

Duluth



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

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

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

SEPTEMBER 8, 2025	CITY HALL COUNCIL CHAMBERS	6:00 pm
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***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

Duluth “Wednesday Flavors on Main” – Wednesdays 9/10, 9/17

Duluth “Parsons Thursday Nights Out” – 9/11, 9/18

Duluth “Rock the Block: Live and Loud Fridays” – 9/12, 9/19

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 "Live" – Fridays 9/12, 9/19, 9/26, and 10/3 and Saturdays 9/13, 9/20, 9/27, and 10/4

Peach State Cornhole Fall leagues – Tuesdays/Thursdays starting 8/26

Duluth "Farmers and Artisan Market - 1st and 3rd Sundays September - November

Dogtoberfest - Saturday, September 13

Good Word Brewing Presents: Les Bon - Saturday, September 13

Duluth Fall Festival Concert featuring Rupert's Orchestra - Saturday, Sept 20

Duluth Fall Festival - September 27 & 28

S'mores 'N Snores - Saturday, October 4 (Rogers Bridge Park)

Haunted Duluth Tours - Saturday, October 11

IV. MATTERS FROM CITIZENS

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

V. CONSENT AGENDA

1. ORDINANCE TO AMEND BUDGET - \$13,800 – POLICE VEHICLES

Approval of this item authorizes ordinance BA-FY26-08 to amend the FY26 budget. Recently, the Police Department sold three (3) vehicles at auction, after commissions and fees the City received \$13,800. Staff is requesting \$13,800 be added to Police Vehicles - Consolidated Vehicle Maintenance - Vehicle line item, including associated transfers.

VI. PUBLIC HEARINGS

1. PROPOSED 2025 TAX MILLAGE RATE/ORDINANCE OF APPROVAL

Each year, the Gwinnett County Tax Assessor reviews the assessed value of taxable property in the County. When the total digest of taxable property is prepared, Georgia Law requires calculation of a "rollback" millage rate (RMR) that produces the same total revenue on the current year's new digest that last year's millage rate would have produced, had no reassessments occurred. The City of Duluth is considering maintaining the same millage rate as last year, which is 6.551 mills. For the 2025 digest, the current millage rate exceeded the rollback millage rate by 0.184 mills, or stated another way, as a percentage of the rollback millage rate, the current millage rate represents a 2.89% "increase." The reassessment revenue would add approximately \$530,861.

Georgia law requires that the City publish a "Notice of Property Tax Increase" in the legal organ when the tentative adopted millage rate exceeds the rollback millage rate. In addition, three public hearings must be scheduled to allow the public an opportunity to express their opinion on the proposed tax millage. This is the third and final public hearing; an ordinance is presented for adoption.

2. ORDINANCE OF SPECIAL USE – CASE SU2025-002 – RIVER GREEN

Mayor and Council to consider an ordinance to allow a special use permit on Parcel R6325 038 located at 4680 River Green Parkway for Case SU2025-002.

Owner Kevin Shinn and Applicant John Kim are requesting a special use permit to operate a preschool with after school care in the River Green Industrial Park at 4680 River Green Parkway. This property is zoned M-1 (Light Industrial District), which requires a special use permit for the operation of schools.

The Planning Commission recommended approval with conditions at their August 4, 2025 hearing. *Staff report and ordinance attached for reference.*

3. ORDINANCE OF SPECIAL USE–CASE SU2025-003– BANK/DRIVE-THROUGH

Mayor and Council to consider an ordinance to allow a special use permit on Parcel R7202 282 located at 2770 Buford Highway for Case SU2025-003.

Owner Roster Property, LLC and Applicant Gideon Lee are requesting a special use permit to operate a bank with a drive through window 2772 Buford Highway. This property is zoned HC-R (Highway Commercial - Retail District), which allows banks by right, but does not allow for drive through windows without special use approval.

The Planning Commission recommended approval with conditions at their August 4, 2025 hearing. *Staff report and ordinance attached for reference.*

4. ORDINANCE OF ADOPTION–UNIFIED DEVELOPMENT CODE

Mayor and Council to consider adopting a new City of Duluth Unified Development Code (UDC).

The current UDC was originally adopted in 2015 and had undergone several text amendments. Over the past two years, staff has dissected the text and created a newer version intended to eliminate inconsistencies, redundancies, and errors. The new code is intended to reflect Council's current policies regarding land use. Some sections have been simplified. Other sections have been better explained. And some sections remain unchanged.

To gather input and feedback from stakeholders, staff advertised and held two joint work sessions with the Planning Commission and the Zoning Board of Appeals as well as two work sessions with Mayor and Council. Staff will give a brief overview of the changes to the UDC during the hearing.

The Planning Commission recommended approval of the new Unified Development Code at their August 4, 2025 hearing. *Staff report and ordinance attached for reference.*

5. ORDINANCE OF ADOPTION– ROW FEE SCHEDULE

Mayor and Council to consider an ordinance adjusting the City's permit fee schedule to include a fee for Right of way utility permits. While state law provides for public utilities to locate within public rights of way, applicants currently do not pay a fee to cover staff time for review of applications or make field visits, as needed.

Staff is proposing an adjustment to the fee schedule to include a \$100 permit fee for right of way applications to cover these costs.

VII. NEW BUSINESS

1. AWARD OF BID – HALL CIRCLE ONE-WAY TRANSITION

Margie

The Mayor and Council to consider awarding the contract for the one-way transition of Hall Circle.

In June of 2025, staff collected three qualified bids from contractors to complete the infrastructure work required for the one-way transition of Hall Circle.

Ryals Brothers -	\$40,620
IP Construction -	\$50,000
Tri-Scapes -	\$154,518.70

Staff recommends awarding a city attorney-approved contract to Ryals Brothers in the amount of \$40,620.

2. ORD TO AMEND BUDGET - \$62,260 - HALL CIRCLE

Mayor and Council to consider a budget amendment for the one-way transition of Hall Circle.

With a contract awarded to Ryals Brothers in the amount of \$40,620, staff recommends a budget for construction, contingency, materials testing, and construction oversight as follows:

Construction -	\$40,620
Contingency -	\$10,000
Materials Testing -	\$5,000
Construction Oversight -	\$7,000

Total requested budget - \$62,620.

VIII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

IX. MATTERS FROM MAYOR & COUNCIL

X. MATTERS FROM CITY MANAGER

XI. EXECUTIVE SESSION

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 work session for September 22, 2025 at 5:30 p.m.



**DRAFT MINUTES
MAYOR AND COUNCIL
CITY OF DULUTH, GA
AUGUST 11, 2025**

PRESENT: Mayor Whitlock, Council members Harkness, Thomas, Doss, Graeder, and Cummings, 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 agenda items. No other items were discussed, and no action was taken.

Mayor Whitlock called the meeting to order at 6:00pm.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. APPROVAL OF MEETING AGENDA

A motion was made by Councilmember Thomas, seconded by Councilmember Doss, to approve the August 11, 2025 Council Agenda as presented.

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

II. APPROVAL OF MINUTES

A motion was made by Councilmember Graeder, seconded by Councilmember Cummings, to approve the July 14 and 28, 2025 meeting minutes as presented.

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

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
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

None.

V. CONSENT AGENDA

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

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 {B}

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 {C}

Approval of this item approves ordinance 02025-32 appointing Marisa (Ginger) Tonteveetong 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 {D}

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 {E}

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 close out 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.

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

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

VI. PUBLIC HEARINGS

Mayor Whitlock summarized the public hearing process.

1. RESOLUTION OF ABANDONMENT – PEACHTREE ROAD {F}

Mayor Whitlock opened the public hearing and called City Manager James Riker forward.

Mr. Riker presented resolution R2025-10 proposing the abandonment of a portion of Peachtree Road and swapping of right of way for dedication of a new public roadway. The proposed abandonment is 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. Mr. Riker also explained that appraisals have been obtained and the existing value of the right of way is far below the value of the new right of way.

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 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 as presented.

Mayor Whitlock called for discussion from Council. There being no discussion, the Mayor called for questions/comments from the public.

Applicant Mr. Kenneth Wood of 350 Research Court, Peachtree Corners came forward and further clarified the public road section.

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

A motion was made by Councilmember Harkness, seconded by Councilmember Graeder, to approve resolution R2025-10 as presented.

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

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

Mayor Whitlock opened the public hearing for Case Z-2025-001 and called the Director of Community Development & Engineering, Margie Pozin, forward to present.

Ms. Pozin 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 pertinent parcel numbers are R6292 065, 6292 043, 6292 043A, 6292 057, 6292 042, 6292 069, 6292 041, 6292 049, 6292 056, 6292 050, and 6293 644. She showed the location and surrounding zoning categories, and described the characteristics of the Core Neighborhood District and downtown Core itself.

Ms. Pozin also showed the master plan for the development and architectural graphics, and said that staff feels the project is consistent with the comprehensive plan as well as the future land use map with a density just over 12 units an acre. The subject property is very connected to downtown, with trails that go to the sidewalks, which lead through South on Main. She concluded by saying that the project does meet a housing need in the community, and the Planning

Commission recommended approval with conditions at their July 7, 2025 hearing, and further highlighted the conditions for approval.

Mayor Whitlock called for discussion from Council.

Council asked questions regarding lighting, fencing and resident access, detention pond and elevations, which were deferred to the applicant to answer.

Mayor Whitlock called the applicant forward.

Applicant Kenneth Wood of 350 Research Court, Peachtree Corners, came forward. He pointed out this area as the “gateway” to downtown and as such, they proposed enhancing the look and size of the townhomes to meet the city’s vision for the area. He addressed the current roadway location as a complete hindrance to development and currently provides improper access to Buford Highway. The facades are varied in that some will have large porches, others more of an inset for creating variation. There is a proposed multi-use trail, green area, and the 4 foot fencing does not block the attractiveness of the project. He discussed guest parking and amenities such as community parks, potential for a pool/cabana area, bark park, and said the stormwater pond is underground and the top of it will also be greenspace/park area.

Councilmember Harkness inquired about roof top decks, a gated entrance, and guest parking.

Mr. Wood responded that rooftop decks are not contemplated at this point because they seem to have such waterproofing issues. There is not a gated entrance but fencing along the back and the front, which the HOA will maintain, approximately 30 guest parking spaces. Each unit technically has four spaces with two in the garage and two on each driveway.

The Mayor called for questions/comments from the public.

Michael Johnson of the 2127 Tallapoosa Dr, Chattahoochee Reserve subdivision, inquired about the sales price of the units.

Mr. Wood confirmed that the price range will be \$500,000 to high \$600,000 per unit.

Ken Odum of 3597 W. Lawrenceville Street, Duluth came forward representing the Duluth Downtown Development Authority (DDA) and spoke in support of this project, which has been a vision of the DDA for several years to have walkability and ownership vs. rental.

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

A motion was made by Councilmember Graeder, seconded by Councilmember Doss, approving ordinance O2025-33 for Case number Z2025-001 with conditions as presented.

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

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

Mayor Whitlock opened the public hearing to consider an ordinance to modify a condition of rezoning for Parcels R6264 496 and R6264 037 located at 3282 Davenport Road, and called Director of Community Development & Engineering, Margie Pozin forward to present.

Ms. Pozin explained that these parcels were rezoned on March 10, 2025 as part of Case Z2024-005 to allow for a single family detached residential subdivision. One of the conditions involved an ADA-compliant trail that would connect this neighborhood to the neighborhood behind it, and there is a very deep creek separating the two, and so the drop-off is very significant. In order to comply, it would have a switchback. It would just be constant switchback until you crossed and then switch back again to get back up, which is not really what pedestrians are going to do. Again, this is where we want a system of trails and connectivity for pedestrians, but it's not always possible.

A topography survey had not yet been completed at the time of the initial rezoning. Staff would not want to support a non-ADA-compliant trail, so that makes this condition somewhat prohibitive. The Planning Commission recommended approval of the modification at their July 7, 2025 hearing.

Mayor Whitlock called for discussion from Council.

Councilmember Harkness commented that initially he was hesitant but then discovered the area already has a sidewalk in front of it for connectivity and is safely walkable to downtown.

Mayor Whitlock called the applicant forward for comment.

Andrew Perry of 115 Major Court, Roswell came forward in agreement with the amendment to the condition for the walking trail.

Councilmember Graeder asked if a bridge would have been possible and a concern with insurance problems having another access point.

Mr. Perry noted it would provide connectivity to another neighborhood but didn't eliminate the zig zags, and the intent to have the HOA privately maintain the roadways, having a public path leading into a private road might affect the insurance.

The Mayor called for questions/comments from the public.

Mr. Jason Dearborn of 3380 North Gate Lane said he is very close to the area, and presented concerns regarding public access to a “higher end” neighborhood and not having responsible neighbors along Davenport Road, especially regarding pet ownership.

Mayor Whitlock thanked him for the comments and said that Council would be looking more closely into the area. Being no further comments or questions, Mayor Whitlock closed the public hearing and called for a motion.

A motion was made by Councilmember Thomas, seconded by Councilmember Cummings, approving ordinance O2025-34 for Case MZ2025-001 with conditions as presented.

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

4. ORDINANCE-PUD MODIFICATION CASE Z2025-002 – FOUNDRY APTS *{/}*

Mayor Whitlock opened the public hearing and called forward the Director of Community Development & Engineering, Margie Pozin forward to present an ordinance to amend an existing PUD (Planned Unit Development) for parcel R6322 133 to allow for a change in density for Case Z2025-002.

Ms. Pozin said that Owner/Applicant FP Peachtree Industrial, LLC, is requesting a modification to the existing PUD (Planned Unit Development) on approximately 32 acres to allow for the conversion of 64 three bedroom apartment units into 128 one bedroom apartment units to meet current market demand. She described the existing conditions, nearby zoning, and Character Area for the Urban Neighborhood District. She showed the site plan, elevations and noted staff findings showing consistency with the Comprehensive Plan.

Ms. Pozin referenced the reduction in number of three bedroom apartment units and noted that the City would still have approximately 345, which is still a considerable number. She discussed the sidewalk gap and landscape buffers that will both be improved as part of this project. All of the requirements from the original PUD are still going to be applied, and this follows the property, not the ownership of the property, so if the property sells, the conditions remain. They are limited to a maximum of 168 one-bedroom units and 152 two-bedroom units, so they will have a total unit count of 320. They are also required to develop six additional parking spaces, with administrative leeway to approve up to twelve additional spots if the need arises.

The roofing equipment must be screened from public view, and the sidewalk and buffer enhancements will happen prior to certificate of occupancy issuance. The Planning Commission recommended approval with conditions at their July 7, 2025 hearing.

Mayor Whitlock called for discussion from Council.

Councilmember Thomas asked how many three bedroom units will be available at the Foundry after the conversion and in addition the total number of one bedroom units available in the City.

Mayor Whitlock called the applicant forward.

Dakota Carruthers of 1075 Peachtree Street NE and Jeremy Leventhal of 100 South Commons, Pittsburgh, PA presented additional information regarding the renovation. The existing multifamily community was developed in 1985. The property was acquired in 2021 and there have since been upgrades to amenities, additions of amenities, and even some renovations in the units. Staff visited the site and toured some of the units to see where the wall would go up, where the new kitchen would go, and how these would be separated. They are proposing no changes other than a walkway to the new doorway that will be created for the new units.

Ms. Carruthers further explained that they feel this meets the Comprehensive Plan especially where it references optimizing the land use without expanding the existing footprint. The project is slated to take place over a long period of time as the units vacate, so this is not something that's happening immediately. The Conditioned property site improvements would be completed before the first CO was issued, and gradually the interiors of the individual units would be renovated.

Mr. Leventhal came forward to present. He reported that One-person households are the fastest-growing household type in the U.S., now approximately 30 percent of all households, up from about 19 percent in 1974. The Foundry, our apartment complex, conversion proposal directly serves professionals, empty-nesters, young employees seeking smaller, affordable, individual homes. Duluth's rental market is missing one-bedrooms. one-bedroom units account for about 27% of the rental market in Duluth with approximately 1,500 units out of 5,500 units in total. In Atlanta 1-bedroom units compose of 39% of the market and the national average is 40%. If you include total inventory of housing, not just rentals, but homes in the area, Gwinnett County has only 6 percent of all housing as one-bedrooms. The Foundry is requesting the ability to transform all of the 3-bedroom units into 1-bedroom units over time to not vacate residents.

Councilmember Doss asked about the relational makeup of the residents currently renting three-bedroom units, if they are roommate or family situations.

Mr. Leventhal stated that there is a variety in rentals, and the relationship makeup extends from roommates to family dwellings. A total of eight buildings are included in the plan to restructure the units.

Councilmember Harkness expressed concern that this modification would reduce workforce housing in Duluth and create a demographic imbalance, and discussed the reasoning for his concerns. He discussed the Marlow project and the impact that it would have on available inventory.

Councilmember Thomas shared concerns regarding the need to compel renters to vacate in order to get the units constructed in a quicker time period, however, did acknowledge the need for smaller units with the expansion of the medical community and the walkability of the area.

Mayor Whitlock shared a search from Realtor.com for rental units in Duluth. The cost of rent for a 3-bedroom unit in The Foundry is \$2,000 per month. Other apartment communities in Duluth for 3-bedrooms range from \$1,460 – \$2,150 per month. Single family homes and town homes have a rental market of \$1,500-\$2,300 per month. Currently there are over 250 vacant three-bedroom units available in Duluth.

Overall, Council supported the business model and need for affordable one-bedroom units in walkable areas for young professionals, empty nesters etc. and agreed that The Foundry's rental percentages show that it is a well-run property with higher safety statistics, but did not want the current residents to feel as though they were being pushed out.

The Mayor called for questions/comments from the public.

Michael Johnson of 2127 Tallapoosa Drive shared concern with compelling residents to vacate the three-bedroom units especially with the walkability of the area and good programs/schools for young families.

Mr. Leventhal stated that The Foundry would honor the leases per the law and reminded the Council of the investments made in the property especially to the amenities. The renewals would be at market rate and traditionally any non-renewals would be for problems with the tenants.

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

A motion was made by Councilmember Thomas, seconded by Councilmember Doss approving ordinance O2025-35 for Case number Z2025-002 with conditions as presented.

Voted For: Councilmembers Thomas, Doss, Graeder, and Cummings
Voted Against: Councilmember Harkness
Motion carried.

VII. NEW BUSINESS

1. APPROVAL OF IGA/ORD TO AMEND BUDGET – URBAN REDEV. AGENCY **{J,K}**

The Mayor and Council considered 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). Staff requested 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.

A motion was made by Councilmember Doss, seconded by Councilmember Cummings, to approve, the IGA between the City and URA, authorize the Mayor or City Manager to execute the agreement and approve ordinance BA-FY26-04 to transfer funds as presented.

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

VIII. MATTERS FROM MAYOR & COUNCIL

Mayor and Council expressed appreciation to staff for the successful multi-cultural events held downtown this past weekend.

IX. MATTERS FROM CITY MANAGER

City Manager James Riker reported that the lumber was delivered to the train viewing platform. Construction is expected to begin this week, but it will not be completed by Fall Festival.

X. ADJOURNMENT

A motion was made by Councilmember Thomas, seconded by Councilmember Cummings, to adjourn at 7:25pm.

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

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 input 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.

DRAFT

KM 8/14/25

Duluth



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

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

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

AUGUST 25, 2025	CITY HALL – COUNCIL CHAMBERS	10:00am
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10:00 am - CALL TO ORDER **Mayor Whitlock or Pro tem Thomas**

I. PUBLIC HEARING

1. PROPOSED TAX MILLAGE RATE - 2025

Mayor to open public hearing.

Each year, the Gwinnett County Tax Assessor reviews the assessed value of taxable property in the County. When the total digest of taxable property is prepared, Georgia Law requires calculation of a "rollback" millage rate (RMR) that produces the same total revenue on the current year's new digest that last year's millage rate would have produced, had no reassessments occurred. The City of Duluth is considering maintaining the same millage rate as last year, which is 6.551 mills. For the 2025 digest, the current millage rate exceeded the rollback millage rate by 0.184 mills, or stated another way, as a percentage of the rollback millage rate, the current millage rate represents a 2.89% "increase". The reassessment revenue would add approximately \$530,861.

Georgia law requires that the City publish a "Notice of Property Tax Increase" in the legal organ when the tentative adopted millage rate exceeds the rollback millage rate. In addition, three public hearings must be scheduled to allow the public an opportunity to express their opinion on the proposed tax millage.

This is the first public hearing. The second public hearing is scheduled for this evening, August 25, 2025, at 5:30 pm in the Community Room, the third public hearing is scheduled to be heard, Monday, September 8, 2025 in the City Hall Council Chambers, after which an ordinance will be presented for adoption.

Mayor to

Mayor to call for discussion from Council.
Mayor to call for questions/comments from public.
Mayor to close public hearing.
No motion needed.

II. ADJOURNMENT

Call for motion to adjourn.

Councilmember: *So moved.

Councilmember: *Second.

I have a motion by Councilmember -----, seconded by -----.

May I have a vote from Harkness, Thomas, Doss, Graeder and Cummings?

Announce "Motion carried."



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
SPECIAL CALLED MEETING
CITY OF DULUTH, GA
AUGUST 25, 2025**

PRESENT: Mayor Whitlock, Council members Thomas, Doss, Graeder and Cummings, City Manager, Asst. City Managers, City Attorney, Department Directors. (*Councilmember Harkness arrived at 5:40pm.*)

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

I. PUBLIC HEARING

1. PROPOSED TAX MILLAGE RATE - 2025

Mayor Whitlock opened the public hearing and called Asst. City Manager, Ken Sakmar forward to present.

Each year, the Gwinnett County Tax Assessor reviews the assessed value of taxable property in the County. When the total digest of taxable property is prepared, Georgia Law requires calculation of a "rollback" millage rate (RMR) that produces the same total revenue on the current year's new digest that last year's millage rate would have produced, had no reassessments occurred.

Mr. Sakmar reported that the City of Duluth is considering maintaining the same millage rate as last year, which is 6.551 mills. For the 2025 digest, the current millage rate exceeded the rollback millage rate by 0.184 mills, or stated another way, as a percentage of the rollback millage rate, the current millage rate represents a 2.89% "increase." The reassessment revenue would add approximately \$530,861. For 2025, implementing the requirements of HB 581 provides tax relief to homeowners who qualify for the homestead exemption, which provided a floating cumulative exemption of approximately \$101,986,240.

There were other changes to the taxable digest amounts, mainly due to the growth in real property of \$55,539,333 which accounted for a 2.10% increase. Reassessments of existing real property (reassessments less projected appeal losses) are projected to result in an increase of \$183,021,386 or 6.92%.

Mr. Sakmar outlined what the financial impact would be on homeowners whose values were in the \$350-500,000 range and briefly mentioned the other exemptions.

Georgia law requires that the City publish a "Notice of Property Tax Increase" in the legal organ when the tentative adopted millage rate exceeds the rollback millage rate. In addition, three public hearings must be scheduled to allow the public an opportunity to express their opinion on the proposed tax millage. The first public hearing was held this morning at 10:00 a.m. This is the second public hearing. The third public hearing is scheduled for Monday, September 8, 2025, in the City Hall Council Chambers at 6pm, after which an ordinance will be presented for adoption.

Mayor Whitlock called for discussion from Council.

Councilmember Graeder asked for clarification relating to the senior income requirement and the reassessment of existing property.

Mayor Whitlock called for questions/comments from public.

There being no further discussion, Mayor Whitlock closed the public hearing and announced that no motion was required.

II. ADJOURNMENT

A motion was made by Councilmember Doss, seconded by Councilmember Cummings, to adjourn at 5:40 pm.

**Voted for: Council members Thomas, Doss, Graeder, and Cummings
Motion carried.**

WORK SESSION NOTES MAYOR AND COUNCIL CITY OF DULUTH, GA

I. PUBLIC COMMENTS

None.

II. DISCUSSION ITEMS/PRESENTATIONS/UPDATES

1. STORMWATER DEPARTMENT – SUMMER INTERN PRESENTATION {A}

This is year two of an ongoing effort within the stormwater department to investigate and document all stormwater easements within the city.

Stormwater Administrator Alyssa Gilhooly introduced two summer interns, Modesty Pernet and Kaylee Tam. GIS Specialist Reagan Belk shared the apps she created for this summer's work and Modesty and Kaylee presented their work and findings. They detailed their inspections including a grading system for functionality and compliance and said they were also grateful for the public interaction experience and the communication skills gained throughout the process.

A grant from the Georgia Chapter of the American Public Works Association, GA Chapter funded \$5,000 of the intern cost. Council complimented them as well as staff on the excellent work.

2. GWINNETT CO MICROTRANSIT PROGRAM

{B}

Mayor Whitlock presented. Gwinnett County has approached the City of Duluth and adjacent Community Improvement Districts (Sugarloaf and Gwinnett Place) about participating in a micro transit program. Mayor Whitlock shared a map of the territory, hours of operation, and a discussion of the proposed zone and coverage area.

Following the discussion, Council agreed that the plan developed by Gwinnett County is not designed to equally benefit the Citizens of Duluth and the plan does not benefit our downtown area.

3. HUDGENS SMALL AREA PLAN UPDATE

{C}

Deputy Community Development Director Aron Hall came forward to update Mayor and Council on changes to the Hudgens Small Area Plan included within the Comprehensive Plan.

The Hudgens property is currently zoned C-2 and has been proposed to include medical, mixed use commercial, a mixed use residential/park district, and residential which requires rezoning. Staff was directed to move forward with updating the Comp Plan and introducing R-50 to the Core Neighborhood District. This item will require public hearings with Planning Commission as well as Council prior to being implemented.

III. MATTERS FROM MAYOR & COUNCIL

Brief discussions were held regarding:

- Church Street Park plans
- HOA meetings and communities without HOA
- Community survey on city events calendar, reports on attendance
- Overgrown kudzu/vegetation
- election campaign signs - cannot be placed in city rights-of-way

IV. ADJOURNMENT

Meeting adjourned at 7:45pm.

**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>85,218,108</u>
Operations Expenditures:	<u>33,740,491</u>
Capital Improvement Expenditures:	<u>51,477,617</u>
Total Expenditures:	<u>85,218,108</u>

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

WHEREAS the City of Duluth Police Department sold three (3) vehicles at auction and after commissions and fees received \$13,800; and

WHEREAS in order to continue to maintain a vehicle fleet that is low maintenance and dependable, the Police Department is requesting the \$13,800 be added to the Police Department Vehicle Capital Project Fund; and

WHEREAS it is requested \$13,800 in General Funds be add to the Police Vehicle – Consolidated Vehicle Maintenance – Vehicle 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>85,231,908</u>
Operations Expenditures:	<u>33,740,491</u>
Capital Improvement Expenditures:	<u>51,491,417</u>
Total Expenditures:	<u>85,231,908</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 SET THE MILLAGE RATE FOR TAX YEAR 2025

WHEREAS, the Tax Millage rate for tax year 2024 was 6.551 mills; and

WHEREAS, the Mayor and Council of the City of Duluth, Georgia, have expressed a desire to maintain the millage rate at 6.551 mills for tax year 2025, and

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the City of Duluth, GA, that the millage rate for the 2025 Tax Year shall be 6.551 mills. This Ordinance is adopted in accordance with the provisions of O.C.G.A. 48-5-32.1 and section 6.11 of the Charter of the City of Duluth.

THEREFORE BE IT FURTHER ORDAINED by the Mayor and Council that the City Clerk and other administrative officials of the City of Duluth are hereby authorized and directed to take necessary and appropriate action to produce and to collect the City of Duluth taxes for the year 2025 in accordance with the provisions of Georgia law.

IT IS SO ORDAINED this 8th day of September, 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Posts 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 OF REZONING
02025-36
CITY OF DULUTH**

AN ORDINANCE GRANTING SPECIAL USE APPROVAL TO ALLOW A PRESCHOOL/AFTERSCHOOL IN M-1 (LIGHT INDUSTRIAL DISTRICT) LOCATED ON AN ± 8.30 ACRE PROPERTY IN LAND LOT 325 OF THE 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R6325 038 ADDRESSED AS 4680 RIVER GREEN PARKWAY, DULUTH, GEORGIA 30096. THE PROPERTY, GENERALLY KNOWN AS “4680 RIVER GREEN PARKWAY”, IS LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT “B”. THE ORDINANCE PROVIDES FOR FINDINGS, ESTABLISHES CONDITIONS OF APPROVAL AS SHOWN ON ATTACHED EXHIBIT “C”, PROVIDES FOR SEVERABILITY, REPEALS CONFLICTING ORDINANCES, ESTABLISHES AN EFFECTIVE DATE, AND IS FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the applicant, John Kim has filed a complete application (SU2025-002) with the City of Duluth seeking Special Use approval to operate a preschool/afterschool in M-1 (Light Industrial District); and

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

WHEREAS, the City of Duluth Planning Commission held a public hearing at the meeting of August 4, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At the August 4, 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 September 8, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

- A. The special use is suitable given the use and development of adjacent and nearby properties.
- B. The proposed special use is not anticipated to adversely affect the existing use or usability of adjoining or nearby properties.
- C. The proposed special use is not anticipated to cause 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 River Green Employment District. Special Use approval to allow a preschool/afterschool on this particular M-1 (Light Industrial District) lot is consistent with the spirit and intent of the Comprehensive Plan.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of $\pm$ 8.30 acres and is legally described on Exhibit “B”, attached hereto. Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

All conflicting ordinances and conditions are hereby repealed and replaced with the conditions of approval set forth in this Ordinance 02025-36.

ATTACHMENTS:

Exhibit “A”: Maps

Exhibit “B”: Legal Description

Exhibit “C”: Conditions of Approval

Exhibit “D”: Applicant’s Responses to the Standards Governing Special Use Consideration

Exhibit “E”: Public Notice

{Signatures on the following page}

IT IS SO ORDAINED this _____ day of _____ 2025.

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 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 Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Duluth and Land Lot 325 of the 6th District, Gwinnett County, Georgia containing 8.300 acres all according to that certain plat of survey entitled "Boundary and Topographic Survey for Makita U.S.A., Inc. and Ticor Title Insurance Company", dated December 1, 1990, last revised January 8, 1991 as prepared by D. Ken Brown, Georgia Registered Land Surveyor No. 2877 of Hansley-Schmidt, Inc. and being more particularly described as follows:

BEGINNING at an iron pin set located at the northerly right-of-way of River Green Parkway (which parkway has an 80 foot right-of-way at this point) with the southwesterly right-of-way of River Green Court (which court has a 60 foot right-of-way) (said point of beginning being also located 1,465.26 feet northwesterly from the intersection of the northeasterly right-of-way of River Green Parkway (which parkway has a 110 foot right-of-way at that point) and the northwesterly right-of-way of Peachtree Industrial Boulevard (which boulevard has a 150 foot right-of-way at that point) as measured along the northerly right-of-way of River Green Parkway) and running thence northwesterly along the northeasterly right-of-way of River Green Parkway and along the arc of a curve to the right (said curve having a radius of 660 feet and being subtended by a chord bearing North 46° 09' 01" West a chord distance of 993.21 feet) an arc distance of 1,124.30 feet to an iron pin set; thence leaving the northwesterly right-of-way of River Green Parkway and running South 87° 20' 57" East a distance of 476.88 feet to an iron pin set; thence running South 45° 30' 52" East a distance of 275.10 feet to an iron pin set on the southwesterly right-of-way of a cul-de-sac at the termination of River Green Court (which road has a 60 foot right-of-way); thence running southeasterly along the southwesterly right-of-way of the cul-de-sac of River Green Court and continuing along the southwesterly and northwesterly right-of-way of River Green Court the following courses and distances: along the arc of a curve to the left (said curve having a radius of 60 feet and being subtended by a chord bearing South 42° 30' 44" East a chord distance of 63.01 feet) an arc distance of 66.34 feet to a point; South 13° 56' 34" East a distance of 22.59 feet to a point; South 02° 03' 24" West a distance of 324.32 feet to a point and South 05° 07' 26" East a distance of 81.07 feet to an iron pin set and the POINT OF BEGINNING.

Said property being a portion of that same property conveyed to Grantor by Warranty Deed dated December 19, 1975 from Scott Development Co., a Georgia Corporation, recorded at Deed Book 1056, page 144, Gwinnett County, Georgia Records.

Exhibit “C”

Conditions of Approval

General

1. The Special Use (SU2025-002) is hereby approved for John Kim, and his successors, for the operation of a daycare/afterschool facility. Notwithstanding, all Special Use applications shall be for firm proposals only. The Special Use shall not be used for securing early zoning for conceptual proposals that may not be undertaken for some time. Therefore, an occupational tax certificate shall be obtained within three (3) months from the date of Special Use approval.

Once established:

- A. If the use changes, the Special Use is hereby terminated.
 - B. If the use is discontinued or abandoned for a period of ninety (90) days, regardless of the intent of the owner or occupier to resume the use, the Special Use is hereby terminated.
 - C. If the use is extended in any way, either on the same or adjoining property, the Special Use is terminated.
2. The approval of the special use allows John Kim, and his successors, to operate a daycare/afterschool program facility. The approval does not, however, permit the deviation from the UDC. All articles of the UDC must be followed at all times.
 3. The applicant shall submit a drop-off/pick-up circulation plan. Drop-off/pick-up lines shall not result in queuing or vehicular stacking in the right-of-way, on public streets or on any adjacent property. An updated circulation plan showing vehicular stacking contained wholly on site and off River Green Parkway shall be submitted to the Director of Community Development and Engineering prior to the issuance of certificate of occupancy.
 4. The school shall not create overflow parking that results in parents, visitors, or staff parking in the right-of-way, on public streets or on any adjacent property without a shared parking agreement with the adjacent property owner and/or landlord.
 5. Any renovations to the interior and/or exterior (including the playground) of the building require review and approval by the Community Development and Engineering Department prior to obtaining a certificate of occupancy.
 6. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code; Unified Development Code; License and Business Regulations; Nuisance Codes, and any other codes adopted by the City of Duluth. Failure to maintain the property at or above the minimum standards adopted in the City of Duluth codes and ordinance shall be cause for possible legal action by the City.
 7. 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.

Exhibit “D”
Applicant’s Response to the Standards Governing Special Use Consideration

Section 4 Applicant Response

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

River Green Parkway is home to three educational institutions under the same M-1 zone: New Life Academy of Excellence (K-8), Notre Dame Academy (Pre-K-8th), and YiHwang Academy of Excellence (K-5). The special use permit will allow for our preschool business to service families with children ages 2.5 - 4 years old that may eventually funnel through to the adjacent schools to further their education.

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

There really is no adverse effect that our preschool will bring to the adjacent schools. Since our preschool is the only preschool on River Green Parkway, we should be a welcomed addition to the existing educational institutions adjacent to us. The adjacent schools will most likely benefit from our preschool when it comes time for our students to move on to further their education. If anything, our pre-k program may compete with Notre Dame’s pre-k program.

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

The property, currently zoned for M-1, consists of two clearly divided areas: warehouse and office. The office has limited reasonable economic use in its present condition. It has not been in use for several years. The office portion of the building and physical layout make it better suited for community-serving purposes, such as a preschool. There is a need for early childhood education facilities like ours in the area, and this use would provide a beneficial service to the community without causing disruption.

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

The proposed preschool use will not result in an excessive or burdensome impact on existing infrastructure. Our preschool capacity is under 100 students

with 10 staff members. Preschool operations generate predictable, low-traffic patterns, limited to weekday morning drop-off and afternoon pick-up, which are brief. Our preschool will not require transportation resources or changes to existing infrastructure. The preschool will use reduced utility resources, with no specialized demands. Our preschool is privately operated and does not rely on or place a burden on the local public school system. Instead, it will help meet the demands for early education.

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

Our preschool directly supports the goal of the Comprehensive Plan and Land Use Plan by providing a high-quality, early childhood education program to local families, reducing commute times, and strengthening neighborhood networking. Furthermore, our preschool business would promote sustainable redevelopment by repurposing the underutilized space on the property, rather than requiring new construction. The location is easily accessible and does not require modifications to the current transportation infrastructure. The site's use as a preschool will generate predictable, non-intensive traffic patterns that align well with traffic flow and do not burden peak commuter routes. As Duluth continues to attract new families, the availability of high-quality early childhood education becomes increasingly critical and sought after.

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

There is a growing demand for high-quality early childhood education institutions in the community, driven by an increase in young families moving into nearby residential areas. The location of our facility will support short commutes for families living nearby and for those who work at companies on River Green Parkway. Converting the once-vacant office space of the property into a preschool helps revitalize the area without requiring new infrastructure.

These changing conditions demonstrate that the proposed use is timely, appropriate, and beneficial to the City of Duluth and its residents.

Exhibit "E"

Public Notice

Public Notice Printed in Gwinnett Daily Post 8/19/2025

**Gdp8948
gp n13
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a special use request from John Kim, on approximately 8.30 acres of property in Land Lot 325, 8th District, Gwinnett County, located at 4690 River Green Parkway, consisting of tax parcels 6325-038, case number **SU2025-002**. The special use request is to allow for a preschool/after-school in M-1 (Light Industrial District). The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The meeting date, place and time regarding this matter are as follows:

WHEN:
September 8, 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 special use, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:

**City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR**

Email: Planning@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.

8/24/2025



CITY OF DULUTH
Mayor and Council
Staff Report
September 8, 2025

CASE NUMBER:	SU2025-002
LOCATION:	4680 River Green Parkway
PARCEL(S):	R6325 038
CURRENT ZONING:	M1 (Light Industrial District)
PROPOSED ZONING:	M1 (Light Industrial District) with Special Use
ACREAGE:	+/- 8.30 acres (Facility totals 10,564 sq ft)
REQUEST:	Approval of Special Use to allow a preschool/after school in M-1 (Light Industrial District)
OWNER/APPLICANT:	<i>Owner:</i> Kevin Shinn 500 Church Road North Wales, PA 19454 <i>Applicant:</i> John Kim 7950 Chancery Ridge Duluth, GA 30097

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of this Special Use request (SU2025-002) is to allow a preschool/afterschool in M1 (Light Industrial District)

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". Floor Plan is attached hereto as Exhibit "D". Applicant's Responses to the Standards Governing Special Use Consideration is attached hereto as Exhibit "E". Public Hearing Notice/Advertisement is attached hereto as Exhibit "F".

II. EXISTING CONDITIONS

The subject property totals +/- 8.30 acres (Facility totals 10,564 sq ft). The applicant is proposing a preschool/after school. The subject property is fully surrounded by M1 (Light Industrial District) zoning.

III. REVIEW OF THE REQUEST

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

- A. Table 2-C of the UDC allows "Day Care Center (more than 18 persons in care)" in M1 (Light Industrial District) zoning as a special use.
- B. 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.
- C. Section 1105 of the UDC establishes the Special Use Considerations.

The Special Use is designed to apply under any one of the following circumstances:

- 1. A Special Use listed under the zoning district is desired for development and a more intensive zoning district containing that use, as a use by right would not be appropriate for the property; or
- 2. A Special Use listed under the zoning district is desired for development and no zoning district contains that use as a use by right; or
- 3. A unique use not addressed in any zoning district is desired for development and is not likely to be duplicated within the City of Duluth; or
- 4. The density of development may be affected by the height of a building; or
- 5. The neighboring properties may be affected by the height of any structure; or
- 6. The Special Use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood and would not be in conflict with the overall objective of the Comprehensive Plan.

In order to accommodate these particular uses, Special Use approval allows the City Council to approve such a use on a particular parcel without changing the general zoning district. Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility of the Special Use with the surrounding properties. All Special Use applications shall be for firm development proposals only. The Special Use shall not be used for securing early zoning for conceptual proposals that may not be undertaken for some time. A Special Use application shall be considered only if the application is made by the owner of the property or by his/her authorized agent. The minimum requirements for a Special Use approval are:

1. Any uses allowed under Special Use approval shall also conform to the requirements of this Development Code for all uses as found in the zoning district.
2. The application and review process for a Special Use shall be the same as for the zoning district under which the Special Use is found. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the Director to evaluate a proposed use and its relationship to the surrounding area shall be submitted. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to its immediate neighborhood and the compatibility of the proposed use with its neighborhood.
3. In the approval process for a Special Use approval application, the City Council shall consider the policies and objectives of the Comprehensive Plan, particularly in relationship to the proposed site and surrounding area and shall consider the potential adverse impacts on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.
4. If an application is approved and a Special Use approval is granted, all conditions that may have been attached to the approval are binding to the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions.
5. Changes to a Special Use or development of a site for the Special Use, shall be treated as an amendment to the Special Use Permit and shall be subject to the same application and review process as a new application.
6. An application for Special Use approval in a residential district and which use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:
 - a. The Special Use shall operate within the dwelling on the property or, if approved by the City Council, in an accessory structure.
 - b. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of a Special Use to the neighborhood, except for any accessory structure approved by the City Council.

7. The owner of the property approved for a Special Use may voluntarily request termination of the Special Use by notifying the Director in writing. The Director shall notify the City Council through the Planning Commission of the voluntary termination. The approval of a Special Use for a specific use which may be operated by a lessee under a private agreement with a lessor in any non-residential district shall not obligate the City Council to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the Special Use by the property owner.
8. The Community Development and Engineering Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten days to come into compliance. If after ten days the violations continue to exist, the Director shall forward a report to the City Council through the Planning Commission who may recommend that action be taken to remove the Special Use from the property.
9. Upon approval by the City Council, a Special Use shall be identified on the official zoning maps.
10. Upon approval by the City Council of a Special Use, the owner of the property shall be issued a notice from the Director that states the specific use permitted, the requirements of this Section and any conditions attached to the approval.
11. The Community Development and Engineering Department shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the Special Use approval have been fulfilled by the owner of the property.

2. Standards Governing the Exercise of Zoning Power

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

- A. How the proposed Special Use will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- B. How the proposed Special Use will adversely affect the existing use or usability of adjacent or nearby property.
- C. Whether the property to be affected by a proposed Special Use has a reasonable economic use as currently zoned.
- D. Whether the proposed Special Use will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

- E. Whether the proposed Special Use is in conformity with the policy and interest of the Comprehensive Plan; Land Use Plan; transportation plans and other plans adopted for guiding development within the City of Duluth.
- F. Whether there are other existing or changing conditions affecting the use and give grounds for either approval or disapproval of the Special Use.

The Applicant has provided written responses to the above Special Use standards as part of the application. That document is attached hereto as Exhibit "E".

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

The subject property is located in the River Green Employment District. FORWARDuluth envisions this Character Area to serve as the economic engine for the city, serving as a major regional distribution and office hub. The Future Land Use Map (FLUM) envisions the uses to be commercial/retail/office.

IV. **PLANNING STAFF REVIEW**

River Green Business Park, though zoned M-1 (Light Industrial District), has continued to evolve through the Special Use process. In 2023, Mayor and Council approved YHale (a private charter school), New Life (Gwinnett County Charter School) and an Event Facility. In January of this year (2025) Mayor and Council approved a youth behavioral center for pre-school aged kids living with Autism. In total, there are currently 9 (nine) conditional or special uses within River Green Business Park. In addition, there is a consulate and Scott Hudgens Park.

The greatest issue facing the school and preschool uses within River Green Business Park is the traffic generated with peak flows between 7:30-9:00am and 1:30-3:30pm. The application for the proposed preschool states that the capacity is under 100 students with 10 staff members; therefore, the additional traffic would generate, at most, 109 additional vehicles in the mornings and afternoons.

A daycare center requires 4 parking spaces per 1000 sf of Gross Floor Area. The building is 10,564 sf; therefore, it would require 43 parking spaces. The parcel currently contains 100 parking spaces. The parcel contains 3 (three) curb cuts with 850' of potential stacking length between the first and third curb cut. The length of the interior drive aisle could potentially serve 88 cars stacked side-by-side.

It is an economic use of the built space, with two unlike uses sharing a common roofline. The distribution center behind the proposed daycare distributes hair and beauty products to retailers throughout the southeast. The distribution center has been in operation since 2010 and occupies 12-14 of the 100 parking spaces.

V. **Recommendation**

Planning Commission recommended **Approval with Conditions** at their August 4th Meeting.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Conditions of Approval

Exhibit "D": Floor Plan

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

Exhibit "F": Public Hearing Advertisement/Public Notice

Exhibit “A”
Maps
Location Map



Zoning Map



Character Map



Exhibit "B"
Legal Description

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Duluth and Land Lot 325 of the 6th District, Gwinnett County, Georgia containing 8.300 acres all according to that certain plat of survey entitled "Boundary and Topographic Survey for Makita U.S.A., Inc. and Ticor Title Insurance Company", dated December 1, 1990, last revised January 8, 1991 as prepared by D. Ken Brown, Georgia Registered Land Surveyor No. 2877 of Hansley-Schmidt, Inc. and being more particularly described as follows:

BEGINNING at an iron pin set located at the northerly right-of-way of River Green Parkway (which parkway has an 80 foot right-of-way at this point) with the southwesterly right-of-way of River Green Court (which court has a 60 foot right-of-way) (said point of beginning being also located 1,465.26 feet northwesterly from the intersection of the northeasterly right-of-way of River Green Parkway (which parkway has a 110 foot right-of-way at that point) and the northwesterly right-of-way of Peachtree Industrial Boulevard (which boulevard has a 150 foot right-of-way at that point) as measured along the northerly right-of-way of River Green Parkway) and running thence northwesterly along the northeasterly right-of-way of River Green Parkway and along the arc of a curve to the right (said curve having a radius of 660 feet and being subtended by a chord bearing North 46° 09' 01" West a chord distance of 993.21 feet) an arc distance of 1,124.30 feet to an iron pin set; thence leaving the northwesterly right-of-way of River Green Parkway and running South 87° 20' 57" East a distance of 476.88 feet to an iron pin set; thence running South 45° 30' 52" East a distance of 275.10 feet to an iron pin set on the southwesterly right-of-way of a cul-de-sac at the termination of River Green Court (which road has a 60 foot right-of-way); thence running southeasterly along the southwesterly right-of-way of the cul-de-sac of River Green Court and continuing along the southwesterly and northwesterly right-of-way of River Green Court the following courses and distances: along the arc of a curve to the left (said curve having a radius of 60 feet and being subtended by a chord bearing South 42° 30' 44" East a chord distance of 63.01 feet) an arc distance of 66.34 feet to a point; South 13° 56' 34" East a distance of 22.59 feet to a point; South 02° 03' 24" West a distance of 324.32 feet to a point and South 05° 07' 26" East a distance of 81.07 feet to an iron pin set and the **POINT OF BEGINNING**.

Said property being a portion of that same property conveyed to Grantor by Warranty Deed dated December 19, 1975 from Scott Development Co., a Georgia Corporation, recorded at Deed Book 1056, page 144, Gwinnett County, Georgia Records.

**Exhibit “C”
Conditions of Approval**

General

1. The Special Use (SU2025-002) is hereby approved for John Kim, and his successors, for the operation of a daycare/afterschool facility. Notwithstanding, all Special Use applications shall be for firm proposals only. The Special Use shall not be used for securing early zoning for conceptual proposals that may not be undertaken for some time. Therefore, an occupational tax certificate shall be obtained within three (3) months from the date of Special Use approval.

Once established:

- A. If the use changes, the Special Use is hereby terminated.
 - B. If the use is discontinued or abandoned for a period of ninety (90) days, regardless of the intent of the owner or occupier to resume the use, the Special Use is hereby terminated.
 - C. If the use is extended in any way, either on the same or adjoining property, the Special Use is terminated.
2. The approval of the special use allows John Kim, and his successors, to operate a daycare/afterschool program facility. The approval does not, however, permit the deviation from the UDC. All articles of the UDC must be followed at all times.
 3. The applicant shall submit a drop-off/pick-up circulation plan. Drop-off/pick-up lines shall not result in queuing or vehicular stacking in the right-of-way, on public streets or on any adjacent property. An updated circulation plan showing vehicular stacking contained wholly on site and off River Green Parkway shall be submitted to the Director of Community Development and Engineering prior to the issuance of certificate of occupancy.
 4. The school shall not create overflow parking that results in parents, visitors, or staff parking in the right-of-way, on public streets or on any adjacent property without a shared parking agreement with the adjacent property owner and/or landlord.
 5. Any renovations to the interior and/or exterior (including the playground) of the building require review and approval by the Community Development and Engineering Department prior to obtaining a certificate of occupancy.
 6. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code; Unified Development Code; License and Business Regulations; Nuisance Codes, and any other codes adopted by the City of Duluth. Failure to maintain the property at or above the minimum standards adopted in the City of Duluth codes and ordinance shall be cause for possible legal action by the City.
 7. 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.

Exhibit “D”
Floor Plan

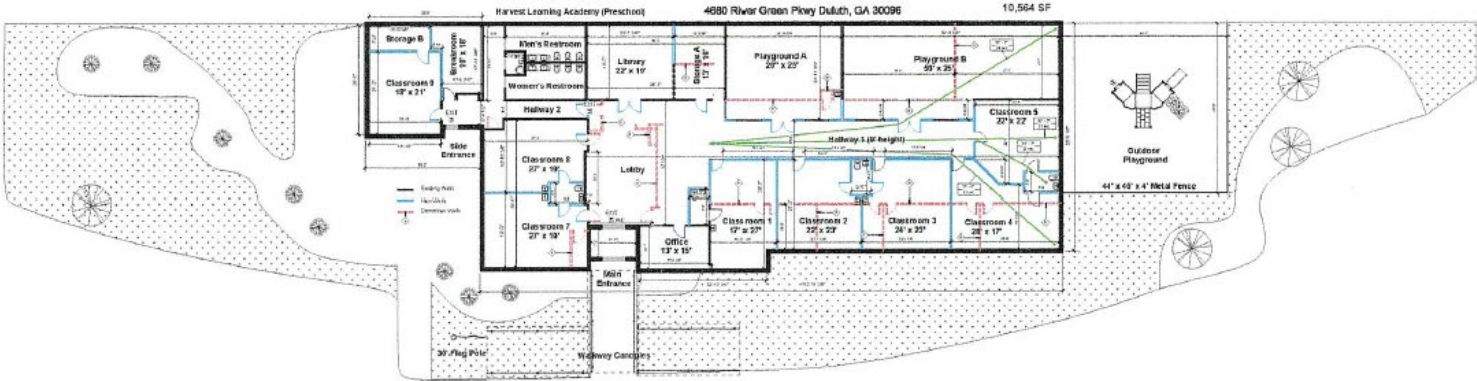


Exhibit “E”
Applicant’s Response to the Standards Governing Special Use Consideration

Section 4 Applicant Response

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

River Green Parkway is home to three educational institutions under the same M-1 zone: New Life Academy of Excellence (K-8), Notre Dame Academy (Pre-K-8th), and YiHwang Academy of Excellence (K-5). The special use permit will allow for our preschool business to service families with children ages 2.5 - 4 years old that may eventually funnel through to the adjacent schools to further their education.

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

There really is no adverse effect that our preschool will bring to the adjacent schools. Since our preschool is the only preschool on River Green Parkway, we should be a welcomed addition to the existing educational institutions adjacent to us. The adjacent schools will most likely benefit from our preschool when it comes time for our students to move on to further their education. If anything, our pre-k program may compete with Notre Dame’s pre-k program.

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

The property, currently zoned for M-1, consists of two clearly divided areas: warehouse and office. The office has limited reasonable economic use in its present condition. It has not been in use for several years. The office portion of the building and physical layout make it better suited for community-serving purposes, such as a preschool. There is a need for early childhood education facilities like ours in the area, and this use would provide a beneficial service to the community without causing disruption.

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

The proposed preschool use will not result in an excessive or burdensome impact on existing infrastructure. Our preschool capacity is under 100 students

with 10 staff members. Preschool operations generate predictable, low-traffic patterns, limited to weekday morning drop-off and afternoon pick-up, which are brief. Our preschool will not require transportation resources or changes to existing infrastructure. The preschool will use reduced utility resources, with no specialized demands. Our preschool is privately operated and does not rely on or place a burden on the local public school system. Instead, it will help meet the demands for early education.

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

Our preschool directly supports the goal of the Comprehensive Plan and Land Use Plan by providing a high-quality, early childhood education program to local families, reducing commute times, and strengthening neighborhood networking. Furthermore, our preschool business would promote sustainable redevelopment by repurposing the underutilized space on the property, rather than requiring new construction. The location is easily accessible and does not require modifications to the current transportation infrastructure. The site's use as a preschool will generate predictable, non-intensive traffic patterns that align well with traffic flow and do not burden peak commuter routes. As Duluth continues to attract new families, the availability of high-quality early childhood education becomes increasingly critical and sought after.

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

There is a growing demand for high-quality early childhood education institutions in the community, driven by an increase in young families moving into nearby residential areas. The location of our facility will support short commutes for families living nearby and for those who work at companies on River Green Parkway. Converting the once-vacant office space of the property into a preschool helps revitalize the area without requiring new infrastructure.

These changing conditions demonstrate that the proposed use is timely, appropriate, and beneficial to the City of Duluth and its residents.

Exhibit "F"

Public Notice

Public Notice Printed in Gwinnett Daily Post 8/19/2025

**Gdp8948
gp n13
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a special use request from John Kim, on approximately 8.30 acres of property in Land Lot 325, 6th District, Gwinnett County, located at 4680 River Green Parkway, consisting of tax parcels 6325-038, case number **SU2025-002**. The special use request is to allow for a preschool/after-school in M-1 (Light Industrial District). The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The meeting date, place and time regarding this matter are as follows:

WHEN:
September 8, 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 special use, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:

**City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR
Email: Planning@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.

8/24/2025



**ORDINANCE OF REZONING
02025-37
CITY OF DULUTH**

AN ORDINANCE GRANTING SPECIAL USE APPROVAL TO ALLOW A BANK WITH A DRIVE-THROUGH WINDOW AND/OR DRIVE-UP ATM IN HC-R (HIGHWAY COMMERCIAL – RETAIL DISTRICT) LOCATED ON A ± .98 ACRE PROPERTY IN LAND LOT 202 OF THE 7TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R7202 282 ADDRESSED AS 2770 BUFORD HIGHWAY, DULUTH, GEORGIA 30096. THE PROPERTY, GENERALLY KNOWN AS “2770 BUFORD HIGHWAY”, IS LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT “B”. THE ORDINANCE PROVIDES FOR FINDINGS, ESTABLISHES CONDITIONS OF APPROVAL AS SHOWN ON ATTACHED EXHIBIT “C”, PROVIDES FOR SEVERABILITY, REPEALS CONFLICTING ORDINANCES, ESTABLISHES AN EFFECTIVE DATE, AND IS FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the applicant, Gideon Lee of Eden Rock Real Estate Partners has filed a complete application (SU2025-003) with the City of Duluth seeking Special Use approval to allow a bank with a drive-through window and/or drive-up ATM in HC-R (Highway Commercial – Retail District); and

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

WHEREAS, the City of Duluth Planning Commission held a public hearing at the meeting of August 4, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At the August 4, 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 September 8, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

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

D. The Future Land-Use and Development section and supporting Character Area Map of FORWARDuluth (also known as the Comprehensive Plan, 2045) identifies the Character Area of this property as the Buford Highway North Corridor District. Special Use approval to allow a bank with a drive-through window and/or drive-up ATM on this particular HC-R (Highway Commercial - Retail District) lot is consistent with the spirit and intent of the Comprehensive Plan.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of ±0.98 acres and is legally described on Exhibit “B”, attached hereto. Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

All conflicting ordinances and conditions are hereby repealed and replaced with the conditions of approval set forth in this Ordinance 02025-37.

ATTACHMENTS:

Exhibit “A”: Maps

Exhibit “B”: Legal Description

Exhibit “C”: Conditions of Approval

Exhibit “D”: Applicant’s Responses to the Standards Governing Special Use Consideration

Exhibit “E”: Public Notice

{Signatures on the following page}

IT IS SO ORDAINED this _____ day of _____ 2025.

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 council members voting in opposition:

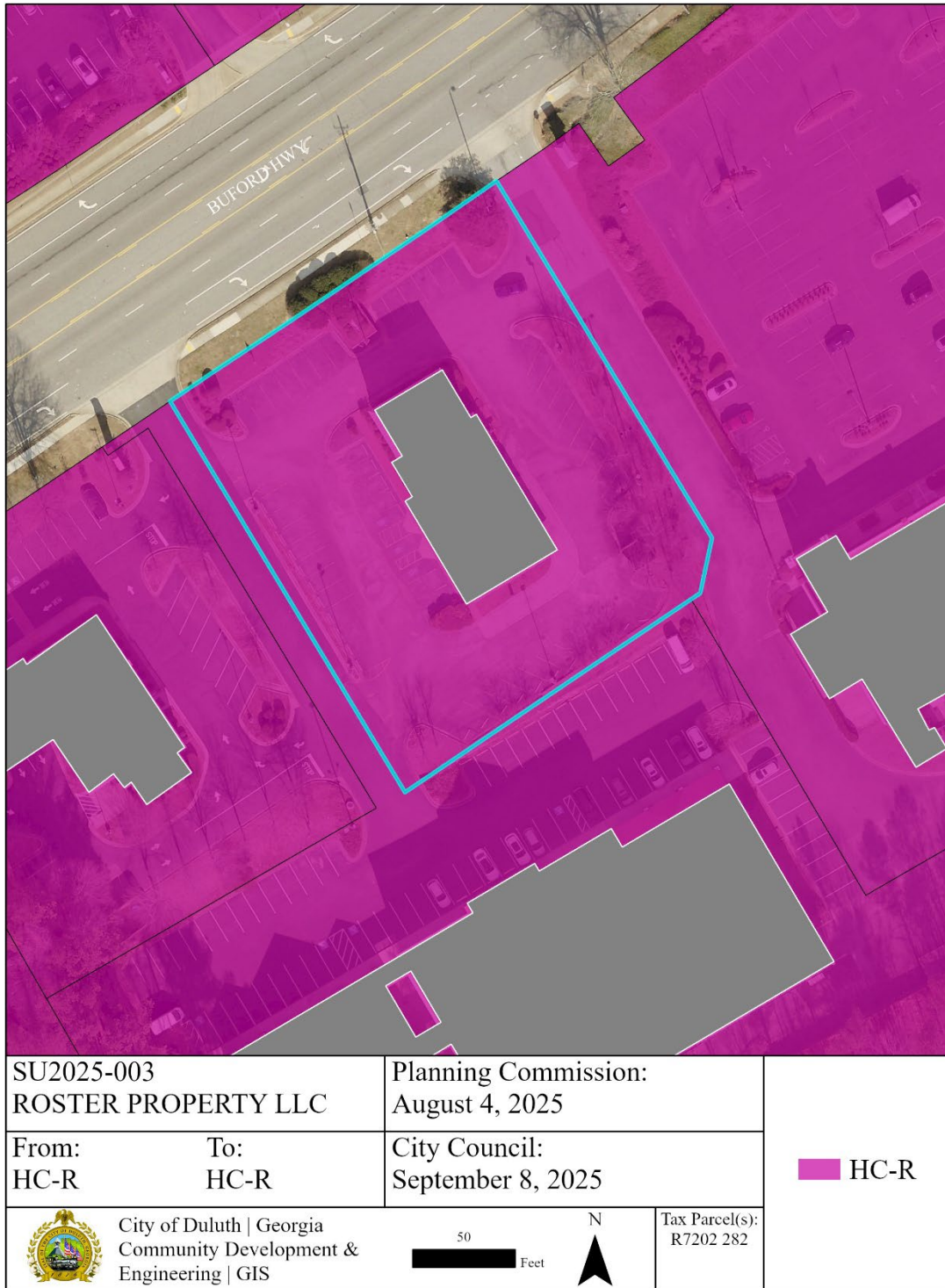
ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

**Exhibit “A”
Maps**

Location Map



Zoning Map



Character Area Map

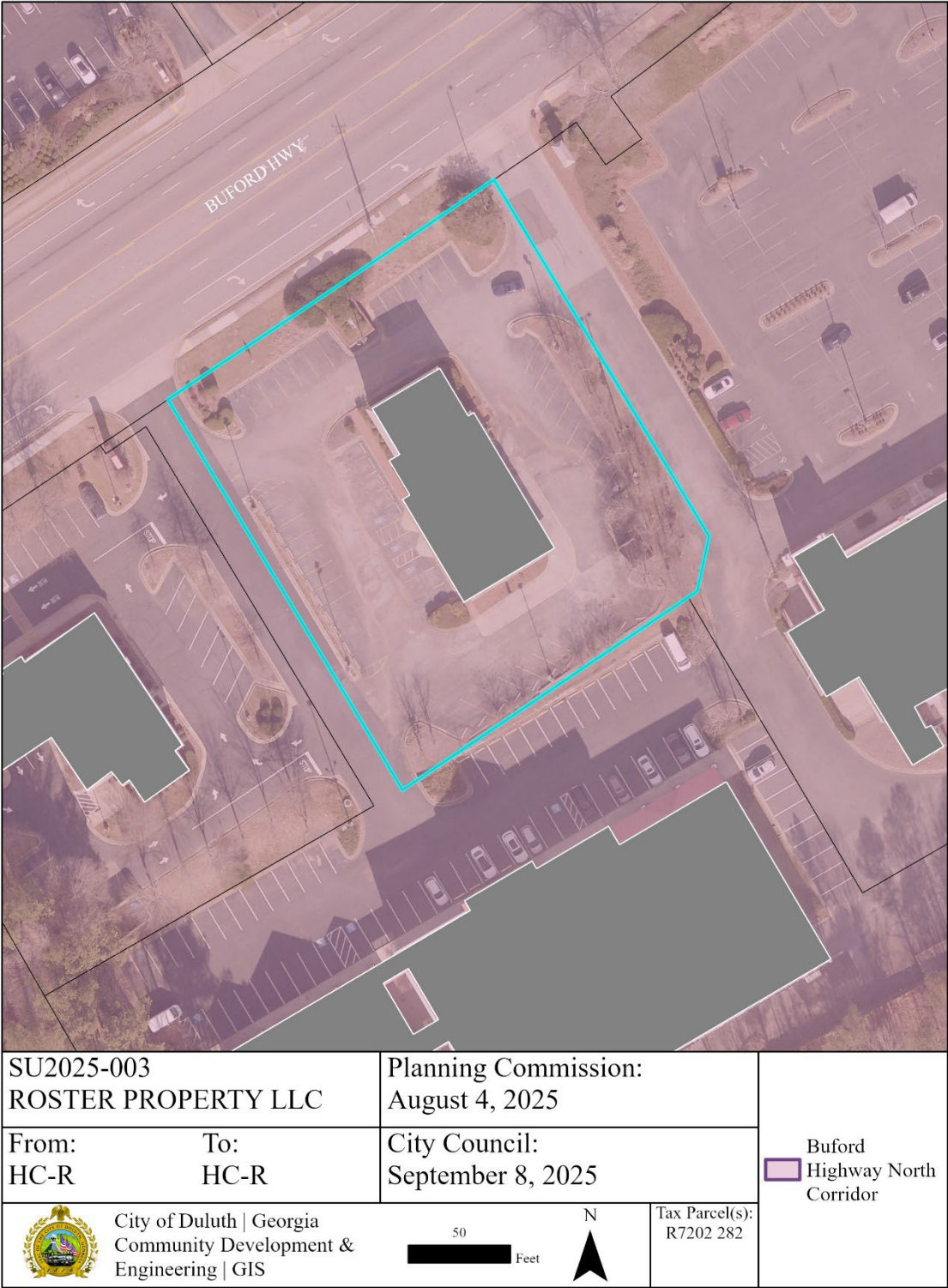


Exhibit "B"

Legal Description

STATE OF GEORGIA
COUNTY OF GWINNETT

LIMITED WARRANTY DEED

THIS INDENTURE, made this 30th day of April, 2025 between

2770 BUFORD HIGHWAY LLC

of the State of Georgia, County of Gwinnett, as party on the first part, hereinafter called Grantor, and

ROSTER PROPERTY LLC

of the State of GA, and County of Gwinnett, as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

That: Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to wit:

All that tract or parcel of land lying and being in Land Lot 202 of the 7th District, City of Duluth, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a point at the intersection of the Southeastern right-of-way of U.S. Highway 23 / Georgia Highway 13 (right-of-way varies) with the Southwestern right-of-way of Old Peachtree Road (right-of-way varies); thence along the Southeastern right-of-way of U.S. Highway 23 / Georgia Highway 13, a distance of 419.48 feet along a curve to the right, said curve having a chord of South 47 degrees 41 minutes 51 seconds West, a distance of 418.68 feet and a radius of 1974.86 feet to a point; thence South 36 degrees 13 minutes 03 seconds East, a distance of 25.00 feet to a point; thence South 54 degrees 04 minutes 56 seconds West, a distance of 20.93 feet to a point; thence North 35 degrees 35 minutes 30 seconds West, a distance of 25.00 feet to a point; thence 60.61 feet along a curve to the right, said curve having a chord of South 55 degrees 05 minutes 58 seconds West a distance of 60.60 and a radius of 1974.86 feet to a 1/2 inch rebar set, said point being the True Point of Beginning; thence leaving said right-of-way and with the Southwestern property line of the Shopping Center Tract and the Northeastern and Northwestern property lines of Out Parcel #5 the following courses and distances; South 31 degrees 07 minutes 24 seconds East, a distance of 204.02 feet to a concrete nail set; thence 30.38 feet along a curve to the right, said curve having a chord of South 12 degrees 23 minutes 30 seconds West, a distance of 27.54 feet and a radius of 26.00 feet to a 1/2 inch rebar set; thence South 55 degrees 54 minutes 23 seconds West, a distance of 174.26 feet to a 1/2 inch rebar set; thence North 31 degrees 07 minutes 24 seconds West, a distance of 223.00 feet to a concrete nail set on the Southeastern right-of-way of U.S. Highway 23 / Georgia Highway 13; thence leaving said Northeastern property line of Out Parcel #5 along and with said right-of-way of North 55 degrees 54 minutes 23 seconds East, a distance of 191.32 feet to a point; thence North 1.93 feet and along a curve to the left, said curve having a chord of North 55 degrees 54 minutes 23 seconds East, a distance of 1.93 feet and a radius of 1974.86 feet to the True Point of Beginning.

Subject Property Address: 2770 Buford Highway, Duluth, GA 30096
Parcel ID: R7202 282

Subject to any Easements and Restrictions of Record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behalf of the said Grantee forever in FEE SIMPLE.

Exhibit “C”

Conditions of Approval

General

1. The Special Use (SU2025-003) is hereby approved for Gideon Lee, and his successors, for the operation of a bank/financial institution with a drive-through. Notwithstanding, all Special Use applications shall be for firm proposals only. The Special Use shall not be used for securing early zoning for conceptual proposals that may not be undertaken for some time. Therefore, an occupational tax certificate shall be obtained within three (3) months from the date of Special Use approval.

Once established:

- A. If the use changes, the Special Use is hereby terminated.
 - B. If the use is discontinued or abandoned for a period of ninety (90) days, regardless of the intent of the owner or occupier to resume the use, the Special Use is hereby terminated.
 - C. If the use is extended in any way, either on the same or adjoining property, the Special Use is terminated.
2. The approval of the special use allows Gideon Lee, and his successors, to operate a bank/financial institution with a drive-through. The approval does not, however, permit the deviation from the UDC. All articles of the UDC must be followed at all times.
 3. A landscape island with an appropriate parking lot tree shall be installed on the southern portion of the property containing the eleven (11) parking spaces. The landscape island and tree must be approved by the Community Development and Engineering Department prior to obtaining a certificate of occupancy.
 4. The parcel shall be topped and restriped prior to obtaining a certificate of occupancy.
 5. Any renovations to the interior and/or exterior of the building require review and approval by the Community Development and Engineering Department prior to obtaining a certificate of occupancy.
 6. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code; Unified Development Code; License and Business Regulations; Nuisance Codes, and any other codes adopted by the City of Duluth. Failure to maintain the property at or above the minimum standards adopted in the City of Duluth codes and ordinance shall be cause for possible legal action by the City.
 7. 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.

Exhibit “D”
Applicant’s Response to the Standards Governing Special Use Consideration



50 Old Ivy Road NE, Suite 250 Atlanta, Georgia 30342
www.edenrockrep.com

City of Duluth
 Planning and Development Department
 3167 Main Street
 Duluth, GA 30096
 Attn: Aron Hall

RE: Narrative Response – Special Use Application

Dear Mr. Hall:

In support of the Special Use request for the property located at, please find below our responses to the standards outlined in Section 4 of the Special Use Application.

(A) Suitability of Proposed Use in View of Adjacent Development

The proposed reuse of the existing building at 2770 Buford Highway as a bank with a drive-thru is consistent with the surrounding corridor, which includes commercial and service-oriented uses such as gas stations, restaurants, and retail. The structure is existing and the reintroduction of a drive-thru is aligned with its original design and intent, making the proposed use contextually appropriate.

(B) Adverse Effects on Nearby Properties

The drive-thru was previously operational and its reactivation will not introduce new or intensified impacts. Traffic will be managed within the existing ingress/egress points, and the proposed bank will generate less trips than the previous QSR establishment. No new substantial exterior construction is proposed, and hours of operation will align with typical bank hours. As such, no adverse impacts to neighboring properties are anticipated.

(C) Reasonable Economic Use as Currently Zoned

While the property is zoned for commercial use (allowing banks), the economic viability is limited without the full use of the existing drive-thru. Banks increasingly rely on drive-thru access for customer service and ADA accommodation. Without this feature, the building is less marketable and functionally constrained.

(D) Burdens on Infrastructure and Public Facilities

The site is already served by existing infrastructure, and no additional burden is expected, but rather a decrease in burden due to the change of use from a QSR to a bank. The minor retrofitting of the interior and reactivation of the drive-thru does not increase demand on roads, utilities, or public services. Traffic volumes will be minimal and consistent with previous use patterns.



50 Old Ivy Road NE, Suite 250 Atlanta, Georgia 30342
www.edenrockrep.com

(E) Conformance with Comprehensive Plan and Other Adopted Plans

The proposed bank use supports the City of Duluth's goals for economic vitality and redevelopment of existing commercial sites. Adaptive reuse is encouraged over demolition or new construction. This proposal promotes reinvestment with a new national bank with blue-chip credit.

(F) Other Existing or Changing Conditions

There is an increasing demand for contactless and drive-thru banking services post-COVID. The proposal aligns with these changing conditions while preserving neighborhood character.

Thank you for your consideration. Please let me know if any additional information is needed to support this application.

Sincerely,

Gideon Lee, P.E.

Director of Development

Eden Rock Real Estate Partners, LLC

Exhibit "E"

Public Notice

Public Notice Printed in Gwinnett Daily Post 8/19/2025

**Gdp8949
90113
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a special use request from Gideon Lee, on approximately 0.98 acres of property in Land Lot 202, 7th District, Gwinnett County, located at 2770 Buford Highway NE, consisting of tax parcels 7202-282, case number **SU2025-003**. The special use request is for a bank with a drive thru. The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The meeting date, place and time regarding this matter are as follows:

WHEN: September 8, 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 special use, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:

City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096

OR
Email: Planning@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.

8/24/2025



CITY OF DULUTH
Mayor and Council
Staff Report
September 8, 2025

CASE NUMBER:	SU2025-003
LOCATION:	2770 Buford Highway
PARCEL(S):	R7202 282
CURRENT ZONING:	HC-R (Highway Commercial -Retail District)
PROPOSED ZONING:	HC-R (Highway Commercial -Retail District) with Special Use
ACREAGE:	+/- 0.98 acres
REQUEST:	Approval of Special Use to allow a bank with a drive-through window and/or drive-up ATM.
OWNER/APPLICANT:	<i>Owner:</i> Roster Property, LLC. 2656 Wynnton Drive Duluth, GA 30097 <i>Applicant:</i> Gideon Lee Eden Rock Real Estate Partners 50 Old Ivy Road, N.E. Atlanta, GA 30342

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of this Special Use request (SU2025-003) is to allow a bank with a drive-through window.

Maps detailing the location, zoning district and character area of the subject property are attached hereto as Exhibit "A". The legal description of the subject property is attached hereto as Exhibit "B". Recommended conditions of approval are detailed in Exhibit "C". Applicant's Responses to the Standards Governing Special Use Consideration are attached hereto as Exhibit "D". Public Hearing Notice/Advertisement is attached hereto as Exhibit "E".

II. EXISTING CONDITIONS

The subject property totals +/- 0.98 acres. The applicant is proposing a bank with a drive-through window. The subject property is fully surrounded by HC-R (Highway Commercial – Retail District) zoning.

III. REVIEW OF THE REQUEST

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

- A. Table 2-C of the UDC allows "Banks, Credit Unions and Savings Institutions, with drive-in window" in HC-R (Highway Commercial -- Retail zoning district) as a special use.
- B. 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.
- C. Section 1105 of the UDC establishes the Special Use Considerations.

The Special Use is designed to apply under any one of the following circumstances:

- 1. A Special Use listed under the zoning district is desired for development and a more intensive zoning district containing that use, as a use by right would not be appropriate for the property; or
- 2. A Special Use listed under the zoning district is desired for development and no zoning district contains that use as a use by right; or
- 3. A unique use not addressed in any zoning district is desired for development and is not likely to be duplicated within the City of Duluth; or
- 4. The density of development may be affected by the height of a building; or
- 5. The neighboring properties may be affected by the height of any structure; or
- 6. The Special Use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood and would not be in conflict with the overall objective of the Comprehensive Plan.

In order to accommodate these particular uses, Special Use approval allows the City Council to approve such a use on a particular parcel without changing the general zoning district. Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility of the Special Use with the surrounding properties. All Special Use applications shall be for firm development proposals only. The Special Use shall not be used for securing early zoning for conceptual proposals that may not be undertaken for some time. A Special Use application shall be considered only if the application is made by the owner of the property or by his/her authorized agent. The minimum requirements for a Special Use approval are:

1. Any uses allowed under Special Use approval shall also conform to the requirements of this Development Code for all uses as found in the zoning district.
2. The application and review process for a Special Use shall be the same as for the zoning district under which the Special Use is found. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the Director in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to its immediate neighborhood and the compatibility of the proposed use with its neighborhood.
3. In the approval process for a Special Use approval application, the City Council shall consider the policies and objectives of the Comprehensive Plan, particularly in relationship to the proposed site and surrounding area and shall consider the potential adverse impacts on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.
4. If an application is approved and a Special Use approval is granted, all conditions that may have been attached to the approval are binding to the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions.
5. Changes to a Special Use or development of a site for the Special Use, shall be treated as an amendment to the Special Use Permit and shall be subject to the same application and review process as a new application.
6. An application for Special Use approval in a residential district and which use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:
 - a. The Special Use shall operate within the dwelling on the property or, if approved by the City Council, in an accessory structure.
 - b. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of a Special Use to the neighborhood, except for any accessory structure approved by the City Council.

7. The owner of the property approved for a Special Use may voluntarily request termination of the Special Use by notifying the Director in writing. The Director shall notify the City Council through the Planning Commission of the voluntary termination. The approval of a Special Use for a specific use which may be operated by a lessee under a private agreement with a lessor in any non-residential district shall not obligate the City Council to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the Special Use by the property owner.
8. The Community Development and Engineering Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten days to come into compliance. If after ten days the violations continue to exist, the Director shall forward a report to the City Council through the Planning Commission who may recommend that action be taken to remove the Special Use from the property.
9. Upon approval by the City Council, a Special Use shall be identified on the official zoning maps.
10. Upon approval by the City Council of a Special Use, the owner of the property shall be issued a notice from the Director that states the specific use permitted, the requirements of this Section and any conditions attached to the approval.
11. The Community Development and Engineering Department shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the Special Use approval have been fulfilled by the owner of the property.

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 public health, safety, and general welfare against the right to the unrestricted use of property:

- A. How the proposed Special Use will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- B. How the proposed Special Use will adversely affect the existing use or usability of adjacent or nearby property.
- C. Whether the property to be affected by a proposed Special Use has a reasonable economic use as currently zoned.
- D. Whether the proposed Special Use will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

- E. Whether the proposed Special Use is in conformity with the policy and interest of the Comprehensive Plan; Land Use Plan; transportation plans and other plans adopted for guiding development within the City of Duluth.
- F. Whether there are other existing or changing conditions affecting the use and give grounds for either approval or disapproval of the Special Use.

The Applicant has provided written responses to the above Special Use standards as part of the application. That document is attached hereto as Exhibit "D".

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

The subject property is located in the Buford Highway North Corridor District. FORWARDuluth envisions this Character Area to serve as the commercial and office gateway into Downtown Duluth, lined with office and mixed-use developments. The Future Land Use Map (FLUM) envisions this property to be mixed-use.

IV. PLANNING STAFF REVIEW

The proposal is for a bank with a drive-through, which requires a special use in HC-R (Highway Commercial – Retail District). The building hosted a former Burger King, which went out of business between June 2015 and September 2016. It has been vacant since this time.

The building has a drive-through, however, the former use was vacated prior to or just after the adoption of the Unified Development Code in June of 2015. The Zoning Ordinance adopted in 2013 allowed Banks or Financial Institutions with drive-through service by-right. Since the use was allowed by-right per the Zoning Ordinance of 2013, it would have been legal non-conforming; however, since the building has been vacant since 2015 or 2016, it has lost its legal non-conforming use status per 106.04 of the Unified Development Code, which states:

(b) Continuance of Nonconforming Uses.

The lawful nonconforming use of any building structure or tract of land existing at the time of the adoption of this Development Code or any subsequent amendment may be continued even though such use does not conform with the provisions of this Development except that the non-conforming use shall not be:

1. Extended in any way, either on the same or adjoining property.
2. Extended to occupy a greater area of a building or structure.
3. Re-established after discontinuance for three months regardless of the intent of the owner or occupier to resume the nonconforming use.
4. Changed to another nonconforming use.

Since the proposal is re-establishing use after discontinuance of the drive-through window as (3) states above, approval for a special use must be sought.

It should be noted that Banks, Credit Unions and Savings Institutions without drive-throughs are allowed by-right in HC-R Districts.

V. Recommendation

Planning Commission recommended Approval with Conditions at their August 4, 2025 meeting.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Conditions of Approval

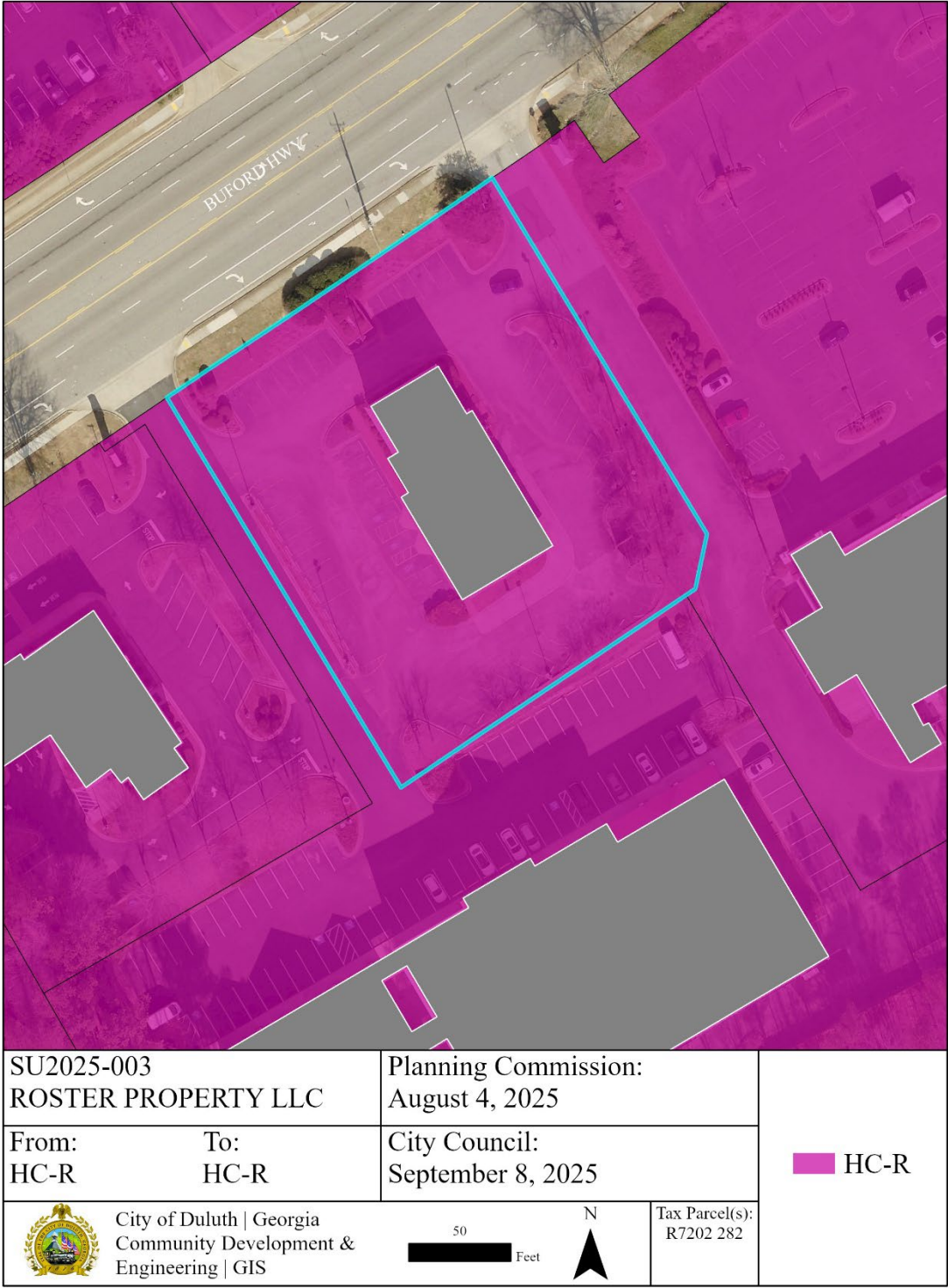
Exhibit "D": Applicant's Responses to the Standards Governing Special Use Consideration

Exhibit "E": Public Hearing Advertisement/Public Notice

Exhibit “A”
Maps
Location Map



Zoning Map



Character Map

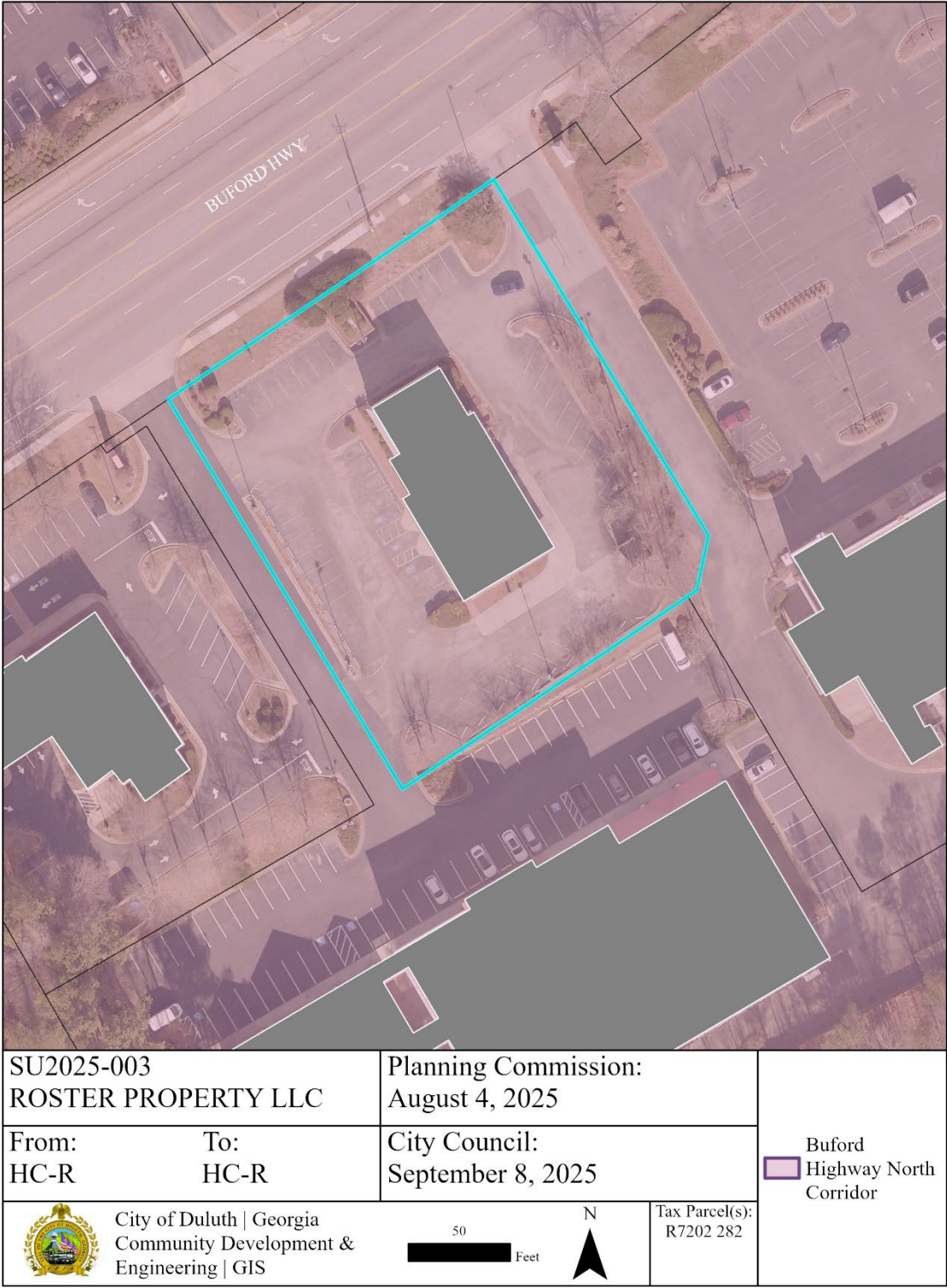


Exhibit "B"
Legal Description

STATE OF GEORGIA
COUNTY OF GWINNETT

LIMITED WARRANTY DEED

THIS INDENTURE, made this 30th day of April, 2025 between

2770 BUFORD HIGHWAY LLC

of the State of Georgia, County of Gwinnett, as party on the first part, hereinafter called Grantor, and

ROSTER PROPERTY LLC

of the State of GA, and County of Gwinnett, as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

That: Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to wit:

All that tract or parcel of land lying and being in Land Lot 202 of the 7th District, City of Duluth, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a point at the intersection of the Southeastern right-of-way of U.S. Highway 23 / Georgia Highway 13 (right-of-way varies) with the Southwestern right-of-way of Old Peachtree Road (right-of-way varies); thence along the Southeastern right-of-way of U.S. Highway 23 / Georgia Highway 13, a distance of 419.48 feet along a curve to the right, said curve having a chord of South 47 degrees 41 minutes 51 seconds West, a distance of 418.68 feet and a radius of 1974.86 feet to a point; thence South 36 degrees 13 minutes 03 seconds East, a distance of 25.00 feet to a point; thence South 54 degrees 04 minutes 56 seconds West, a distance of 20.93 feet to a point; thence North 36 degrees 35 minutes 30 seconds West, a distance of 25.00 feet to a point; thence 50.61 feet along a curve to the right, said curve having a chord of South 55 degrees 06 minutes 58 seconds West a distance of 50.60 and a radius of 1974.86 feet to a 1/2 inch rebar set, said point being the True Point of Beginning; thence leaving said right-of-way and with the Southwestern property line of the Shopping Center Tract and the Northeastern and Northwestern property lines of Out Parcel #5 the following courses and distances; South 31 degrees 07 minutes 24 seconds East, a distance of 204.02 feet to a concrete nail set; thence 30.38 feet along a curve to the right, said curve having a chord of South 12 degrees 23 minutes 30 seconds West, a distance of 27.54 feet and a radius of 20.00 feet to a 1/2 inch rebar set; thence South 55 degrees 54 minutes 23 seconds West, a distance of 174.26 feet to a 1/2 inch rebar set; thence North 31 degrees 07 minutes 24 seconds West, a distance of 223.80 feet to a concrete nail set on the Southeastern right-of-way of U.S. Highway 23 / Georgia Highway 13; thence leaving said Northeastern property line of Out Parcel #5 along and with said right-of-way of North 55 degrees 54 minutes 23 seconds East, a distance of 191.32 feet to a point; thence North 1.93 feet and along a curve to the left, said curve having a chord of North 55 degrees 54 minutes 23 seconds East, a distance of 1.93 feet and a radius of 1974.86 feet to the True Point of Beginning.

Subject Property Address: 2770 Buford Highway, Duluth, GA 30096
Parcel ID: R7202 282

Subject to any Easements and Restrictions of Record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behalf of the said Grantee forever in FEE SIMPLE.

Exhibit “C” Conditions of Approval

General

1. The Special Use (SU2025-003) is hereby approved for Gideon Lee, and his successors, for the operation of a bank/financial institution with a drive-through. Notwithstanding, all Special Use applications shall be for firm proposals only. The Special Use shall not be used for securing early zoning for conceptual proposals that may not be undertaken for some time. Therefore, an occupational tax certificate shall be obtained within three (3) months from the date of Special Use approval.

Once established:

- A. If the use changes, the Special Use is hereby terminated.
 - B. If the use is discontinued or abandoned for a period of ninety (90) days, regardless of the intent of the owner or occupier to resume the use, the Special Use is hereby terminated.
 - C. If the use is extended in any way, either on the same or adjoining property, the Special Use is terminated.
2. The approval of the special use allows Gideon Lee, and his successors, to operate a bank/financial institution with a drive-through. The approval does not, however, permit the deviation from the UDC. All articles of the UDC must be followed at all times.
 3. A landscape island with an appropriate parking lot tree shall be installed on the southern portion of the property containing the eleven (11) parking spaces. The landscape island and tree must be approved by the Community Development and Engineering Department prior to obtaining a certificate of occupancy.
 4. The parcel shall be topped and restriped prior to obtaining a certificate of occupancy.
 5. Any renovations to the interior and/or exterior of the building require review and approval by the Community Development and Engineering Department prior to obtaining a certificate of occupancy.
 6. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code; Unified Development Code; License and Business Regulations; Nuisance Codes, and any other codes adopted by the City of Duluth. Failure to maintain the property at or above the minimum standards adopted in the City of Duluth codes and ordinance shall be cause for possible legal action by the City.
 7. 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.

Exhibit “D”
Applicant’s Response to the Standards Governing Special Use Consideration



50 Old Ivy Road NE, Suite 250 Atlanta, Georgia 30342
www.edenrockrep.com

City of Duluth
 Planning and Development Department
 3167 Main Street
 Duluth, GA 30096
 Attn: Aron Hall

RE: Narrative Response – Special Use Application

Dear Mr. Hall:

In support of the Special Use request for the property located at, please find below our responses to the standards outlined in Section 4 of the Special Use Application.

(A) Suitability of Proposed Use in View of Adjacent Development

The proposed reuse of the existing building at 2770 Buford Highway as a bank with a drive-thru is consistent with the surrounding corridor, which includes commercial and service-oriented uses such as gas stations, restaurants, and retail. The structure is existing and the reintroduction of a drive-thru is aligned with its original design and intent, making the proposed use contextually appropriate.

(B) Adverse Effects on Nearby Properties

The drive-thru was previously operational and its reactivation will not introduce new or intensified impacts. Traffic will be managed within the existing ingress/egress points, and the proposed bank will generate less trips than the previous QSR establishment. No new substantial exterior construction is proposed, and hours of operation will align with typical bank hours. As such, no adverse impacts to neighboring properties are anticipated.

(C) Reasonable Economic Use as Currently Zoned

While the property is zoned for commercial use (allowing banks), the economic viability is limited without the full use of the existing drive-thru. Banks increasingly rely on drive-thru access for customer service and ADA accommodation. Without this feature, the building is less marketable and functionally constrained.

(D) Burdens on Infrastructure and Public Facilities

The site is already served by existing infrastructure, and no additional burden is expected, but rather a decrease in burden due to the change of use from a QSR to a bank. The minor retrofitting of the interior and reactivation of the drive-thru does not increase demand on roads, utilities, or public services. Traffic volumes will be minimal and consistent with previous use patterns.



50 Old Ivy Road NE, Suite 250 Atlanta, Georgia 30342
www.edenrockrep.com

(E) Conformance with Comprehensive Plan and Other Adopted Plans

The proposed bank use supports the City of Duluth's goals for economic vitality and redevelopment of existing commercial sites. Adaptive reuse is encouraged over demolition or new construction. This proposal promotes reinvestment with a new national bank with blue-chip credit.

(F) Other Existing or Changing Conditions

There is an increasing demand for contactless and drive-thru banking services post-COVID. The proposal aligns with these changing conditions while preserving neighborhood character.

Thank you for your consideration. Please let me know if any additional information is needed to support this application.

Sincerely,

Gideon Lee, P.E.

Director of Development

Eden Rock Real Estate Partners, LLC

Exhibit "F"

Public Notice

Public Notice Printed in Gwinnett Daily Post 8/19/2025

**Gdp8949
gp n13
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a special use request from Gideon Lee, on approximately 0.98 acres of property in Land Lot 202, 7th District, Gwinnett County, located at 2770 Buford Highway NE, consisting of tax parcels 7202-282, case number **SU2025-003**. The special use request is for a bank with a drive thru. The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The meeting date, place and time regarding this matter are as follows:

WHEN:
September 8, 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 special use, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:

**City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR
Email: Planning@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.

8/24/2025



**ORDINANCE 02025-39
CITY OF DULUTH
TO ADOPT THE UNIFIED DEVELOPMENT CODE**

WHEREAS, the Mayor and City Council of the City of Duluth, Georgia recognizes the importance of promoting the community's health, safety and welfare by providing clear, correct and consistent zoning regulations and compliance with the goals, objectives and policies identified within the adopted FORWARDuluth Comprehensive Plan; and

WHEREAS, the Unified Development Code of the City of Duluth, Georgia, specifically authorizes the City Council to amend the text of the City of Duluth Unified Development Code by the City Council; and

WHEREAS, the Unified Development Code of the City of Duluth, Georgia, grants authority to the Community Development and Engineer Director to initiate amendments to the text of the City of Duluth Unified Development Code; and

WHEREAS, the Mayor and Council recognize the importance of ensuring regulations promote the quality of life in the City; and

WHEREAS, on August 15, 2025, the City of Duluth Planning Commission held a public hearing duly noticed and voted to recommend approval of the Unified Development Code (TA2025-003); and

WHEREAS, the Duluth City Council held a public meeting on September 8, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post regarding the text amendments as set forth in the minutes of said meeting.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Duluth that the City of Duluth Unified Development Code is hereby adopted as shown on Exhibit "A" attached hereto, City of Duluth Unified Development Code, in its entirety and hereby incorporated by reference, which shall become effective immediately.

BE IT FURTHER ORDAINED that all documents that conflict with anything contained herein are hereby repealed.

ATTACHMENTS:

Exhibit "A": City of Duluth Unified Development Code
Exhibit "B": 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”

See Attached Unified Development Code

Exhibit "B"

Public Notice Posted in the Gwinnett Daily Post 8/19/2025

**Gdp8946
gp n13
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council regarding the Unified Development Code (UDC) updates and adoption. The public is invited to attend this hearing before Mayor and Council on the proposed Unified Development Code updates. The meeting date, place and time regarding this matter are as follows:

WHEN:
September 8, 2025 -
6:00pm

WHERE:
City Hall Council Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to review the Unified Development Code updates, 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 accommodation is 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.

8/24/2025

CITY OF DULUTH
Mayor and Council
Staff Report
September 8, 2025

CASE NUMBER:	TA2025-03
REQUEST:	Text Amendment to <i>the entire Unified Development Code (UDC) of the City of Duluth</i>
APPLICANT:	City of Duluth

I. Background:

Staff has rewritten much of the Unified Development Code. The UDC has been reformatted, checked for redundancy and errors, some items have been omitted, some items have been added, the glossary has been expanded, with definitions taken out of each separate article and moved to Article 9.

II. Description of the Request:

1. *Attached as Exhibit "A" are the redlined versions of each Article of the Unified Development Code.*

III. Recommendation

Planning Commission recommended **Approval** at their August 15, 2025, meeting.

IV. Exhibits

Exhibit "A": Redlined articles (1-14) of the Unified Development Code (attached by reference)
Exhibit "B": Public Notice

Exhibit "B"

Public Notice Posted in the Gwinnett Daily Post 8/19/2025

**Gdp8946
gn13
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council regarding the Unified Development Code (UDC) updates and adoption. The public is invited to attend this hearing before Mayor and Council on the proposed Unified Development Code updates. The meeting date, place and time regarding this matter are as follows:

WHEN:
**September 8, 2025 -
6:00pm**

WHERE:
**City Hall Council Chambers
3167 Main Street
Duluth, GA 30096**

PERSONS INTERESTED IN THIS MATTER are invited to review the Unified Development Code updates, 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
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**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 accommodation is 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.
8/24/2025

**ORDINANCE 02025-38
CITY OF DULUTH
TO AMEND THE PLANNING AND DEVELOPMENT FEE SCHEDULE**

WHEREAS, the Mayor and City Council of the City of Duluth, Georgia adopt certain rules and regulations for the purposes of promoting the health, safety, convenience, order, prosperity and the general welfare of the present and future inhabitants of the City of Duluth, Georgia; and

WHEREAS, it is incumbent that the City impose certain fees to cover the expenses associated with the planning and permitting programs incurred by the City; and

WHEREAS, Utility companies, both public and private, periodically perform work in the right-of-way that necessitates reviews from the Community Development and Engineering Department;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Duluth that the fee schedule for the City of Duluth is hereby adopted as shown on Exhibit “A” attached hereto, City of Duluth Fee Schedule, in its entirety and hereby incorporated by reference, which shall become effective immediately.

BE IT FURTHER ORDAINED that all documents that conflict with anything contained herein are hereby repealed.

ATTACHMENTS:

Exhibit “A”: Proposed Fee Schedule
Exhibit “B”: 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”

City of Duluth Fee Schedule

ARTICLE 1. PLANNING, DEVELOPMENT, REVIEW AND INSPECTION FEE SCHEDULE

The following fees shall be assessed for all planning, development and construction activities within the City of Duluth.

Section 100.1: REVIEW FEES

Unless otherwise stated, all review fees shall be collected at time of submittal.

Table A: Review Fees

Review Type	Fee
Building Permit	
Building Review (collected at time of permit issuance)	5% of the Total Permit Fee (Minimum of \$100 & Maximum of \$5,000)
Land Disturbance Permit	
Clearing, Grubbing, or Grading Permit	\$ 400
Land Development Permit	
1.0 – 4.9 Acres	\$ 600
5.0 – 9.9 Acres	\$ 900
10+ Acres	\$ 100/Acre (Maximum \$2,000)
Erosion, Sedimentation & Pollution Control Plan (GSWCC)	\$ 300
Resubmittals and Revisions to Development Permit	Half of the Initial Fee
Plans and Plats	
Concept Plan	\$ 200
Plat (Combination, Subdivision, Exemption, Final, Etc.)	\$ 300
Plat Recording Fee	\$ 20 per page
Master Sign Plan	\$ 200
Tree Protection, Buffer and Landscape Plan	\$ 200
House Location Plan (HLP)	\$ 20 per lot
Residential Drainage Plan (RDP)	\$ 20 per lot
Residential Drainage Study (RDS)	\$ 250
Resubmittals and Revisions to Plans and Plats	Half of the Initial Fee
Miscellaneous/Other	
New Cell Tower	\$1,000
As-Built Detention Pond	\$ 600
Utility Review	\$100
Meeting with the City’s Reviewing Engineer	Based on Contracted Hourly Rate
Miscellaneous	Based on Staff’s Hourly Rate

Section 100.2: PERMIT FEES

Any owner, authorized agent, or prime contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, energy conservation, mechanical or plumbing system, the installation of which is regulated by this Code, including the technical codes, or to cause any such work to be done, shall first make application to the Department of Planning and Development, and obtain the required building permit for the work being done after paying the required fees. No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the Planning and Development Director or his or her designated Building Official. No building permit shall be issued for a building, structure or use that is not in conformance with the provisions of the City's Development Code.

All Building Permits will be assessed a review fee and the Certificate of Competition or Certificate of Occupancy fee when the permit is issued. Review fees for Land Disturbance Permits are due at time of submittal. A Certificate of Competition or Certificate of Occupancy is available for Land Disturbance and Miscellaneous/Other permits upon request and payment of applicable fees.

For the purpose of determining the permit types, the following words shall mean:

- **Renovation** is an update to an existing building or a return to a new condition (includes projects related to damage by fire or act of God).
- **Interior Finish** is an alteration or change to an existing building. This type of construction typically occurs when a homeowner finishes a basement or a tenant builds out commercial space.
- **Addition** is adding to an existing building and treated as new construction.
- **Accessory Structure** is a structure on the same lot with, and of a size and nature customarily incidental and subordinate to the principal structure (detached garages, sheds, playhouses, greenhouses, etc.).

Unless specifically addressed in Duluth Building Code (Duluth Municipal Code Chapter 5), the City of Duluth adopts the exemptions identified in Chapter 1 of each adopted Regulatory Code. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work being done in any manner in violation of the provisions of this Code or any other laws or ordinances of the City of Duluth.

A Land Disturbance Permit shall be required for all land development activities unless the activity is exempt by way of the Duluth Unified Development Code. No disturbance of the land, including clearing, grubbing, or grading activities, shall commence or proceed except in accordance with the provisions of the Duluth Development Regulations.

Table B: Permit Fees

Permit Type	Fee
Building Permit (Review + Permit + Certificate)	
New Complete Construction	<u>\$ 1.10</u> per square foot
New Shell Construction	<u>\$ 1.10</u> per square foot
Commercial Renovation/Interior Finish	<u>\$ 1.00</u> per square foot
Residential Renovation/Interior Finish	<u>\$.65</u> per square foot
Retaining Walls	<u>\$ 250</u> per Wall
Rack Permit	<u>\$ 50</u>
Monument Sign	<u>\$ 300</u>
Accessory Structure	<u>\$ 50</u>
Swimming Pool	<u>\$ 200</u>
Foundation Permit	<u>\$ 300</u>
Billboard (New, Repair or Relocation)	<u>\$1,000</u>
ATM	<u>\$ 250</u>
Land Disturbance Permit (Review + Permit)	
Clearing, Grubbing or Grading	<u>\$ 150</u> per Disturbed Acre
Land Development Permit	<u>\$ 250</u> per Disturbed Acre
Tree Removal	<u>\$ 250</u>
Miscellaneous/Other (Permit only)	
Sub-Contractor Affidavit	<u>\$ 25</u>
Certificate of Occupancy	<u>\$ 100</u>
Certificate of Completion	<u>\$ 75</u>
Business Use and Zoning Certificate	<u>\$ 50</u>
Roof Permit – Commercial	<u>\$ 100</u>
Deck Permit	<u>\$ 100</u>
Demolition Permit	<u>\$ 300</u>
Driveway Permit	<u>\$ 100</u>
House Relocation Permit	<u>\$ 500</u>
Mechanical, Electrical, Plumbing Permit	<u>\$ 100</u>
Electrical Reconnection Fee	<u>\$ 50</u>
Monument Sign Reface Permit	<u>\$ 200</u>
Temporary Sign Permit	<u>\$ 50</u>
Wall Sign Permit	<u>\$ 100</u>
Re-Inspection Fee	<u>\$ 100</u>
Construction trailer	<u>\$ 100</u>
Unattended Donation Box	<u>\$ 100</u>
Vacant Property Registration	<u>\$ 100</u>
Re-permit Fee for Expired Permit	<u>25 % of Original Permit Fee</u>
Short-Term Rental Permit	<u>\$ 200</u>
Miscellaneous	Based on Staff's Hourly Rate

Table B: Permit Fees Continued

Permit Type	Fee
Telecommunications	
Cell Tower, New Construction	Minimum \$1,000
Cell Tower, Repair Existing	Minimum \$1,000
Cell Tower Co-Location	\$250
Small Cell Wireless Facility	Pursuant the Duluth Unified Development Code Section 343.14, a permit is required to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall <u>submit an application</u> to the Department of Planning and Development for a permit. Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3). Such maximum application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b). Any person issued a permit shall pay the fees identified in O.C.G.A. § 36- 66C-5(a)(6) and (a)(7), as applicable.

SECTION 1003: PLANNING AND ZONING FEES

The following fees shall be assessed for all zoning, special use, annexation, special exception, waiver, variance and other planning and zoning functions.

Table C: Planning and Zoning Fees

Planning and Zoning	Fee
Rezoning	
Single Family	\$ 725 + \$50/Acre
Office or Institutional	\$1,000 + \$50/Acre
Commercial/Multi-Family	\$1,325 + \$50/Acre
Industrial	\$1,425 + \$50/Acre
Planned Unit Development	\$1,725 + \$50/Acre
Special Use	
Single Family	\$ 500 + \$50/Acre
Office or Institutional	\$ 700 + \$50/Acre
Commercial/Multi-Family	\$ 700 + \$50/Acre
Industrial	\$ 700 + \$50/Acre
Planned Unit Development/Other	\$ 800 + \$50/Acre
Wireless Facility	\$1,000
Zoning and Special Use Modification	
Administrative	<u>\$ 200</u>
Non-Administrative	<u>\$ 500</u>
Annexation	
Stand Alone Hearing	<u>\$ 750</u>
As Part of Rezoning or Other Hearing	<u>\$ 250</u>
Special Exception, Waiver, Variance or Appeal	
Administrative	<u>\$ 150</u> Each
Non-Administrative	<u>\$ 500</u> + \$150 per Concurrent Variance
Miscellaneous/Other	
Additional Public Hearing	<u>\$ 250</u>
Additional Signage	\$ 75 Each
Temporary Use	<u>\$ 150</u>
Text Amendment to Adopted Plans and Codes	<u>\$ 250</u>
Miscellaneous	Based on Staff's Hourly Rate

SECTION 1004: MISCELLANEOUS FEES & CHARGES

The following fees shall be assessed for all miscellaneous items.

Table D: Miscellaneous Fees & Charges

Miscellaneous Fees & Charges	Fee
New Placard	\$ 25
Compliance Inspection	\$ 200
Zoning or Other Compliance Letter	\$ 25
Metropolitan River Protection Act Certificate	\$ 200
Plotter Print	\$ 25 per Sheet
Standard Print	\$0.12 per Sheet
Miscellaneous	Based on Staff's Hourly Rate

Exhibit "B"

Public Notice Posted in the Gwinnett Daily Post 8/19/2025

Gdp8947
gp n13
**CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council regarding updates to the fee schedule. The public is invited to attend this hearing before Mayor and Council on the proposed fee schedule updates. The meeting date, place and time regarding this matter are as follows:

WHEN:
September 8, 2025 -
6:00pm
WHERE:
City Hall Council Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to review the fee schedule updates, 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 accommodation is 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.
7/20,2025

CITY OF DULUTH
Mayor and Council
Staff Report
September 8, 2025

CASE NUMBER:	TA2025-004
REQUEST:	Amendment to <i>City of Duluth's Fee Schedule</i>
APPLICANT:	City of Duluth

I. Background:

The City Engineer must review installations, adjustments, and additions for utility work within the right-of-way.

Staff is recommending adding a fee for new installations, adjustments, and additions to utilities in the right-of-way. Emergency repairs would not be assessed a fee.

II. Description of the Request:

1. *Attached is a redlined copy of the proposed update to the Fee Schedule.*

III. Exhibits

Exhibit "A": Public Notice

II. Description of the Request

Table A: Review Fees

Review Type	Fee
Building Permit	
Building Review (collected at time of permit issuance)	5% of the Total Permit Fee (Minimum of \$100 & Maximum of \$5,000)
Land Disturbance Permit	
Clearing, Grubbing, or Grading Permit	\$ 400
Land Development Permit	
1.0 – 4.9 Acres	\$ 600
5.0 – 9.9 Acres	\$ 900
10+ Acres	\$ 100/Acre (Maximum \$2,000)
Erosion, Sedimentation & Pollution Control Plan (GSWCC)	\$ 300
Resubmittals and Revisions to Development Permit	Half of the Initial Fee
Plans and Plats	
Concept Plan	\$ 200
Plat (Combination, Subdivision, Exemption, Final, Etc.)	\$ 300
Plat Recording Fee	\$ 20 per page
Master Sign Plan	\$ 200
Tree Protection, Buffer and Landscape Plan	\$ 200
House Location Plan (HLP)	\$ 20 per lot
Residential Drainage Plan (RDP)	\$ 20 per lot
Residential Drainage Study (RDS)	\$ 250
Resubmittals and Revisions to Plans and Plats	Half of the Initial Fee
Miscellaneous/Other	
New Cell Tower	\$1,000
As-Built Detention Pond	\$ 600
Utility Review	\$100
Meeting with the City's Reviewing Engineer	Based on Contracted Hourly Rate
Miscellaneous	Based on Staff's Hourly Rate

Exhibit "A"

Public Notice Posted in the Gwinnett Daily Post 8/19//2025

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gp n13
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7/20,2025

**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>85,155,488</u>
Operations Expenditures:	<u>33,740,491</u>
Capital Improvement Expenditures:	<u>51,414,997</u>
Total Expenditures:	<u>84,155,488</u>

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

WHEREAS the City of Duluth awarded a contract to Ryals Brothers in the amount of \$40,620 for the one-way transition of Hall Circle; and

WHEREAS the project cost including construction, contingency, materials testing, and construction for a total project cost of \$62,620 which will be funded with 2023 SPLOST Transportation Funds; and

WHEREAS it is requested \$62,620 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>85,218,108</u>
Operations Expenditures:	<u>33,740,491</u>
Capital Improvement Expenditures:	<u>51,477,617</u>
Total Expenditures:	<u>85,218,108</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