications for rezonings. Nevertheless, Applicant remains optimistic that City Council's consideration of the Application will be conducted in a constitutional manner.



Exhibit "G"
Existing Elevations



Proposed Elevations



REV	DATE	DESCRIPTION

THE FOUNDRY DULUTH
 3350 PEACHTREE INDUSTRIAL
 BLVD.
 DULUTH, GA 30098

NOT BEARING FOR CONSTRUCTION

PLACE MAKER DESIGN
 300 WILSON ST. SUITE 200
 ATLANTA, GEORGIA 30309
 404.527.4477

DATE: 07/2024
 DRAWN BY: LJA
 CHECKED BY: LJA
 PROJECT: 2024

**PROPOSED
EXTERIOR
ELEVATIONS**

A2.1

Exhibit "H"

Public Notice

Public Notice Printed in Gwinnett Daily Post 7/21/2025

**GDP8391
99n16
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 FP Peachtree Industrial, LLC on approximately 32.008 acres of property in Land Lot 322, 6th District, Gwinnett County, located at 3550 Peachtree Industrial Boulevard, consisting of tax parcels 6322-133, case number Z2025-002. The request is to modify three-bedroom units to one-bedroom units. 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:

August 11, 2025 - 6:00pm

WHERE:

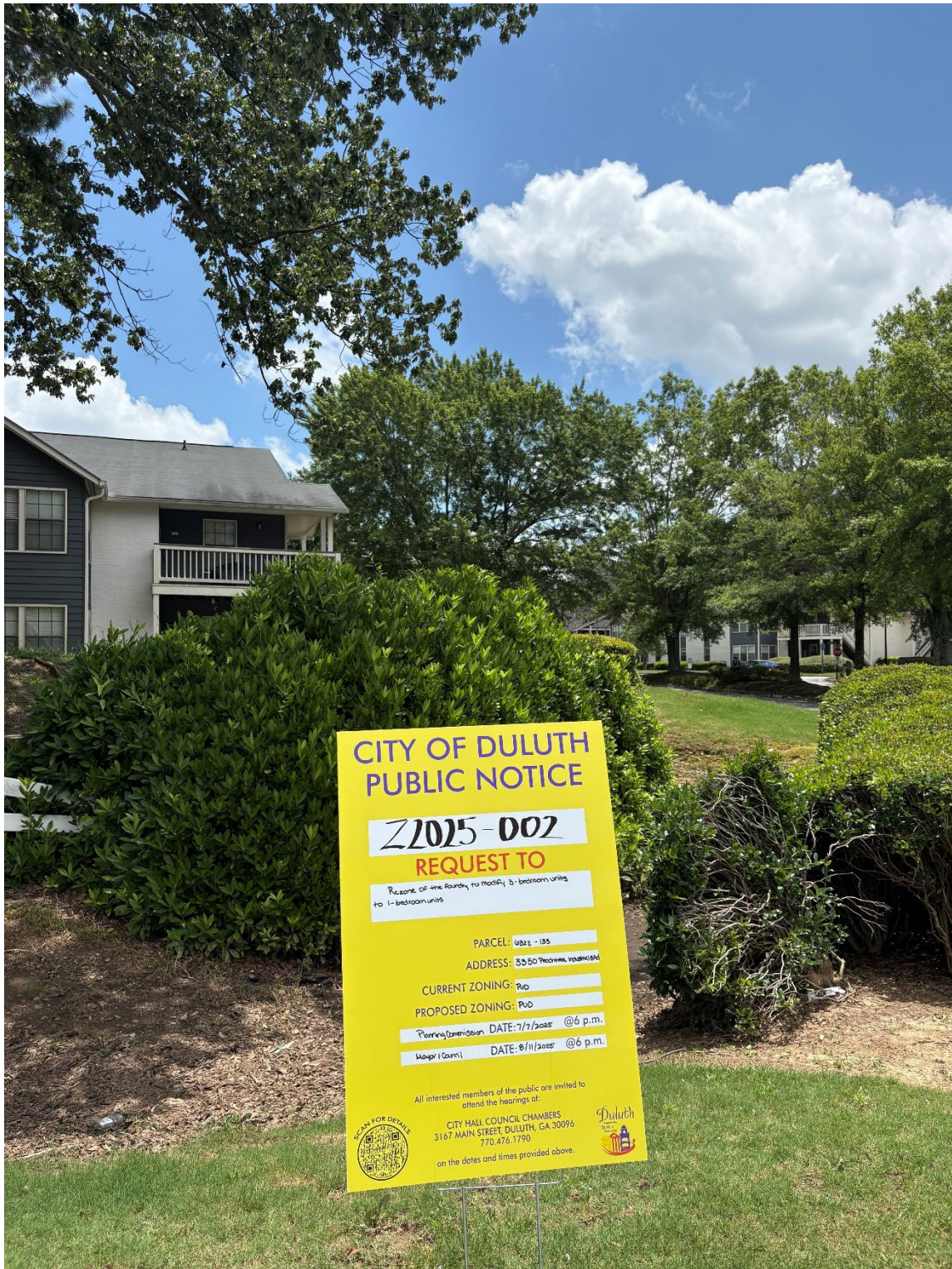
City Hall Council Chambers
3167 Main Street
Duluth, GA 30096

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@duluthga.net

For more information, contact Planning & Development, at (770)476-1290.

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.
7-27-2025



Public Notice Published July 21, 2025
Public Hearing Held August 11, 2025

**ORDINANCE OF REZONING
 02025-35
 CITY OF DULUTH**

AN ORDINANCE FOR THE REZONING OF +/- 32.00 ACRES OF PROPERTIES IN LAND LOTS 322, 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R6322 133 AS 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, FP Peachtree Industrial, LLC C/O Fargos Properties has filed a complete application (Z2025-002) with the City of Duluth seeking a rezoning. Said rezoning plan includes, but is not limited to, the rezoning of +/- 32.00 acres of property from PUD (Planned Unit Development) to PUD (Planned Unit Development); and

WHEREAS, per Article 5 of the Duluth Unified Development Code, a substantial revision to an approved Planned Unit Development (PUD) must be approved by the Governing Body; and

WHEREAS, the City of Duluth Planning Commission held a public hearing at the meeting of July 7, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At the July 7, 2025 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 August 11, 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 5 of the Duluth Unified Development Code, the City Council finds that it is appropriate to grant a modification to the original PUD, for the following reasons::

- A. The modification is suitable given the use and development of adjacent and nearby properties.
- B. The proposed modification 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 modification 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 in the Urban Neighborhood District Character Area. FORWARDuluth envisions this Character Area to be a high-quality multi-family corridor with connection through multi-modal transportation to regional employment opportunities. The Future Land Use Map (FLUM) envisions this parcel as mixed Use, which includes properties zoned PUD.

SECTION 2. LEGAL DESCRIPTIONS.

The properties that are subject to this ordinance consists of $\pm$ 32.00 acres and are 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 02025-35.

ATTACHMENTS:

Exhibit “A”: Maps

Exhibit “B”: Legal Description

Exhibit “C”: Conditions of Approval

Exhibit “D”: Applicant’s Responses to the Standards Governing Exercise of Zoning Power

Exhibit “E”: Applicant’s Letter of Intent

Exhibit “F”: Master Concept Plan

Exhibit “G”: Proposed Elevations

Exhibit “H”: Public Hearing Advertisement/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-Cummings, Post 5

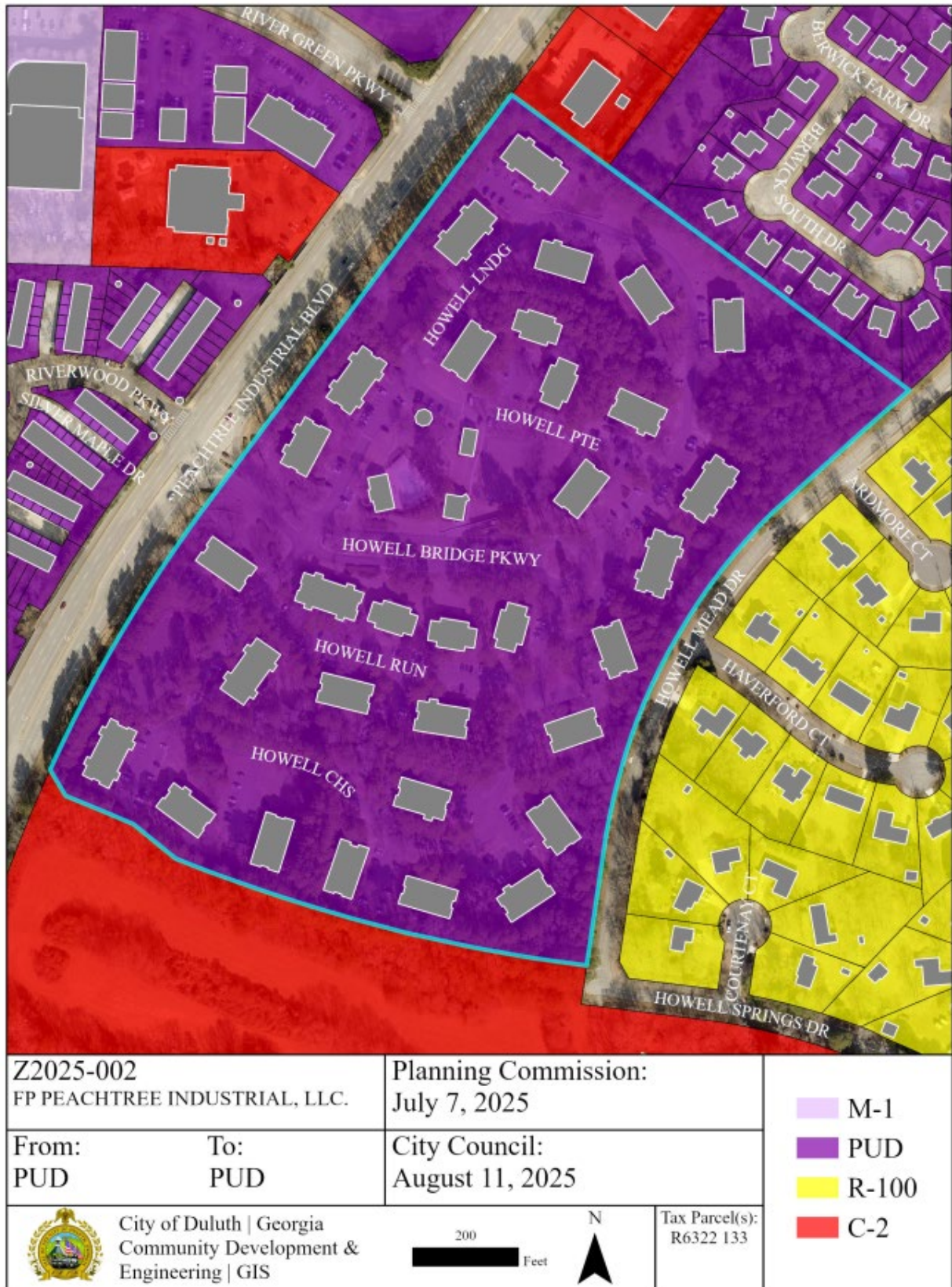
Those council members voting in opposition:

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

Exhibit "A"
Maps
Location Map



Zoning Map



Character Area Map



Exhibit "B"

Legal Descriptions

Property Description

All that tract or parcel of land lying and being in Land Lot 322 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

Commence at a point being the intersection of the southeasterly Right of Way of Peachtree Industrial Boulevard and the Land Lot Line Common to Land Lots 322 and 323; thence running along the southeasterly Right of Way of Peachtree Industrial Boulevard in southwesterly direction 1,631.8 feet to a 1/2" rebar found and the TRUE POINT OF BEGINNING, from point thus established and leaving said Right of Way and running South 53° 24' 11" East a distance of 230.10 feet to a 1/2" rebar found; thence South 53° 25' 17" East a distance of 557.72 feet to a 1/2" rebar found; thence South 53° 14' 52" East a distance of 140.95 feet to a 1/2" rebar found; thence South 53° 33' 49" East a distance of 16.03 feet to a 1/2" rebar found on the northwesterly Right of Way of Howell Mead Drive (60' R/W); thence running along said Right of Way the following courses: South 48° 25' 01" West a distance of 286.03 feet to a point; thence running along a curve to the left an arc length of 788.03 feet, (said curve having a radius of 1125.02 feet, with a chord bearing of South 28° 20' 34" West, and a chord length of 772.02 feet) to a point; thence South 08° 16' 30" West a distance of 240.02 feet to a 1/2" rebar found; thence leaving said Right of Way and running North 81° 42' 48" West a distance of 115.03 feet to a point; thence running along a curve to the right an arc length of 699.29 feet, (said curve having a radius of 2800.96 feet, with a chord bearing of North 74° 35' 55" West, and a chord length of 697.48 feet) to a 1/2" rebar found; thence North 50° 37' 24" West a distance of 104.46 feet to a 1/2" rebar found; thence North 67° 22' 03" West a distance of 139.95 feet to a 1/2" rebar found; thence North 31° 38' 46" West a distance of 60.05 feet to a 1/2" rebar found on the southeasterly Right of Way of Peachtree Industrial boulevard (150' R/W); thence running along said Right of Way along a curve to the right an arc length of 598.05 feet, (said curve having a radius of 2789.79 feet, with a chord bearing of North 30° 29' 02" East, and a chord length of 596.91 feet) to a point; thence North 36° 36' 19" East a distance of 975.10 feet to the TRUE POINT OF BEGINNING. Said tract contains 32.008 Acres (1,394,250 Square Feet).

Exhibit "C"

Conditions of Approval

General

1. All requirements imposed under this Ordinance shall be the standards of the development regardless of any change in ownership.
2. The subject property 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

3. The project shall be limited to a maximum of 168 one-bedroom units and 152 two-bedroom units for a total of 320 units.
4. 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.

Parking

5. An additional six parking spaces shall be created prior to any certificate of occupancy being issued. The Director of Community Development and Engineering may approve up to an additional twelve parking spaces at any time in the future to accommodate the need should it arise.

Miscellaneous

6. Roof equipment shall be screened from the public right-of-way 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.

7. 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 along the entire frontage of the Planned Unit Development property along Peachtree Industrial Boulevard. The buffer shall be a combination of evergreen trees and shrubs and deciduous trees and shall be planted prior to the first certificate of occupancy.
8. The developer shall install a 5' concrete sidewalk along the entire frontage of the Planned Unit Development property along Peachtree Industrial Boulevard ultimately connecting to the sidewalk established at the north end of the property along PIB. Coordination with Gwinnett County Department of Transportation will be required. The sidewalk shall be completed prior to the first Certificate of Occupancy.
9. 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.
10. 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.

Yes. The proposed unit conversion is suitable within the context of existing adjacent multifamily and residential developments. The Foundry is already an established residential community, and the proposal does not introduce a new use, but rather reconfigures existing units to better meet current market demands. The increase in one-bedroom units will create a more balanced housing mix that aligns with the demographic and economic evaluation of the area, complementing surrounding properties rather than conflicting with them.

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

No. The proposal is expected to enhance the usability and desirability of nearby properties. By reducing the average number of residents per unit and minimizing household size, the conversion will lead to less strain on shared infrastructure, quieter living environments, and lower traffic and congestion. These improvements can increase property values and make the surrounding neighborhood more attractive to new residents and investors.

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.

No. Although the total unit count will increase, the actual resident population is projected to decrease due to the shift from large 3-bedroom units to smaller 1-bedroom units. This will result in reduced traffic generation and a lower burden on utilities and public schools. The proposal is designed to optimize existing infrastructure without requiring any expansions or upgrades, making it a low-impact and sustainable solution for housing needs.

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.

Yes. The proposal directly supports the goals and recommendations of the 2040 Forward Duluth Comprehensive Plan. The plan encourages the redevelopment of aging multifamily properties into more efficient, diverse, and denser residential configurations. It also promotes smart growth strategies that improve housing affordability and expand workforce housing options—all of which are accomplished through the Application. Additionally, the plan favors infill and redevelopment projects that reduce the strain on public services without expanding the City’s physical footprint, which this project achieves.

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.

Yes. Regional and local housing trends clearly indicate increased demand for smaller, more affordable units, especially from young professionals, retirees, and smaller households. The Foundry's current stock of large 3-bedroom units is no longer the most efficient or desirable format for today's renters. The project modernizes the property in line with shifting demographics and helps fulfill Duluth's goals for economic vitality and housing diversity. These evolving conditions make a strong case for approval of the rezoning.

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

While the property does have a somewhat reasonable economic use under current zoning, the current unit configuration is not aligned with modern market demand. Approval of the Application would offer a more economically viable long-term use, ensuring the continued relevance and financial performance of the property while also enhancing community compatibility and stability.

Exhibit "E"

Applicant's Letter of Intent



P 412.231.6688 F 412.231.4510 One Allegheny Square | Nova Tower 1, Suite 300 | Pittsburgh, PA 15212

May 9, 2025

Via Hand Delivery

Margie Shames Pozin, PE
 Director of Community Development & Engineering
 City of Duluth
 City Hall, 2nd Floor
 3167 Main Street
 Duluth, Georgia 30096

Re: Letter of Intent and Rezoning Application (the "**Application**") for FP Peachtree Industrial LLC ("**Applicant**") to Rezone Property Located at 3350 Peachtree Industrial Boulevard, Duluth, GA, 30096, Tax Parcel Number 6322 133 (the "**Property**")

Ladies and Gentlemen:

This Application is submitted by FP Peachtree Industrial LLC (the "Owner") as Applicant to request rezoning and/or modification of zoning conditions applicable to The Foundry, an existing multifamily development located within a Planned Unit Development ("PUD") at the Property in the City of Duluth. The purpose of this request is to permit the interior reconfiguration of existing units, without expansion of the development footprint, in order to respond to current market demands and advance policy goals outlined in the City's 2040 Forward Duluth Comprehensive Plan.

Existing Conditions and Proposed Redevelopment

The Foundry is an established multifamily community currently consisting of 256 units on a low-density site (approximately 8 units per acre). Property was originally developed in 1985 with the PUD plan approved prior to development. No record of the original PUD plan has been found, therefore it is assumed that the conditions must be updated and approved to include a change in density. Owner acquired the Property in 2021 and since has completed roughly \$2.4M worth of improvements, including in-unit upgrades and amenity additions. The playground and sports court have been replaced, a new dog park and amenity room with gym equipment have been installed, building decks have been power washed and stained and the pool area has been upgraded. This Application represents another step to providing new and existing residents with a revitalized community.¹

The Property includes 64 large three-bedroom units, each approximately 1,463 square feet. These units are frequently occupied by large households, with 5–6 residents per unit, often families with children. The Application seeks to reconfigure each of these three-bedroom units into two one-bedroom units of approximately 730 square feet each. This would increase the overall unit count from 256 to 320 units while simultaneously decreasing total bedroom count—from 192 to 128—by creating more

¹ Since acquiring the Property in December of 2021, Owner has worked quickly and diligently to remedy any code enforcement violation, mainly resulting from an aging Property, and has no open violations. A list of violations, along with detailed remediation work, is included as Exhibit "A" of this letter.

www.farosproperties.com

appropriately sized units aligned with workforce housing demand. The new unit mix would include 168 one-bedroom units and 152 two-bedroom units.

Although the unit count increases, the expected resident population will decrease. Smaller households (1–2 persons per unit) reduce demand on utilities, traffic circulation, and parking infrastructure. The proposed unit mix is less likely to house families with children, alleviating strain on local public schools and contributing to more stable student-to-teacher ratios. The addition of affordable, smaller units meets a growing need for young professionals, retirees, and couples seeking quality housing near employment hubs. This housing diversification supports local businesses and employer recruitment. Smaller households generally result in reduced wear-and-tear on units and community amenities, fewer disturbances, and more stable tenancy patterns. This contributes to a safer, quieter, and better-maintained living environment.

The site plan, made part of the Application, reflects the existing physical layout of the Property, including all current buildings, parking areas, and open space. No changes to the site's footprint or building structures are proposed. The plan includes updated notes indicating the proposed increase in unit count from 256 to 320 units through interior reconfiguration, resulting in a revised density of approximately 10 units per acre, up from the current 8 units per acre. The extent of exterior building changes involve points of access for the newly created units.

Alignment with Comprehensive Plan

The proposed conversion fully supports the City's vision for smart, sustainable growth and revitalization as outlined in the 2040 Forward Duluth Comprehensive Plan. The Plan encourages transformation of aging multifamily properties into denser, more efficient residential formats that reflect evolving market demands. This proposal achieves higher density without adding physical bulk or impervious surfaces. It represents an efficient reuse of existing infrastructure and built environment. The project introduces more one-bedroom units—an underrepresented housing type in the local market—thereby expanding access to affordable housing for singles and couples. By better accommodating the modern workforce, the project strengthens local employment ecosystems and helps retain talent within Duluth. Smaller households reduce pressure on city services such as schools, utilities, and traffic infrastructure, aligning with long-term fiscal sustainability goals.

Application Requirements

The City of Duluth Rezoning Application sets forth the requirements applicable to rezoning applications, some of which are addressed above and the remainder of which are addressed in supporting documents. Specifically, in support of the Application, Applicant submits the following documents:

1. Signed and Notarized Application Form;
2. This Letter of Intent;
3. Response to Standards Governing the Exercise of Zoning Power;
4. Property Owner Authorization and Disclosure Forms;
5. Payment of Application Fees;
6. Copy of Deed;
7. Legal Description;
8. List of Adjoining Property Owner Names and Addresses;

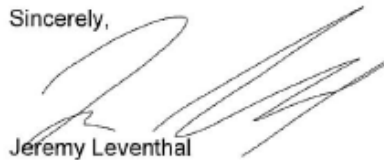
www.farosproperties.com

CITY OF DULUTH
MAY 9, 2025
PAGE 3 OF 4

- 9. Site Plan;
- 10. Survey;
- 11. Conceptual Building Elevations; and
- 12. Existing Site Photos

Applicant welcomes the opportunity to meet with the staff of the City of Duluth to answer any questions or to address any concerns relating to this letter or the requested rezoning. Applicant respectfully requests your favorable consideration of this Application.²

Sincerely,



Jeremy Leventhal

Managing Partner, Faros Properties LLC

² Applicant notifies the City of Duluth of its constitutional concerns with respect to its Application. If the City of Duluth City Council (the "**City Council**") denies the Application in whole or in part, then the Property does not have a reasonable economic use under the UDO. Moreover, the Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the City Council denies the Application in whole or in part, such an action will deprive Applicant of the ability to use the Property in accordance with its highest and best use. Similarly, if the City Council rezones the Property to some classification other than PUD without Applicant's consent, or if the City Council or limits its approval by attaching conditions to such approval affecting the Property or the use thereof without Applicant's consent, then such approval would deprive Applicant of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the UDO allows such an action by the Council, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Applicant and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Also, a failure to grant the Application or a conditional approval of the Application (with conditions not expressly approved by Applicant) would constitute a gross abuse of discretion and would constitute an unconstitutional violation of Applicant's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Applicant further challenges the constitutionality and enforceability of the UDO, in whole and in relevant part, for lack of objective standards, guidelines or criteria limiting the City Council's discretion in considering or deciding applications for rezonings. Nevertheless, Applicant remains optimistic that City Council's consideration of the Application will be conducted in a constitutional manner.

Exhibit "F"

Master Planned Development

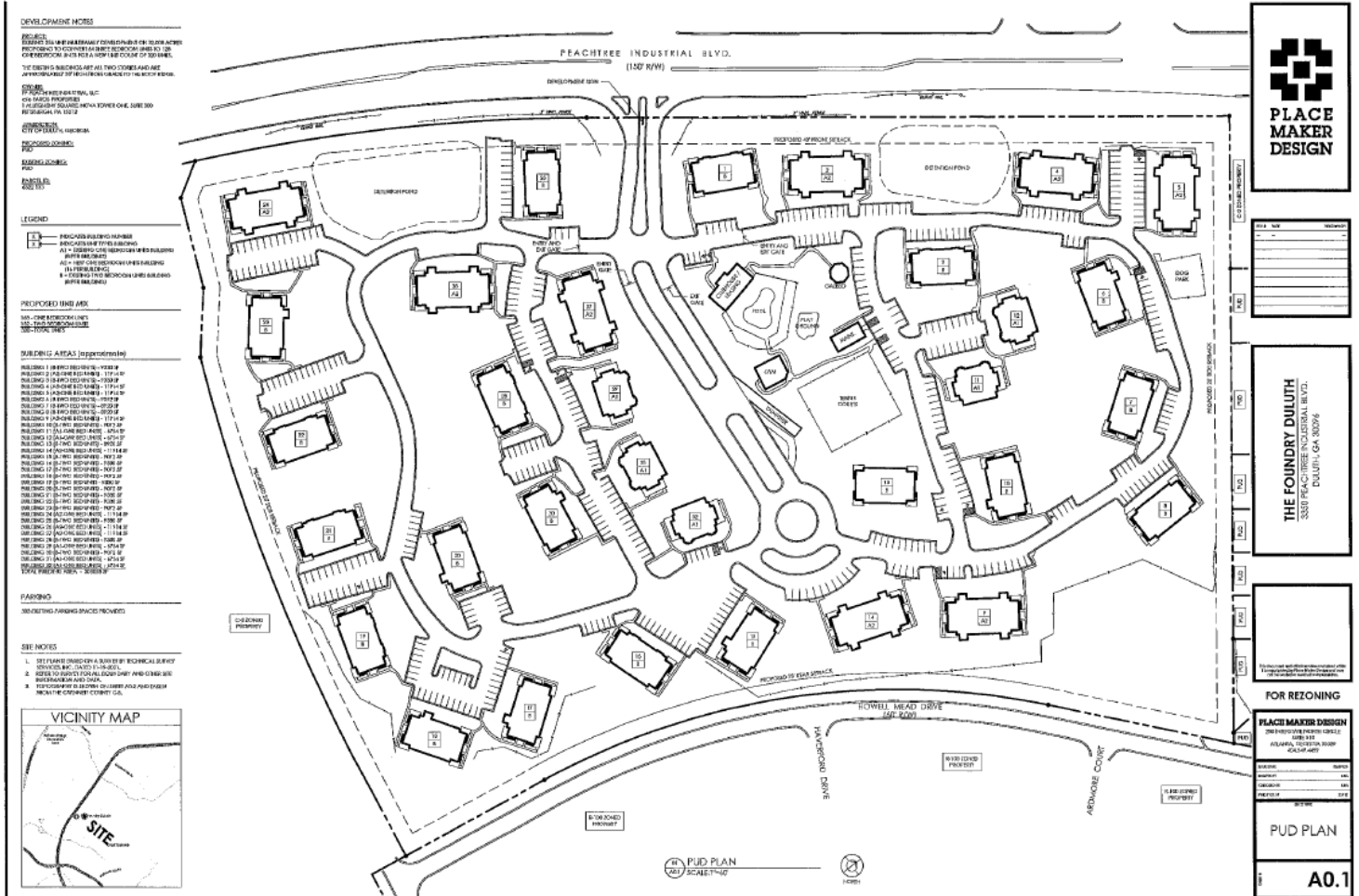


Exhibit "G"

Proposed Elevations



Exhibit "H"

Public Notice

Public Notice Printed in Gwinnett Daily Post 7/21/2025

GDP8391
 8016
 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 FP Peachtree Industrial, LLC on approximately 32.008 acres of property in Land Lot 322, 6th District, Gwinnett County, located at 3350 Peachtree Industrial Boulevard, consisting of tax parcels 6322-133, case number 22025-002. The request is to modify three-bedroom units to one-bedroom units. 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:

August 11, 2025 - 6:00pm

WHERE:

City Hall Council Chambers
 3167 Main Street
 Duluth, GA 30096

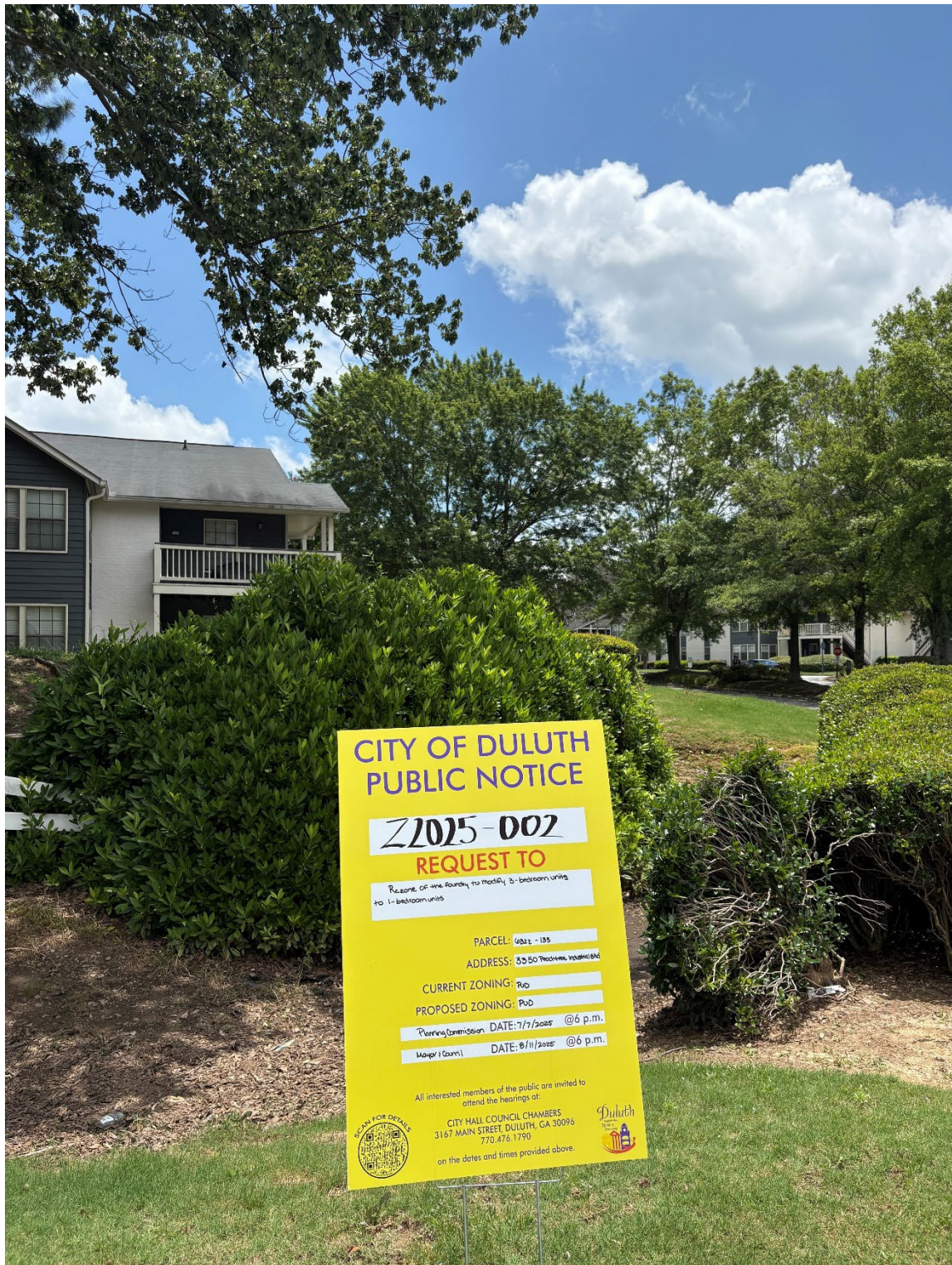
PERSONS INTERESTED IN THIS MATTER are invited to review the proposed rezoning, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments 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@duluthga.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.
 7/27/2025



INTERGOVERNMENTAL AGREEMENT

This INTERGOVERNMENTAL AGREEMENT (hereinafter “IGA”) is made and entered into as of the 11th day of August 2025, by and between the CITY OF DULUTH, GEORGIA, a Georgia municipal corporation (the “City”), and the URBAN REDEVELOPMENT AGENCY OF THE CITY OF DULUTH, GEORGIA, a public body corporate and politic duly created and existing under the laws of the State of Georgia (the “URA”). This IGA is intended to and shall be construed as an intergovernmental agreement under the provisions of the Constitution of the State of Georgia.

W I T N E S S E T H:

WHEREAS, the URA desires to purchase a certain parcel of property known as 3135 Buford Highway within the incorporated limits of the City of Duluth Georgia in Gwinnett County, Georgia, in furtherance of its Urban Redevelopment Plan. Said property being more particularly described in **Exhibit “A” and Shown on Exhibit “B”** attached hereto and incorporated herein by reference (hereinafter the “Subject Property”); and

WHEREAS, the City has acquired funds through a blight tax which are restricted but which may be used to purchase the subject property and desires that the blight tax funds be used to purchase the subject property for remediation, including demolition of existing structures.

NOW THEREFORE, for and in consideration of the payment of Ten (10 Dollars (\$10.00)), the covenants and promises set forth herein intended to benefit the citizens of Duluth by providing for future development in the Downtown Development Area which will be consistent with the Urban Redevelopment Plan and will assist in the redevelopment and revitalization of the Downtown Development Area, and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree to the following terms:

1. The City shall transfer to the URA FIVE HUNDRED THREE THOUSAND FIVE HUNDRED TEN DOLLARS and NINETY ONE CENTS (\$503,510.91) to facilitate the purchase of the subject property.
2. The Mayor, Mayor Pro Tem, City Manager, City Clerk, and City Attorney, and/or their appropriate designees are hereby authorized to complete the transfer of the funds and to take any and all action necessary and appropriate to carry out the intent of this Agreement between the parties.
3. The URA will use the transferred funds to purchase the subject property and demolish existing structures on the subject property;
4. The URA agrees that in the event the subject property is sold for more than EIGHT HUNDRED FIFTY THOUSAND and 00/100 DOLLARS (\$850,000.00) all such

excess funds shall be remitted to the City of Duluth, Georgia.

5. This Agreement and the rights and obligations of the parties hereto shall be governed, construed, and interpreted according to the laws of the State of Georgia.
6. This Agreement expresses the entire understanding and agreement between the parties hereto.
7. The invalidity of any one or more phrases, sentences, clauses or sections contained in this Agreement shall not affect the remaining portions of this Agreement or any part thereof.
8. This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.
9. No waiver, amendment, release, or modification of this Agreement shall be effective unless made in writing and executed by both parties hereto.

It is so agreed on the date set forth here below next to the signature and seal of the parties to this agreement.

(Signatures appear on the following page)

CITY OF DULUTH, GEORGIA

By:_____

Title:_____

Date:

Attest:

By:

Title:

(SEAL)

**CITY OF DULUTH DOWNTOWN
DEVELOPMENT AUTHORITY**

By:_____

Title:_____

Date:

Attest:

By:

Title:

(SEAL)

EXHIBIT A

LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lot 293 of the 6th District, City of Duluth, Gwinnett County, Georgia, and being shown as Tract 2 containing 0.7104 acres per that certain Boundary Retracement & Combination Survey for Gary 2017 Family Trust prepared by Georgia Civil Engineering, G. Brian Slate, Georgia RLS #2629, dated 11/23/2020, last revised 11/30/2020, and being more particularly described as follows:

COMMENCE at the southwesterly mitered intersection of the northwesterly right of way US Hwy 23-S.R. 13-Buford Highway and the southwesterly right of way of Knox Street; proceed thence from said intersection along said miter north 00°44'24" west 34.96 feet to a one-half inch rebar found on the southwesterly right of way of Knox Street; proceed thence along said right of way north 43°27'46" west 129.74 feet to a point located on the southeasterly right of way of Southern Railroad; proceed thence along said right of way southwesterly along the arc of a curve having a radius of 3620.04 feet, said arc being subtended by a chord bearing south 42°20' 19" west and having a chord length of 200.17 feet, an arc

distance of 200.20 feet to an iron pin set; thence leaving said right of way and proceed south 43°25' 13" east 159.70 feet to an iron pin set on the northwesterly right of way of US Hwy 23-S.R. 13-Buford Highway; proceed thence along said right of way the following courses and distances: north 38°49'35" east 4.78 feet to a point; north 38°51'47" east 12.47 feet to a point; northeasterly along the arc of a curve having a radius of 2590.11 feet, said arc being subtended by a chord bearing north 40°33'55" east and having a chord length of 159.81 feet, an arc distance of 159.84 feet to the POINT OF BEGINNING.

BOUNDARY RETACEMENT & COMBINATION SURVEY

GARY 2017 FAMILY TRUST
1.3544 ACRES
 Lot 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7400, 7500, 7600, 7700, 7800, 7900, 8000, 8100, 8200, 8300, 8400, 8500, 8600, 8700, 8800, 8900, 9000, 9100, 9200, 9300, 9400, 9500, 9600, 9700, 9800, 9900, 10000, 10100, 10200, 10300, 10400, 10500, 10600, 10700, 10800, 10900, 11000, 11100, 11200, 11300, 11400, 11500, 11600, 11700, 11800, 11900, 12000, 12100, 12200, 12300, 12400, 12500, 12600, 12700, 12800, 12900, 13000, 13100, 13200, 13300, 13400, 13500, 13600, 13700, 13800, 13900, 14000, 14100, 14200, 14300, 14400, 14500, 14600, 14700, 14800, 14900, 15000, 15100, 15200, 15300, 15400, 15500, 15600, 15700, 15800, 15900, 16000, 16100, 16200, 16300, 16400, 16500, 16600, 16700, 16800, 16900, 17000, 17100, 17200, 17300, 17400, 17500, 17600, 17700, 17800, 17900, 18000, 18100, 18200, 18300, 18400, 18500, 18600, 18700, 18800, 18900, 19000, 19100, 19200, 19300, 19400, 19500, 19600, 19700, 19800, 19900, 20000, 20100, 20200, 20300, 20400, 20500, 20600, 20700, 20800, 20900, 21000, 21100, 21200, 21300, 21400, 21500, 21600, 21700, 21800, 21900, 22000, 22100, 22200, 22300, 22400, 22500, 22600, 22700, 22800, 22900, 23000, 23100, 23200, 23300, 23400, 23500, 23600, 23700, 23800, 23900, 24000, 24100, 24200, 24300, 24400, 24500, 24600, 24700, 24800, 24900, 25000, 25100, 25200, 25300, 25400, 25500, 25600, 25700, 25800, 25900, 26000, 26100, 26200, 26300, 26400, 26500, 26600, 26700, 26800, 26900, 27000, 27100, 27200, 27300, 27400, 27500, 27600, 27700, 27800, 27900, 28000, 28100, 28200, 28300, 28400, 28500, 28600, 28700, 28800, 28900, 29000, 29100, 29200, 29300, 29400, 29500, 29600, 29700, 29800, 29900, 30000, 30100, 30200, 30300, 30400, 30500, 30600, 30700, 30800, 30900, 31000, 31100, 31200, 31300, 31400, 31500, 31600, 31700, 31800, 31900, 32000, 32100, 32200, 32300, 32400, 32500, 32600, 32700, 32800, 32900, 33000, 33100, 33200, 33300, 33400, 33500, 33600, 33700, 33800, 33900, 34000, 34100, 34200, 34300, 34400, 34500, 34600, 34700, 34800, 34900, 35000, 35100, 35200, 35300, 35400, 35500, 35600, 35700, 35800, 35900, 36000, 36100, 36200, 36300, 36400, 36500, 36600, 36700, 36800, 36900, 37000, 37100, 37200, 37300, 37400, 37500, 37600, 37700, 37800, 37900, 38000, 38100, 38200, 38300, 38400, 38500, 38600, 38700, 38800, 38900, 39000, 39100, 39200, 39300, 39400, 39500, 39600, 39700, 39800, 39900, 40000, 40100, 40200, 40300, 40400, 40500, 40600, 40700, 40800, 40900, 41000, 41100, 41200, 41300, 41400, 41500, 41600, 41700, 41800, 41900, 42000, 42100, 42200, 42300, 42400, 42500, 42600, 42700, 42800, 42900, 43000, 43100, 43200, 43300, 43400, 43500, 43600, 43700, 43800, 43900, 44000, 44100, 44200, 44300, 44400, 44500, 44600, 44700, 44800, 44900, 45000, 45100, 45200, 45300, 45400, 45500, 45600, 45700, 45800, 45900, 46000, 46100, 46200, 46300, 46400, 46500, 46600, 46700, 46800, 46900, 47000, 47100, 47200, 47300, 47400, 47500, 47600, 47700, 47800, 47900, 48000, 48100, 48200, 48300, 48400, 48500, 48600, 48700, 48800, 48900, 49000, 49100, 49200, 49300, 49400, 49500, 49600, 49700, 49800, 49900, 50000, 50100, 50200, 50300, 50400, 50500, 50600, 50700, 50800, 50900, 51000, 51100, 51200, 51300, 51400, 51500, 51600, 51700, 51800, 51900, 52000, 52100, 52200, 52300, 52400, 52500, 52600, 52700, 52800, 52900, 53000, 53100, 53200, 53300, 53400, 53500, 53600, 53700, 53800, 53900, 54000, 54100, 54200, 54300, 54400, 54500, 54600, 54700, 54800, 54900, 55000, 55100, 55200, 55300, 55400, 55500, 55600, 55700, 55800, 55900, 56000, 56100, 56200, 56300, 56400, 56500, 56600, 56700, 56800, 56900, 57000, 57100, 57200, 57300, 57400, 57500, 57600, 57