



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

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

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

FEBRUARY 10, 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

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IV. MATTERS FROM CITIZENS

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

V. CONSENT AGENDA

1. APPROVAL OF CONTRACT/AMEND FY25 BUDGET

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

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

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

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

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

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

4. ORD TO AMEND BUDGET -\$2,495 -SCOTT HUDGENS PK

Staff received a proposal from Net Planner for \$12,043.41 to add access control to the restroom buildings at Scott Hudgens Park. A purchase order needs to be issued before the work can begin. Remaining project funds of \$9,551 are available, therefore it is requested that \$2,495 in unallocated 2017 SPLOST Recreation Facility funds be added to the project for work to proceed. Approval of this item

authorizes ordinance BA-FY25-24 to add \$2,495 in 2017 SPLOST Recreation Facilities funds to S. Hudgens Park - Park Areas - Buildings, including associated transfers.

VI. PUBLIC HEARINGS

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

Mayor and Council to consider an ordinance for a special use permit for Case number SU2024-007.

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

The Planning Commission recommended approval with conditions at their January 6, 2025 hearing. Staff is also recommending approval with conditions. Ordinance and staff report are attached for consideration.

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

Mayor and Council to consider an ordinance for a special use permit for Case number SU2024-008.

Owners/Applicants Richard and Misti Billing are requesting a special use permit for 3873 Howell Ferry Rd. (R6295 007) to allow for short-term rentals. This property is zoned R-100 (Single Family - Residential District), which does not allow for short-term rentals without a special use permit. The owners wish for the property to include a special use permit allowing for short-term rentals in their in-law suite.

The Planning Commission recommended approval with conditions at their January 6, 2025 hearing. Staff is also recommending approval with conditions. Ordinance and staff report are attached for consideration.

3. ORDINANCE OF TEXT AMENDMENT-CASE TA2025-01

Mayor and Council to consider an ordinance to amend text in the City's Unified Development Code under Case TA2025-01.

The City of Duluth is the applicant and recommends two text amendments to the current Unified Development Code to allow for more consistency in special uses. Staff will cover the details in a public hearing.

The Planning Commission recommended approval of both text amendments at their February 3, 2025 hearing. Staff is also recommending approval. The ordinance and staff report are attached for consideration.

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

Mayor and Council to consider an ordinance for Case Z2024-004 to rezone parcel R6293 118 located at 3407 Duluth Hwy.

Owner/Applicant ANM Homes, LLC is requesting the rezoning of 3407 Duluth Highway. This is the split zoned property on the West corner of Northwestern most intersection of Duluth Highway (SR 120) and Hall Circle. The property is currently split zoned with half existing as RM (Residential Multi-Family District) and half existing as C-1 (Neighborhood Business District). The owner/applicant wishes to rezone the property, so it is entirely RM to allow for the development of a 17-unit town home community.

The Planning Commission recommended approval with conditions at their January 6, 2025 hearing. Staff is also recommending approval with conditions. Ordinance and staff report are attached for consideration.

VII. NEW BUSINESS

1. ORD TO AMEND FY25 BUDGET – \$50,000 - FOX ST SIDEWALK

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

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

2. AWARD OF BID/AMEND FY25 BUDGET – 2516 MAIN ST

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

Bids received:

Complete Demolition Services - \$21,000

Titan Environmental Services - \$12,300

Wrecking Corps of America - \$9,900

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

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

3. RESOLUTION – PINE NEEDLE DR TAP GRANT

Georgia DOT and the Atlanta Regional Commission have recently reopened the Transportation Alternatives Program (TAP). Staff applied previously (unsuccessfully) for grant funding to assist in implementing the Pine Needle Trail from George Rogers Ave/Irvindale Road area to the new cul-de-sac at SR 120. The concepts are relatively unchanged from prior submittals. Applications are due February 28.

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

Staff is requesting Council confirm its commitment to the project funding should a grant be awarded.

VIII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

IX. MATTERS FROM MAYOR & COUNCIL

X. MATTERS FROM CITY MANAGER

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XI. EXECUTIVE SESSION (if necessary)

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

XII. ADJOURNMENT

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



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
JANUARY 13, 2025**

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

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

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

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. APPROVAL OF MEETING AGENDA

A motion was made by Councilmember Graeder, seconded by Councilmember Doss, to approve the January 13, 2025 Council agenda as presented.

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

II. APPROVAL OF MINUTES

A motion was made by Councilmember Harkness, seconded by Councilmember Holloway, to approve the December 7 and December 9, 2024 meeting minutes as presented.

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

III. ANNOUNCEMENTS

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

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

IV. MATTERS FROM CITIZENS

No comments were made.

V. CONSENT AGENDA

1. RESOLUTION – 2025 MEETING DATES & TIMES {A}

Approval of this item approves resolution R2025-01 to set and publicize regularly scheduled Mayor and Council meetings for 2025 in accordance with Georgia law.

2. ORDINANCE SETTING 2025 MILEAGE REIMBURSEMENT RATES {B}

The IRS announced that the business standard mileage rate for transportation expenses paid or incurred beginning January 1, 2025, will be .70 cents per mile. In addition, the 2025 standard rate for miles driven for medical or moving purposes will also increase to .21 cents per mile. Approval of this item adopts ordinance O2025-01 setting the reimbursement rate at .70 per mile for business use of personal vehicles, and medical mileage for the flexible spending account reimbursement plan, shall be calculated at .21 cents per mile, effective January 1, 2025.

3. RESOLUTION TO APPOINT LEGAL ORGAN {C}

Approval of this item approves resolution R2025-02 naming the “Gwinnett Daily Post” aka The Times Journal Inc., as the City’s Legal Organ for 2025. This resolution shall not be construed to prevent the City from utilizing a newspaper of general circulation within the City of Duluth or Gwinnett County when authorized to do so by state or local law.

4. RESOLUTION – DEPOSITORIES & CHECK SIGNING {D}

Approval of this item approves resolution R2025-03 regarding check signing, investments and depositories as per the Financial Policy.

5. DESIGNATION OF OPEN RECORDS OFFICERS {E}

Approval of this item as per Open Records Act O.C.G.A. 50-18-71(b) designates the Assistant City Manager/City Clerk or his/her designee as the Open Records Officers to receive written requests on behalf of the City, and approves resolution R2025-04 listing the 2025 designees.

6. ORDINANCE SETTING QUALIFYING DATES AND FEES

{F}

The State of Georgia requires that municipalities fix and publish qualifying fees pursuant to O.C.G.A. § 21-2-131 by February 1 of the year in which the relevant election is to be held. The 2025 election will be held on Tuesday, November 4, 2025. Qualifying fees are 3% of the total gross salary of the preceding year (Georgia Election Code 21-2-131 (a) (1) (A)). Approval of this item approves resolution O2025-07 setting the qualifying dates for 2025 and fees for Councilmember Posts 1, 2 and 3, at \$180.00.

7. ORDINANCE APPOINTING MUNICIPAL COURT SOLICITOR

{G}

Pursuant to the Duluth City Code, Section 2- 208, the Mayor and Council are authorized to appoint a solicitor of the municipal court of the city. The solicitor shall be appointed by the Mayor and Council and shall serve at the pleasure of the Mayor and Council. Solicitor Armond has resigned as of December 19, 2024. Assistant Solicitor, Ms. Kelsey Wiley has accepted the offer as head Solicitor effective January 6, 2025. Ms. Wiley is thought very highly of and has honorably and efficiently served in our courts as an Assistant Solicitor since May 13, 2024.

If approved, this action will entail a raise in pay from \$145 per hour, to \$525 per court session. An analysis of and comparison of pay rates indicates that this could result in an estimated increase in pay of up to \$9,800 per year. Staff is recommending changing from an hourly rate to a flat fee per session, based on current practices and a survey of surrounding courts. The last change in pay for the Solicitor position was several years ago. The compensation of the solicitor shall be on an flat fee per court session basis and the rate shall be fixed by the Mayor and Council on an annual basis during the regular budget process. Approval of this item approves ordinance O2025-02 appointing Ms. Kelsey Wiley as presented.

8. ORDINANCE TO AMEND BUDGET - \$80,000 – TRASH ENCLOSURES {H}

In November, City Council and the Downtown Development Authority (DDA) approved an Intergovernmental Agreement for construction of additional trash enclosures in the downtown area. Subsequently, the City Council approved a contract with IP Construction, LLC in the amount of \$54,000 to construct the four new trash enclosures. Staff anticipates additional project costs for construction oversight, testing and change orders and is requesting \$80,000 to complete the project. Approval of this item authorizes ordinance BA-FY25-19 to amend the FY25 budget to add \$80,000 to Downtown Parking - Solid Waste Disposal - Machinery line item.

9. APPROVAL OF CONTRACT FOR PUBLIC ART PIECE

{I}

Approval of this item authorizes the mayor to execute a contract with Metaldozer Machine Works, Inc. for purchase of a public art piece for placement in front of the Red Clay Theatre. The large microphone art piece titled “Let your voice be heard” will be installed once the theatre renovations are complete.

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

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

VI. PUBLIC HEARINGS

1. PROPERTY REZONING – CASE A2024-002- TAX PARCEL R7204 577

Mayor Whitlock opened the public hearing to consider a property rezoning action for 2516 Main Street and called forward Margie Pozin, Director of Community Development & Engineering to present.

Ms. Pozin explained that her presentation covers all three public hearings associated with this request. The City of Duluth is the applicant, requesting the annexation and rezoning of 2516 Main Street (Parcel ID R7204 577). The Planning Commission heard the case at the January 6, 2025, meeting and recommended approval.

The first public hearing relates to the proposed rezoning of the property from Gwinnett County M-1 to City of Duluth M-1, light industrial. The property consists of approximately 4 acres. The property is bound by C-2 to the east, a planned unit development to the north and additional M-1 light industrial to the west and to the south. Ms. Pozin defined the character area of the property. The property is located along the western edge of the Sugarloaf activity district and the City's Comprehensive Plan looks at this as a self-sufficient activity center for retail and office and a variety of residential types that serve as a northern gateway into the city. The future land use map envisions these as commercial retail and office, but that is not the current use as it stands currently and wouldn't be the use that the city envisions for the immediate future. No action on the rezoning will take place until after the annexation ordinance is considered and approved.

The second public hearing will relate to the proposed annexation and the third public hearing will relate to the ordinance of rezoning.

Mayor Whitlock called for discussion from Council.

Councilmember Graeder clarified for the public that the property being consider for rezoning and annexing belongs to the City of Duluth.

Mayor Whitlock called for questions/comments from the public.

Being no comments, Mayor Whitlock closed the public hearing.
No motion required.

2. ORDINANCE OF ANNEXATION – CASE A2024-002

{J}

Mayor Whitlock opened the public hearing to consider the ordinance of annexation for Case A2024-002 – 2516 Main Street.

The City of Duluth is the applicant, requesting the annexation of 2516 Main Street (Parcel ID R7204 577). The Planning Commission heard the case at the January 6, 2025 meeting and recommended approval.

Mayor called for discussion from Council.

Being no discussion, Mayor Whitlock called for questions/comments from the public.

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

A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to approve ordinance O2025-03 for Case A2024-002 to annex 2516 Main Street, parcel ID R7204 577, as presented.

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

3. ORDINANCE OF REZONING – CASE Z2024-006

{K}

Mayor Whitlock opened the public hearing to consider an ordinance of rezoning for 2516 Main Street (Parcel ID R7204 577) from Gwinnett County M-1 to City of Duluth M-1.

Mayor Whitlock called for comments/discussion from the Council and Public.

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

A motion was made by Councilmember Doss, seconded by Councilmember Holloway, to approve ordinance O2025-04 for Case Z2024-006 to rezone 2516 Main Street (Parcel ID R7204 577) from Gwinnett County M-1 to City of Duluth M-1 as presented.

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

4. RESOLUTION TO AMEND THE COMPREHENSIVE PLAN - TA2024-017

{L}

Mayor Whitlock opened the public hearing to consider a resolution to amend the Comprehensive Plan under Case TA2024-017.

Director of Community Development & Engineering, Margie Pozin presented. The corresponding resolution R2025-05 is presented for consideration to update the Character Area Map and the Future Land Use Maps within the current Comprehensive Plan per the annexation and rezoning of 2516 Main Street (Parcel ID R7204 577). Planning Commission heard Case TA2024-017 at the January 6, 2025 meeting and recommended approval. Staff also recommended approval as presented.

Mayor Whitlock called for discussion from Council. Being none, Mayor Whitlock called for questions/comments from the public.

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

A motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to approve resolution R2025-05 for Case TA2024-017 to amend the Comprehensive Plan as presented.

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

5. ORDINANCE OF SPECIAL USE – CASE SU2024-005- AUTISM CENTER {M}

Mayor Whitlock opened the public hearing to consider an ordinance of Special Use for Case SU2024-005 for 4375 River Green Parkway, Suite 150 (Parcel ID R6325 064) to allow for a pediatric behavioral therapy office.

Director of Community Development & Engineering, Margie Pozin presented. She explained that the applicant is Elliston LLC doing business as the Elevation Autism Center at 43 75 River Green Parkway. It's currently in the M-1 light industrial district and the request is to allow the approval of a private school also functioning as a behavioral center in that zoning district. The subject property is just under six acres, but this would only be one of the suites which represents a little over 9,000 square feet.

The character area in our comp plan is part of the River Green employment district serving as an economic engine for the city and a major regional distribution hub for office space. The future land-use map envisions this area as commercial retail and office. The center operates both a one-on-one therapy and early learners' program between the hours of 8:30 and 3:30. They have a maximum of 40 students, and they are proposing a staggered drop-off and pickup.

River Green has its issues with school drop-off and pickup in terms of peak hours, especially in the morning and so theirs would be staggered to accommodate the volume. Staff has put the drone up for a visual study to look at the traffic flow and found that the additional 40 cars would not likely cause significant impact.

Ms. Pozin explained that there are conditions that would be attached to this request. They would need to get their occupational tax certificate within three months and are not allowed to change the use discontinue or abandon it for three months or extend it or change it in any way, or else the use would be terminated. They have to follow signage and lighting requirements from the UDC. They must keep the property in a state of good repair at all times and need to submit a drop-off and pick up circulation plan to staff. They are not permitted to create overflow parking that results in parking or stopping or standing within the public right-of-way just like the other schools. Special uses are a privilege and not guaranteed.

The Planning Commission recommended approval with these conditions and staff also recommends approval with these conditions.

Mayor Whitlock called for discussion from Council.

Councilmember Doss asked if the applicant is currently operating any part of their business there now and looking to open a school or if this was just new use for this location. It was confirmed that they are only renting out a suite in that building at this time.

Mayor Whitlock called forward the applicant.

Adam Kay of 335 Royal Burkdale Court, Duluth, GA 30097 came forward and agreed to all conditions and clarified there would be no other after hours activities. He also addressed the traffic flow concern. The school would have much lower density for the number of spaces leased and operating hours would be staggered so that drop off and pick up times would vary from the other schools in the area.

The mayor called for questions/comments from the public.

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, to approve ordinance O2025-05 for Case SU2024-005 as presented.

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

6. ORDINANCE OF SPECIAL USE – CASE SU2024-006- SHORT TERM RENTAL

{N}

Mayor Whitlock opened the public hearing to consider a request from applicant Sarah Ward for a special use permit for her home at 2666 Peachtree Walk (Parcel ID R7201 167) to allow for a short-term rentals.

Director of Community Development & Engineering, Margie Pozin presented. She explained that the current zoning is R-100 which is single-family residential district. The request is to have R-100 with a special use to allow for short-term rental in a single-family residential district. The property is about three-quarters of an acre, and all of the surrounding properties are R-100. The subject property is part of the established neighborhood character area in the Comprehensive plan, intended to be low-density residential

The applicant does reside in the residence full-time. The room in the house is rented out as a supplement to her longer-term rentals, which are generally two to three months long. This was not a complaint driven scenario; however, this activity was located online through our code enforcement's research on the Airbnb websites. The conditions for approval include a requirement to get an occupational tax certificate within three months, and if the use changes or if it is discontinued for three months, extended or changed in any way it goes away.

Ms. Pozin explained that in order to keep it active while Ms. Ward has longer-term rentals, she would leave it on the Airbnb site so that it is not an abandoned use for 90 days but would not necessarily be actively renting it on an Airbnb site. There are standards within the UDC that go along with having a short-term rental and therefore they do not need to be spelled out as conditions; they are already part of the code and address items such as floor plans, environmental health approvals, keeping certain information on file with the city as well as keeping certain information posted within the unit. And again, keeping the property in good repair at all times.

The Planning Commission heard the case at the December 2, 2024 meeting and recommended denial. Staff is recommending approval with conditions.

Mayor Whitlock called the applicant forward to answer questions.

Ms. Sarah Camille Ward of 2666 Peachtree Walk came forward. She stated that she did not intentionally act against the code and once she realized, she complied with all the requirements except for applying for an occupational tax certificate based on the Planning Commission saying to hold off until approval.

Ms. Ward has lived in this home as a primary residence with a homestead exemption since February 2022. She noted that she has a three-year-old son and specifically purchased the home because of the school district. She loves the area and has no intentions of disrupting the neighborhood or using her residence for primary business purposes. Due to a personal change of circumstance, she listed the property on "furnished finders" primarily catering to traveling nurses and

medical students. As she works in real estate, she does have them sign a legal form lease with a security deposit, etc. and holds the escrows.

Ms. Ward said occasionally there will be a window of 30 to 60 days when it's not rented and that's when she would consider Airbnb just to bridge that gap, and again, she has a young child and very strict rental rules concerning quiet times, with no more than two occupants, no filming crews and no on-street parking.

She reiterated her desire to stay in her home but acknowledged the community concerns and offered the option of adding an additional condition where the special-use permit is only valid if the person that owns the home does hold a homestead exemption to ensure protection of property. She noted that she had specifically talked to her adjoining property owner neighbors to see if they had any concerns and got no hesitation from them.

Councilmember Harkness asked Ms. Ward if she only has one renter at a time.

She responded that was her preference, but while it was on Airbnb it was really popular because her rate was reasonable and many of the people that were traveling were either going to a concert at Gas South Arena or speaking at a conference there. There have been three different stays where it was two people in their 20s or 30s, but with one vehicle parked in her driveway. She noted that there is actually enough room for 4-5 cars to park in the driveway.

Mayor Whitlock called for questions/comments from the public.

Mr. Richard Jones of 2705 Peachtree Walk came forward and spoke in opposition. He feels that the "residence" requirement seems unenforceable.

Mr. Cory Youngblood of 3342 Dogwood Lane came forward and spoke in support. He noted all the exterior improvements that Ms. Ward had already completed since moving in, and said there have been no adverse effects of her having renters.

Ms. Amber Youngblood of 3342 Dogwood Lane also came forward in support and said that there were never any activities that were unfriendly to neighbors or caused any issues.

Mrs. Jackie Aiken of 3322 Dogwood Lane came forward to speak in opposition, and noted that a similar situation had happened at her family property in North Carolina, which has turned into absentee landlords and unruly renters.

Mayor Whitlock asked for clarification on the SUP and whether it remained with the applicant or with the property.

City Attorney Stephen Pereira responded that if the special-use permit was tied to the homestead exemption and residential requirement, it wouldn't be specific to this applicant.

Mary Todd Jones of 2705 Peachtree Walk came forward and spoke in opposition of the request, with concern about setting a precedent for the neighborhood.

Ms. Ward responded that she intends to retain ownership of the home, has every interest in upholding the community standards and as she works in real estate, and is very aware of how this special use permit with partial short-term rental would be much different than a full rental property.

Councilmember Thomas noted it is a delicate balance between the rights of the owners and concerns of the neighborhood. She has full confidence in our staff to monitor and to be able to enforce their rules to maintain our communities.

Mr. Pereira clarified if a new person moved in and was not renting out for 90 days, then the special use would go away. Any new owner would then have to come back and reapply.

Mayor Whitlock wanted to also reiterate that Council is charged with responsibility of trying to make the best decision for the best use of the property regardless of individual circumstances.

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

A motion was made by Councilmember Holloway, seconded by Councilmember Graeder, to approve ordinance O2025-06 granting special use permit for 2666 Peachtree Walk (Parcel ID R7201 167), with conditions as presented and additional condition as follows:

The property shall maintain homestead exemption, and proof of homestead exemption shall be provided to the Community Development and Engineering department on a yearly basis.

Voting for: Council members: Thomas, Graeder, and Holloway

Voting against: Council members Harkness and Doss

Motion carried.

VII. NEW BUSINESS

1. APPOINTMENT OF MAYOR PRO TEMPORE

The Charter of the City of Duluth states the Mayor Pro tempore will be selected by a majority vote at the first regular meeting of the Mayor and Council each year. The Council shall elect a council member to serve as the Mayor Pro tempore. The Mayor Pro tempore shall assume the duties and powers of the Mayor during the Mayor's disability or absence. Mayor Whitlock will provide his recommendation for the 2025 appointment.

A motion was made by Councilmember Holloway, seconded by Councilmember Doss, to appoint Councilmember Marline Thomas as Mayor Pro tem for 2025.

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

VIII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

Public Works Director Audrey Turner commended her staff for working hard to keep the roads clear during the recent winter weather event.

IX. MATTERS FROM MAYOR & COUNCIL

Councilmember Thomas echoed the sentiments but also expressed gratitude to the police department for keeping the city streets and residents safe during this weekend snow/ice storm. She also expressed gratitude to the events staff for providing great events and looking forward to starting back up in March 2025.

Mayor Whitlock noted that it was an honor for Duluth to be recognized in Southern Living Magazine for quality and diverse Underrated food city,

X. ADJOURNMENT

A motion was made by Councilmember Harkness, seconded by Councilmember Doss to adjourn at 7:10 pm.

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

The next scheduled meeting of the Mayor and Council is a work session for January 27, 2025 at 5:30 p.m.



**WORK SESSION NOTES
MAYOR AND COUNCIL
CITY OF DULUTH, GA
JANUARY 27, 2025**

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

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

I. PUBLIC COMMENTS

No comments made.

II. DISCUSSION ITEMS/PRESENTATIONS/UPDATES

1. FINANCIAL UPDATE

{A}

Asst. City Manager/Finance Director Ken Sakmar presented an unaudited financial update of the City's general fund revenues and expenditures considering the seasonal nature of some of the cash flow items. The top revenue sources budgeted for over \$500,000 excluding transfers account for 94% of budgeted revenues and the expenditures are at 63% for the total expenditures less transfers. He reported the majority of revenue sources are performing at or above budgeted amounts and the expenditure is slightly below budgeted amounts. He also discussed Capital Reserves. Detailed presentation is attached.

2. COMMUNITY SATISFACTION SURVEY REPORT

{B}

City Manager James Riker provided an update on the recent Community Satisfaction survey. Respondents were asked about events they participated in; park facilities and other city highlights they visited. They were also asked about quality of life and relation to raising families and/or working here, and retirement. Other questions related to ranking infrastructure and city characteristics, what social media is utilized most, and spending habits.

Staff reviewed all 385 responses and focused on five main themes:

1. Types of Housing
2. Code Compliance
3. Improvement of Roads, sidewalks
4. Health of Community
5. Parks and Recreation

The most common comments received:

- Too much high-density development
- The need for more sidewalks, lighting
- More senior active adult activities and help for seniors
- More/less code enforcement

Overall, the responses reinforced that people feel that Duluth is a healthy community, is diverse, has a high component of safety, is walkable, and has activities and community support.

Mayor Whitlock pointed out that the walkability and code enforcement are things the elected officials tend to hear at the HOA meetings. He requested the Parks and Recreation Director compile some bullet points regarding senior services and costs that the city currently offers so that the elected officials can report at the HOA meetings.

3. UNIFIED DEVELOPMENT CODE BRIEFING

Community Development/Engineering Director Margie Pozin presented a timeline on what to expect in the coming months regarding the overhaul of the current Unified Development Code (UDC).

The UDC was adopted in June 2015. Staff recommends holding a work session on April 28 and a second work session on either June 30th or July 28th to answer questions. In order to meet the goal of adoption in September, elected officials will need to review and send back comments.

4. RED CLAY THEATRE RENOVATION UPDATE

{C}

City Manager James Riker Council gave an update on the progress of the renovation plans. He presented design changes and gave a timeline for the start of remodeling, which is March 31st. Discussion held about streamlining the name of the venue as well and marketing as "EOP at the Red Clay."

5. PARKS SPLOST BUDGET AMENDMENT

Asst. City Manager/Finance Director Ken Sakmar came forward to discuss. During construction of past roadway projects, several decorative signs were removed from the city right-of-way and placed into storage. Staff would like to repurpose the signs and

install them at various park locations. The signs will need to be sanded down, repainted and regraphed by the manufacturer, Image Manufacturing Group (IMG). Staff has received a quote from IMG of \$41,540 to complete this work, which includes retrieving the signs from storage and installing them at various locations. In addition, staff is requesting \$2,500 to complete the installation of an access control system at Scott Hudgens Park. Funding for these projects will come from 2017 SPLOST Funds.

Staff was authorized to place a budget amendment on the next council meeting consent agenda.

III. MATTERS FROM MAYOR & COUNCIL

Congratulations to the City for receiving the Visionary City Award

Councilmember Thomas received the Certificate of Recognition

GMA Spring training classes begin April 4th at Duluth Festival Center

Councilmember Thomas asked Planning to report to the County the removal of the sandbags along PIB.

Mayor Whitlock encouraged everyone to attend the upcoming HOA meetings.

Student Lead assignment “promote the success and the quality of their schools in a way to make Duluth a more desirable place to live” and meet with realtors.

DPAC project working with the high school to paint half of the storm drains on George Rogers.

Strategic planning session for 2025 – Council agreed to extend the session to include ½ day on Friday June 20th.

Mayor said he would be requesting funds in the FY26 budget to support the Northside Hospital Foundation.

Mayor Whitlock discussed with Council the Short Term Rentals amendment.

IV. ADJOURNMENT

Meeting adjourned at 7:00pm.

*The next scheduled meeting of the Mayor and Council
is February 10, 2025 at 6:00pm in the City Hall Council Chambers.*

STATE OF GEORGIA

CITY OF DULUTH

AGREEMENT FOR STORM DRAIN MURALS

This agreement (the "Agreement") is entered into this ___ day of _____, 2025, by and between PAINT LOVE, INC. located at 500 South Columbia Drive, Decatur, Georgia 30030 (hereinafter referred to as "Contractor") and the City of Duluth, Georgia (hereinafter referred to as "CITY")

WITNESSETH:

WHEREAS, the CITY desires to contract services for project management and design guidance working with Duluth High School students to design and paint murals on certain storm drains within the boundaries of the City of Duluth; and

WHEREAS, Contractor is a qualified art installation contractor possessing the skill, experience and expertise to perform the services described herein; and

WHEREAS, the CITY has selected Contractor to perform the work described herein; and

WHEREAS, CITY desires to contract for professional services to administer and execute the painting of 6 storm drains located on George Rogers Blvd. in Duluth, Georgia.

NOW, THEREFORE, in consideration the mutual covenants set forth in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Scope and Cost:

The Contractor agrees to furnish all labor, supervision, materials, equipment, tools, supplies, disposal, and services necessary to timely and fully perform and complete in a neat, first-class and workmanlike manner and in strict compliance with the Contract Documents, drawings, specifications provided as applicable to the contractor, all of the specific work and services described below. Costs to provide the above scope of work shall be inclusive of taxes, labor, supervision, disposal, materials, equipment, tools, transportation, and any associated written reports.

The Contractor will provide project management and design guidance working with Duluth High School students to design and paint a mural adhering to the City of Duluth's specifications and guidelines. Contractor will purchase and manage all art supplies, handle site preparation and work with the city to provide information for marketing of the project. The parties acknowledge that the work will be done in public areas where members of the public will have physical access to the piece requires a high level of care during installation for the safety of the public and for the security and maintenance of the project. The Contractor shall commence the Work with adequate force and equipment within thirty (30) days from receipt of Notice to Proceed from CITY and shall complete the Work within ninety (90) calendar days.

This Contract, executed in triplicate, constitutes the full agreement between the parties, and the Contractor shall not sublet, assign, transfer, pledge, convey, sell or otherwise dispose of the whole or any part of this Contract or his right, title, or interest therein to any person, firm or corporation without the previous consent of CITY in writing.

2. City's Representative

The Project has been initiated by the CITY and the CITY Representative for this project is City Manager James Riker. The City Manager shall act as the CITY's representative, assume all duties and responsibilities and have the rights and authority assigned to the CITY in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

3. Contract documents:

The term "Contract Documents" above includes all portions of the specifications published and or advertised by CITY for purposes of soliciting bids for this project. Including Call to Artists, Addenda, Plans, Drawings, Specifications, General and Special Conditions, Guarantees, Contracts, Unit Pricing, Schedules, and all documents sent in by Contractor in response thereof of such bids including but not limited to Exhibit "A" attached hereto. The scope of work, therefore, may not extend beyond these descriptions as set forth above without proper adjustments and or opportunity made available so as to properly compensate the contractor for any such scope of work.

4. Contract sum and payments:

The total contracted amount is SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$7,500.00). The CITY shall pay the Contractor an initial payment of THREE THOUSAND SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$3,750.00) upon the execution of this contract.

A final payment in the amount of THREE THOUSAND SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$3,750.00) shall be made for work satisfactorily completed after contractor has completed all work and submitted a pay request to the CITY unless contractor is in default.

5. Execution of Work

The contractor agrees, within ten (10) calendar days after written notification, to proceed by CITY, to commence the contract work in the field, at such points as the CITY may designate, and to continue diligently in its performance in accordance with the Project Schedule. Time is of the essence of this contract. If contractor is given reasonable time to perform and fails to do so, any work performed by the CITY on behalf of the contractor will be charged back as necessary to cover costs for such work.

Contractor shall give adequate notices pertaining to its work to the proper authorities and shall secure all necessary licenses and permits to carry on its work; a copy to be provided to CITY by Contractor prior to the start of contract Work.

6. Compliance with Immigration Laws and Regulations

The Contractor shall be responsible for complying with the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-91) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09). In accord with these provisions the Contractor shall complete attached Exhibits C, C(1) and C(2).

The Contractor affirms and agrees that it is currently registered and participates in the federal work authorization program to verify information of all new employees pursuant to O.C.G.A. § 13-10-91(b).

The Contractor affirms and agrees that any and all subcontractors that it will use on the above-described project are registered and participate in the federal work authorization program to verify information of all new employees.

Pursuant to O.C.G.A. § 50-36-1, Proposer shall provide information regarding citizenship status and shall complete and file with the CITY the Citizenship Status Affidavit, which is attached hereto as Exhibit D.

The failure to abide by the provisions and agreements set forth in Subsection 8 shall constitute a breach and default of this contract.

7. Insurance

The Contractor shall provide insurance as follows from the issuance of the Notice to Proceed and continuing through the final payment under this contract:

- a. Workers compensation insurance as required by Georgia law.
- b. Commercial General Liability Insurance-ISO Form CG 00 01 (10/93) or equivalent Occurrence Policy which will provide primary coverage in the event of any Occurrence Claim, or Suit, with limits of not less than \$ 2,000,000 General Aggregate.

The Contractor shall provide proof of insurance required as set forth above upon execution of this contract and such proof shall be a necessary pre-condition to this agreement.

8. Inspection and Approvals

Contractor shall notify the CITY and or its representatives when portions of its work are ready for inspection.

CITY shall make reasonable efforts after receiving notice from Contractor, to inspect said scope of work completed.

Limitations and or Sizes of such portions of work shall be agreed upon by CITY and Contractor prior to starting each phase thereof.

Contractor agrees to 'make right' at no additional cost to the CITY any such portion that is determined by CITY's representative to be incomplete within the bounds of the contract. Contractor shall promptly perform any and all punch list work submitted to it by the CITY.

9. Termination

The CITY may terminate the contract for failure by the Contractor to comply with the terms and conditions of its contract or failure by the Contractor to correct problems brought to its attention by the CITY, each of which failures shall constitute a default. In the event of such termination, that Contractor will be paid only those sums due and owing under the contract for performance satisfactorily rendered, subject to offset for damages and other amounts which are, or which may become, due and owing to the CITY.

The CITY, for its convenience and without cause, may terminate this contract whenever the CITY determines that such termination is in its best interest after giving ten (10) days written notice of such termination to the Contractor. In the event of a termination for convenience, CITY shall pay all amounts due and owing to the Contractor for performance satisfactorily rendered. However, in no event shall the total of all amounts paid to the Contractor exceed the contract price. The Contractor shall not be reimbursed for any profits which may have been anticipated, but which have not been earned up to the date of termination.

10. Disputes/Resolutions

Any claims or disputes that may arise, including adjustments to compensation or to time of completion, shall be initiated by written notice within five (5) days after either party becomes aware of the claim or issue in dispute. The parties shall have ten (10) days following such written notice to cure or resolve any dispute. Notwithstanding the foregoing, the failure to provide written notice shall not serve as a bar to an action in law or equity for either party.

The CITY and Contractor shall make all reasonable efforts to resolve any and all matters of dispute without the involvement of any third party. However, if such efforts are not successful after a thirty (30) day period, then both parties agree to resolve their claims by filing a Complaint in the Superior Court of Gwinnett County, Georgia. The terms of this Agreement shall be integrated and enforced under the Laws of Georgia.

11. Indemnity

Contractor assumes full liability for any and all damages, death, or injury of any kind to all person(s), whether employees or otherwise, and property arising out of or in any way connected with its work and shall to

the fullest extent permitted by law defend, indemnify and hold harmless CITY, and their respective officers, agents, and employees, (herein referred to as Indemnities), from and against any and all claims, losses, suits, damages, legal costs and expenses and otherwise, arising out of or in any way connected with Contractor's work. If any claim or demand is made against the CITY for any matter enumerated herein, any payment due, or thereafter to become due, to Contractor shall be held by the CITY to cover such losses and expenses.

12. Interpretation

This Contract shall be interpreted under the laws of the State of Georgia.

13. Amendments

Any amendments to this contract shall be made in writing and shall not be binding until such an amendment is agreed upon and executed by both parties.

No change orders shall be binding unless reduced to writing and agreed upon by both parties in writing.

14. Drug Free Work Place

The contractor is required to certify a drug-free workplace for all employees including subcontractors.

15. Venue

Venue for any disputes arising out of this contract shall be in the Superior Court of Gwinnett County, Georgia.

IN WITNESS WHEREOF, the CITY and Contractor have executed this contract consisting of **(6)** pages and the Attachments/Exhibits/Statements/Affidavits (If any) on the day and year first above written, by their proper officers or agents, duly authorized in the premises.

CONTRACTOR:

CITY:

_____ (SEAL)

By: Laura Shaw, Executive Director
Paint Love, Inc.
Printed Name and Title

By: James Riker, City Manager,
City of Duluth, Georgia
Printed Name and Title

Notary Public

In the presence of: _____
Subscribed and sworn to before me
this ____ day of _____, 2025.
My Commission expires: _____
in the County of _____

Notary Public

In the presence of: _____
Subscribed and sworn to me
This ____ day of _____, 2025.
My Commission expires: _____
in the County of _____

EXHIBIT A

Contractor Submission/Scope of Work Documents



Paint Love, Inc.

500 S. Columbia Drive
Decatur, GA 30030

paintlove.org

***Stormwater Drain Public Art Project:
Duluth High School x City of Duluth x Paint Love***

SITE LOCATION:

George Rogers Avenue, Duluth High School

MAYOR'S OFFICE CONTACT

Maria Mejia, Assistant to Mayor and City Manager
770-225-8827 | mmejia@duluthga.net

DULUTH HIGH SCHOOL CONTACTS:

Chimera Brew, Assistant Principal | Chimera.Brew@gcpsk12.org
Brooke Richards, Art Teacher, NAHS advisor | brooke.richards@gcpsk12.org

PAINT LOVE CONTACTS:

Mandy Noa, Director of Programming (mandy@paintlove.org) | 678- 634-4873
Laura Shaw , Executive Director (laura@paintlove.org) | 901-428-0273

With: Robin Deutsch Edwards, Director of Philanthropy and Communication (marketing and communication /storytelling);

Michelle Wood, Artist Coordinator (mentoring)

Leah Kellaway, Mural Coordinator (design)

Paint Love brings extraordinary arts programming that empowers youth and strengthens communities.

PROJECT SCOPE:

Year 1: (Schedule break-down on page 3)

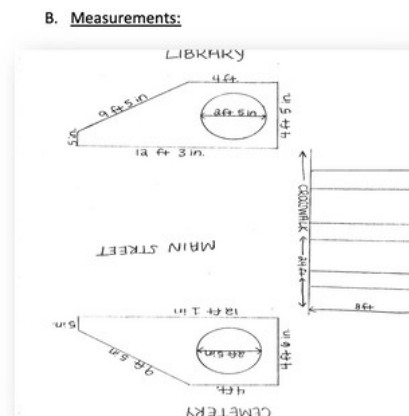
- January-April 2025: Work with students from the National Art Honors Society and the broader school community to paint 6 storm drains.
- February- May 2025: Include 6 rising NAHS leaders in Paint Love’s Emerging Artist Mentorship program to act as student ambassadors and leaders for the project.
- May 2025: celebrate the completion of 6 drains!

Year 2:

- August 2025-May 2026: work with the NAHS leadership, school administration, and counseling team to identify 6-12 students for year-long emerging artist mentorship program and leadership in the public art project
- January - April 2026: Work with NAHS student leaders and emerging artist mentees as project leaders and community ambassadors to engage the student body and school community in painting remaining 6 drains.
- May 2026: Celebrate the completion of 6 new drains!

GOALS:

- Engage and give leadership opportunities for student through National Art Honor Society
- Engage as much as the student body as possible in design, celebration, and painting, and educational opportunities
- Create opportunities to encourage foot traffic and create photogenic designs that will encourage citizens to take pictures and “selfies” with the artwork in an effort to reinforce the message of water resource protection
- Incorporate the city’s theme broadly related to keeping stormwater clean and emphasizing that the water that goes into stormwater drains runs directly to local rivers and streams.
- Create opportunities with students to educate the broader community on this topic.



Paint Love brings extraordinary arts programming that empowers youth and strengthens communities.



CONTRACT AGREEMENTS

Paint Love will...

- Provide project management and design guidance working with Duluth High School students to design and paint a mural adhering to City of Duluth's specifications and guidelines. Paint Love will provide programming in a safe, supportive, and fun environment specifically formulated for the demographic of youth served
- Purchase and manage all art supplies, taking city recommendations into account.
- Handle all site preparation, with city suggestions.
- Manage the design process with all students and the design approval process with City of Duluth
- Ensure the project site is cleaned at the end of each painting day and at the end of the project
- Ensure at least one Paint Love staff person will be on site to manage each event, and provide additional, approved volunteers to support each program if needed
- Work with the school and city to create and provide information for marketing and community storytelling about the project - Promote the mission and work of the partner sites whenever possible and appropriate, including on the Paint Love website, and on social media, and excitedly share any potential media, coverage and press releases related to projects and partnerships.
- Uphold all rules and requirements of the site, including volunteer requirements and any restrictions regarding materials brought on site Duluth High School

Duluth High School will...

- Provide location for the mural / installation
- Provide safe space for supply storage as needed for duration of programming
- Ensure there is at least one staff person on site and attentive at all times during programming
- Facilitate student availability, communication, and scheduling with students who will participate in programming
- Communicate with Paint Love staff in a timely fashion to the best of your ability
- Participate in design and guiding conversations
- Provide (6) students for mentoring partnerships with Paint Love's Emerging Artist Cohort
- Excitedly share any potential media coverage and press releases related to projects and partnerships, and cite Paint Love as a partner in digital and print media and promotional materials whenever appropriate.
- Complete end of partner surveys and end of year feedback surveys to help ensure programming is the best it can be

City of Duluth will:

- Provide payment to Paint Love.
- Provide recommendations for paint and varnish so the art will not wash away easily and withstand moderate foot traffic.
- Facilitate a waste water educational session
- Support + celebrate the project! Promote the mission and work of Paint Love and the student work whenever possible and appropriate, including on social media, and excitedly share any potential media coverage and press releases related to projects and partnerships, and cite Paint Love as a partner in digital and print media and promotional materials whenever appropriate (such as if using a photo of a Paint Love project at your site on a marketing flyer)

*Paint Love brings extraordinary arts programming that empowers youth and strengthens communities.
Paint Love, Inc.'s federal identification number is 46-5570236.*



PROPOSED SCHEDULE

- **January 17: Kick off at Duluth High School**
- **January 23: School x Paint Love logistics set**
- **Week of Feb 3:** Emerging Artist Mentor matches set - Paint Love to send artist bios to school team to let 6 rising NAHS leaders select their mentors.
- **Week of Feb 10 or Feb 17 :**
 - **Session 1 - “Design Thinking and Market Research”** Paint Love artist leads students in design thinking, figuring out what questions to ask of their peers and how to ask them to get helpful answers and engagement from as many students as possible in the school community
 - **“Homework”:** ambassadors collect student input, talk with science classes to get input

(February break Feb 13-17)

- **Week of Feb 17 or 24:**
 - Artist Mentor/mentee pairs start meeting
 - Educational session about waste water
 - **Session # 2:** Narrowing in on design themes and information that the design needs to share: sifting through the information gathered from student feedback + finalizing designs (working design session)
 - **“Homework”:** students building excitement and open sign up for paint days / Paint Love and school team work on sharing the story with the community
- **Week of March 3**
 - **Session 3:** Field trip to the river for design inspiration
 - **“Homework”:** Students work together and create final designs, our mural coordinator will generate feedback for final session
- **Week of March 10: Session 4: Design finalization and training**
 - **Session 4:** (Long meeting, different groups, or 2 separate sessions) Finalize designs (current NAHS leadership) + Paint Love to facilitate a training for mentees and rising leaders to give leadership with the project, run small student groups painting each drain and leading Paint Love’s model on paint days
- **March 20:** soft deadline for Paint Love to share final designs with DPAC and get any initial feedback
 - **March 21-25:** Paint Love/ students will make any adjustments before submitting
- **March 26:** Hard deadline for Paint Love to submit final designs to DPAC
- **March 27:** Special Meeting to approve design

(Spring break April 7-11) Paint Love could do any prep work needed to prepare for students

- **Week of April 14-18**
 - **Session 5:** Paint prep - outlining the final design on the drains
- **Week of April 21-25 - PAINTING!**
 - **Need to set:** contingency dates
- **Need to set:** ribbon cuttings

*Paint Love brings extraordinary arts programming that empowers youth and strengthens communities.
Paint Love, Inc.'s federal identification number is 46-5570236.*

Exhibit C

GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT.

Contractor shall comply with the provisions of the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-91) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09). Contractor's obligations under this section shall include, but not be limited to the following:

1. Contractor must initial one of the sections below:

____ Contractor has 500 or more employees and has complied with the provisions of the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-91) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09).

____ Contractor has 100 to 499 employees and Contractor warrants that no later than July 1, 2008, Contractor will comply with the provisions of the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-91) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09).

____ Contractor has 99 or fewer employees and Contractor warrants that no later than July 1, 2009, Contractor will comply with the provisions of the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-91) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09)

2. Contractor agrees to execute and comply with the Contractor Affidavit and Agreement attached as Exhibit C1.

3. Contractor agrees that in the event any subcontractor is retained to perform any services under this contract the Contractor will insure that the subcontractor will comply with the requirements of the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-91) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09). Contractor further agrees to require all subcontractors performing work under this Contract to execute the Subcontractor Affidavit attached as Exhibit C2. Contractor further agrees to maintain records of the Subcontractor Affidavit(s) and to make such Subcontractor Affidavit(s) available for inspection by the CITY at any time.

Exhibit C (1)

CONTRACTOR AFFIDAVIT AND AGREEMENT

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the CITY has registered with and is participating in a federal work authorization program [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. 13-10-91.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract with the CITY of Duluth, contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to the CITY at the time the subcontractor(s) is retained to perform such service.

Employment Eligibility Verification User Identification Number

By:

Date

Title:

Date

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
___ DAY OF _____, 2025.

Notary Public
My Commission Expires:

Exhibit C(2)

SUBCONTRACTOR AFFIDAVIT AND AGREEMENT

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm, or corporation which is engaged in the physical performance of services under a contract with Contractor on behalf of the CITY has registered with and is participating in a federal work authorization program [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. 13-10-91.

Employment Eligibility Verification User Identification Number

By: Authorized Officer or Agent
(Subcontractor Name)

Date

Title of Authorized Officer or Agent of Subcontractor

Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
___ DAY OF _____, 2025.

Notary Public
My Commission Expires:

Exhibit D



E-VERIFY AND PRIVATE EMPLOYER AFFIDAVIT

The E-Verify Private Employer Affidavit must be collected when applying for occupational tax certificates, and alcohol licenses. The City of Duluth will not issue your license unless you are registered with and use the E-Verify program. If you have not registered with E-Verify, you can find the information at www.uscis.gov. By executing this affidavit under oath, as an applicant for an _____ Occupational Tax Certificate/Business License, Alcohol License or other document required to operate a business as referenced in O.C.G.A. § 36-60-6(d), from the City of Duluth, the undersigned applicant representing the private employer known as _____ (Printed Name of Private Employer) verifies one of the following with respect to my application for the above mentioned business document.

Choose one of the following in Section 1:

Section 1:

- A) ☐ On January 1st of the below signed year, the individual, firm, or corporation employed more than ten (10) employees. If the employer selected (A) complete Section 2 below.
- B) ☐ On January 1st of the below signed year, the individual, firm, or corporation employed less than ten (10) employees. No E-Verify registration is required. Indicate N/A in Section 2.

Section 2:

The employer has registered with and utilized the federal work authorization program in accordance with the applicable provisions and deadlines in O.C.G.A § 36-60-6 (e). The undersigned private employer also attests that its federal work authorization user identification number and date of authorization are listed below.

Federal Work Authorization User Identification Number or N/A

Date of Authorization

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 and face criminal penalties allowed by such statute.

Completed by Notary:

I, _____ (representative for) _____
(Printed name of individual and natural person) (Title of Authorized Officer or Agent)

Signature of Applicant

Date

Subscribed and sworn before me on this the _____ day of _____, 20 _____.

Executed in _____ (City), _____ (State)

Notary public signature: _____ My commission expires: _____

Exhibit E

DRUG-FREE WORKPLACE CERTIFICATION

THE UNDERSIGNED CERTIFIES THAT THE PROVISIONS OF CODE SECTIONS 50-24-1 THROUGH 50-24-6 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, RELATED TO THE **DRUG-FREE WORKPLACE, HAVE BEEN COMPLIED WITH IN FULL. THE UNDERSIGNED FURTHER CERTIFIES THAT:**

1. A DRUG-FREE WORKPLACE will be provided for the employees during the performance of the contract; and
2. Each sub-contractor under the direction of the contractor shall secure the following written certification:

_____(CONTRACTOR) certifies to the CITY of DULUTH that a DRUG-FREE WORKPLACE will be provided for the employees during the performance of this contract known as (PROJECT) pursuant to paragraph seven (7) of subsection (B) of Code Section 50-24-3. Also, the undersigned further certifies that he/she will not engage in the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the contract.

CONTRACTOR

DATE

NOTARY

DATE

ORDINANCE
TO AMEND THE CITY OF DULUTH
2025 FISCAL YEAR BUDGET

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

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

Total Revenues:	<u>100,509,129</u>
Operations Expenditures:	<u>42,879,348</u>
Capital Improvement Expenditures:	<u>57,629,781</u>
Total Expenditures:	<u>100,509,129</u>

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

WHEREAS the City of Duluth would like to paint six (6) of the storm drain located on George Rodgers Avenue; and

WHEREAS a contract was approved with Paint Love, Inc. in the amount of \$7,500 to paint the storm drains with funding coming from the Public Art Fund; and

WHEREAS it is requested \$7,500 in prior year reserves be added to the Public Art Fund – Spectator Recreation – Technical Services line item; and

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

Total Revenues & Prior Yr Reserves	<u>100,516,629</u>
Operations Expenditures:	<u>42,886,848</u>
Capital Improvement Expenditures:	<u>57,629,781</u>
Total Expenditures:	<u>100,516,629</u>

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

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

ORDINANCE
TO AMEND THE CITY OF DULUTH
2025 FISCAL YEAR BUDGET

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

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

Total Revenues:	<u>100,568,929</u>
Operations Expenditures:	<u>42,886,848</u>
Capital Improvement Expenditures:	<u>57,682,081</u>
Total Expenditures:	<u>100,568,929</u>

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

WHEREAS the City of Duluth has several decorative signs that were removed for the City right-of-way and placed in storage, that can be re-purposed and installed at various park locations; and

WHEREAS staff received a quote of \$41,540 from the manufacturer to sand, repaint, and regraph the signs, which also includes retrieving the signs from storage and installing them at various locations; and

WHEREAS it is requested \$41,540 in unallocated 2023 SPLOST Recreation Facilities funds be add to Park Improvements – Park Areas – Signage – Signs/Banners line item; and

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

Total Revenues & Prior Yr Reserves	<u>100,610,469</u>
Operations Expenditures:	<u>42,886,848</u>
Capital Improvement Expenditures:	<u>57,723,621</u>
Total Expenditures:	<u>100,610,469</u>

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

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

ORDINANCE
TO AMEND THE CITY OF DULUTH
2025 FISCAL YEAR BUDGET

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

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

Total Revenues:	<u>100,612,964</u>
Operations Expenditures:	<u>42,886,848</u>
Capital Improvement Expenditures:	<u>57,726,116</u>
Total Expenditures:	<u>100,612,964</u>

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

WHEREAS the City of Duluth transferred \$5,318,305.58 in ARPA replacement revenue from the American Rescue Plan Act 2021 funds to the General Fund to cover allowable police uniform salaries; and

WHEREAS if necessary, council intended to transfer these funds to the Water Serer Improvement project for the Pine Crest and Hill communities which is now necessary to support the project; and

WHEREAS it is requested \$5,318,306 in prior year reserves be added to General Fund – Other Financing Uses – Transfer to Water/Sewer line item and a like amount be add to Water/Sewer Improvements – New Sewer Services – Transfer from the General Fund line item; and

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

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

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

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

ORDINANCE
TO AMEND THE CITY OF DULUTH
2025 FISCAL YEAR BUDGET

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

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

Total Revenues:	<u>100,610,469</u>
Operations Expenditures:	<u>42,886,848</u>
Capital Improvement Expenditures:	<u>57,723,621</u>
Total Expenditures:	<u>100,610,469</u>

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

WHEREAS the City of Duluth has received a proposal from Net Planner for \$12,043.41 to add access control to the restroom building as S. Hudgens Park; and

WHEREAS remaining project funds of \$9,551 are available, therefore it is requested that \$2,495 in unallocated 2017 SPLOST Recreation Facility funds be added to the project for the work to proceed; and

WHEREAS it is requested \$2,495 in unallocated 2017 SPLOST Recreation Facilities funds be add to S. Hudgens Park – Park Areas - Buildings line item; and

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

Total Revenues & Prior Yr Reserves	<u>100,612,964</u>
Operations Expenditures:	<u>42,886,848</u>
Capital Improvement Expenditures:	<u>57,726,116</u>
Total Expenditures:	<u>100,612,964</u>

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

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

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

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

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

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

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

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

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

SECTION 1. FINDINGS.

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

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

streets, transportation facilities, utilities, or schools.

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

SECTION 2. LEGAL DESCRIPTION.

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

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

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

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Conditions of Approval

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

Exhibit "E": Public Notice

{Signatures on the following page}

IT IS SO ORDAINED this _____ day of _____ 2025.

Those councilmembers voting in favor:

Mayor Greg Whitlock

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

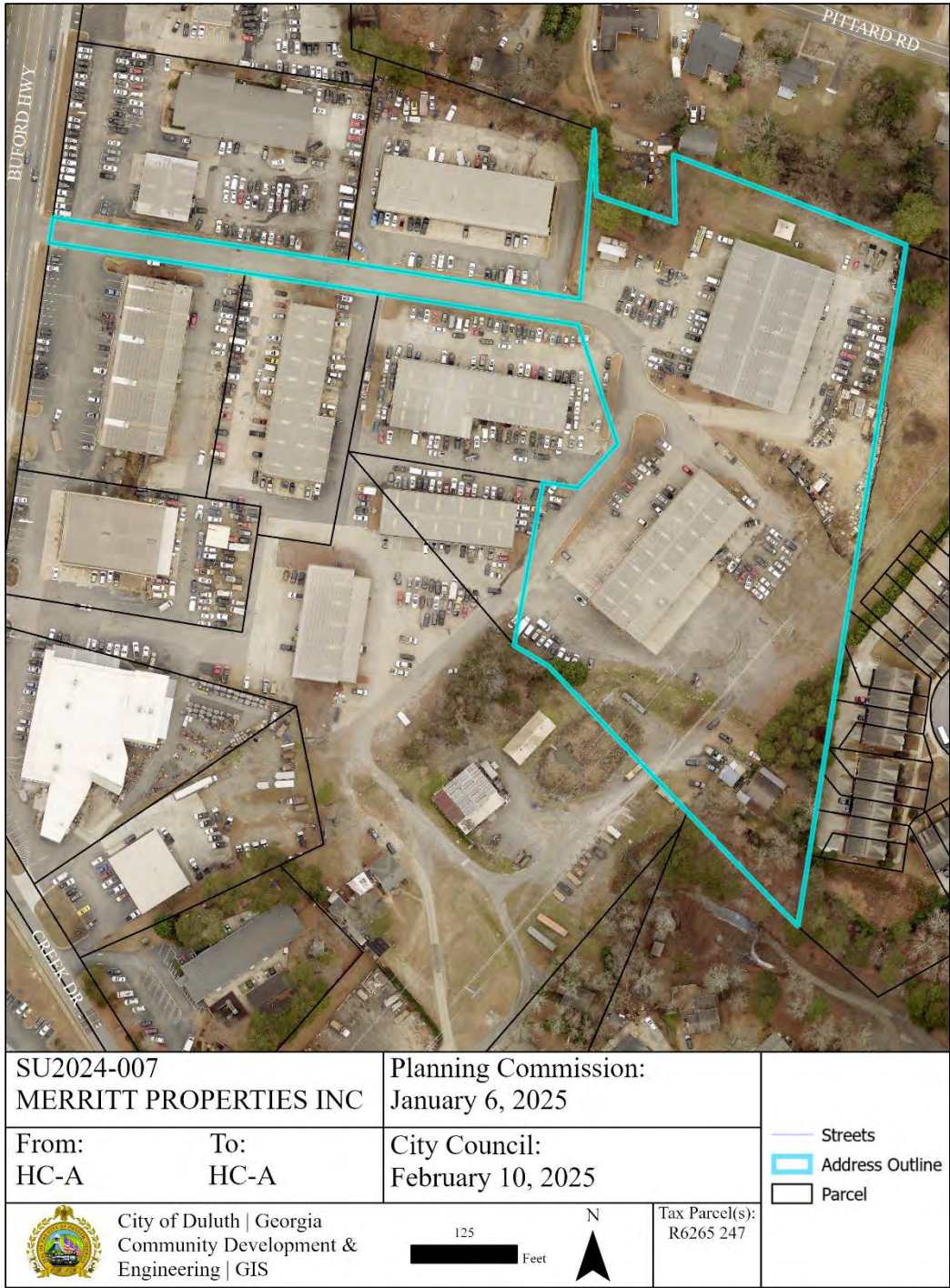
Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

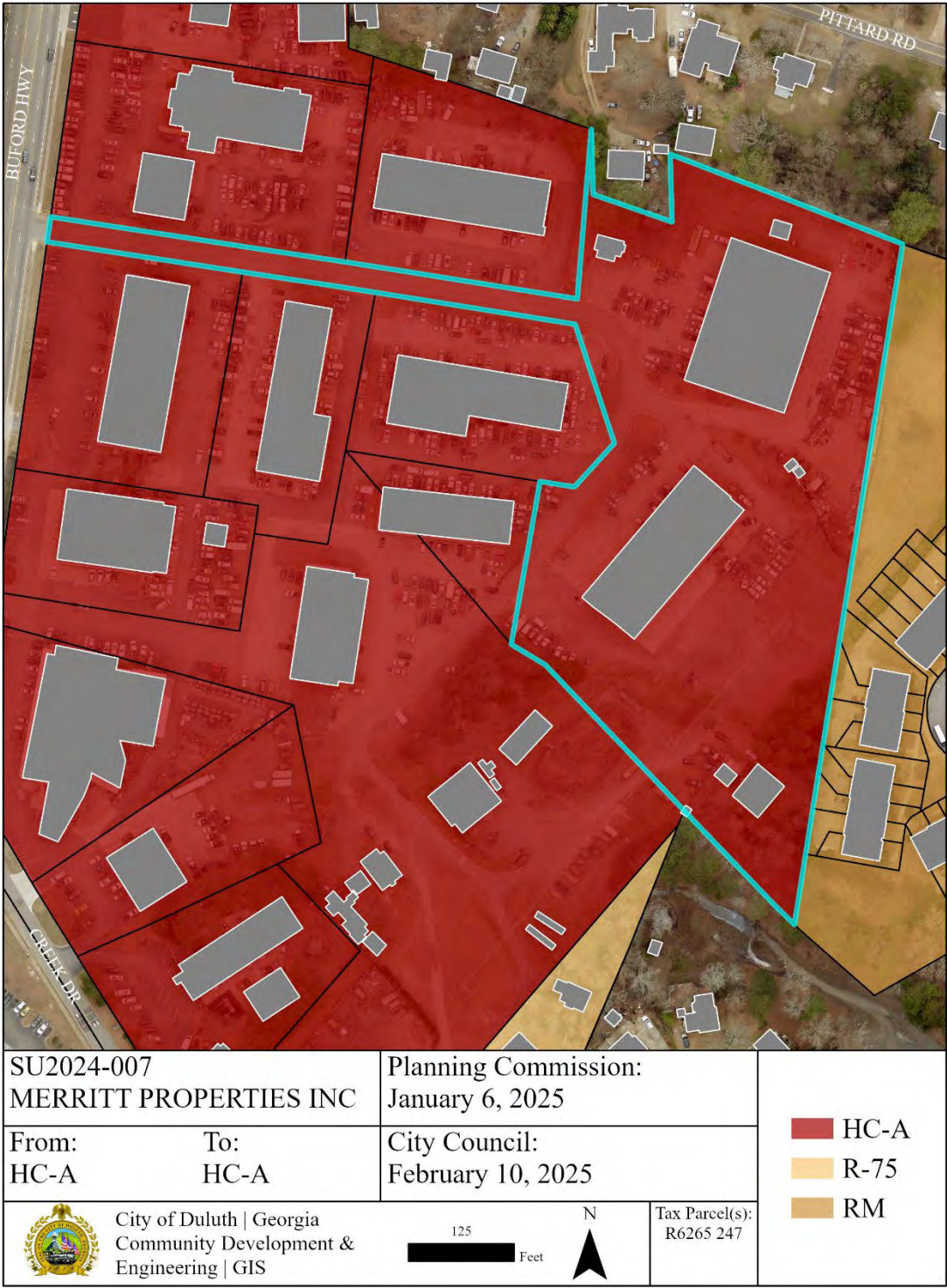
Those councilmembers voting in opposition:

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

Exhibit "A"
Maps
Location Map



Zoning Map



Character Area Map

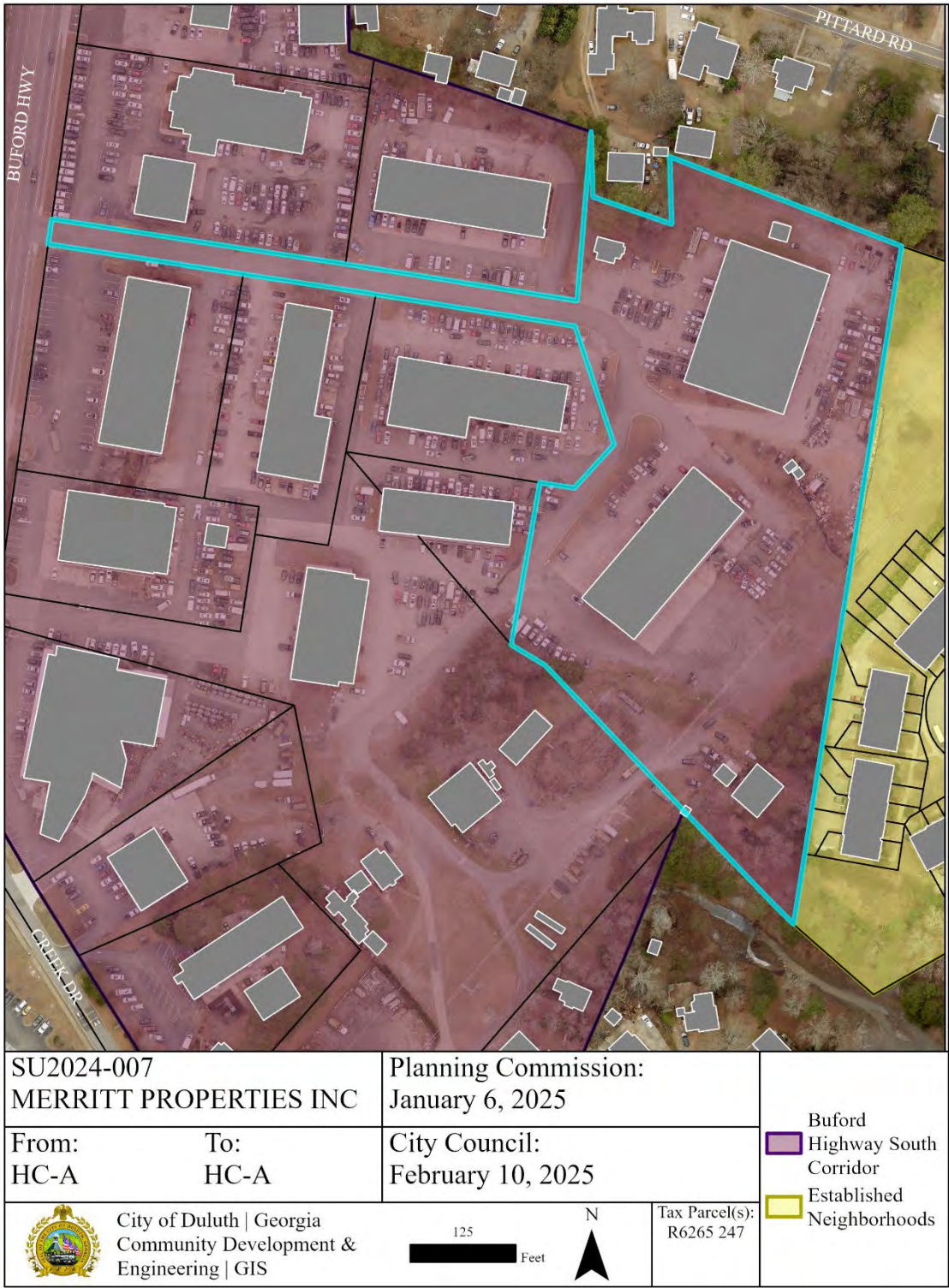


Exhibit "B"

Legal Description

EXHIBIT "A"

TRACT 1:

All that tract or parcel of land lying and being in Land Lot 185 of the 6th Town District, in the City of Duluth, being Tract No. 1 containing 1.9038 acres, as shown on said certain Survey for Minors Proprietary dated August 9, 1907, but perfected September 20, 1907, prepared by Deane, Meek & Jarrell, Surveyors & Engineers, Inc., City of Duluth, O.J.S. # 1528, and being more particularly described according to said survey as follows:

TO LOCATE THE TRUTH PLACE OR POINT OF BEGINNING, begin at a point on the westerly right of way line of U. S. Hwy. No. 23 (160 foot right of way), which point is located 448.56 feet southerly along the original right of way of U. S. Hwy. No. 23 from its point of intersection with the right of way line of Second Road (110 foot right of way) thence leaving said right of way line of U. S. Hwy. No. 23 run South 81 degrees 57 minutes 04 seconds East a distance of 352.60 feet to a pole, which pole marks the TRUTH PLACE OR POINT OF BEGINNING.

FROM THE TRUTH PLACE OR POINT OF BEGINNING AS TRUTH MARKEDSO run thence North 07 degrees 55 minutes 45 seconds East a distance of 246.19 feet to a point marked by an iron pin set; run thence South 70 degrees 35 minutes 59 seconds East a distance of 170.70 feet to a point marked by an iron pin set; run thence South 71 degrees 13 minutes 30 seconds East a distance of 142.95 feet to a point marked by a 3/4-inch pipe; run thence South 01 degrees 32 minutes 04 seconds East a distance of 80.11 feet to a point marked by a 3/4-inch pipe; run thence South 07 degrees 37 minutes 17 seconds West a distance of 319.21 feet to a point marked by an iron pin set; run thence North 04 degrees 12 minutes 04 seconds West a distance of 278.54 feet to a pole, which pole marks the TRUTH PLACE OR POINT OF BEGINNING.

All that part or parts of land lying and being, in Land Lots 265 and 266 of Twp 6th Land District, in Van City of British Columbia, Tract No. 2 containing 0.5227 acre and 0.1ma 1/4 containing 0.3984 acres (for a total of 0.9211 acres), as shown on the plan therein Survey for Block 11 Project Gated August 9, 2002, last revised September 28, 2002, prepared by Fleming, Mehta & Haggell, Surveyors & Engineers, Inc., Miller R. Rowner, G.E.T.S.# 1122, said being more particularly described according to said survey as follows:

BUTCHERS CREEK as a point on the north-easterly side of way line of T. S. Hwy. No. 22 (110 feet right of way), which point is located 444.85 feet from a survey line along Co. original right of way of U.S. Hwy. No. 22 from its point of intersection with the right of way line of El Estero Road (330 feet right of way); thence leaving said right of way line at 11.6 feet; N. 31 degrees 22' 20" South 111 degrees 12' 20" East 60 seconds 114 feet a distance of 63.52 feet to a point; run thence S. 44 degrees 51' 20" East 12 minutes 40 seconds East a distance of 278.54 feet to a point marked by a small pin; run thence North 07 degrees 57' 40" East 17 seconds East a distance of 119.21 feet to a point marked by a 3/4-inch pipe stake; run thence South 71 degrees 35' 40" East 32 seconds East a distance of 59.67 feet to a point marked by a 3/4-inch pipe stake; run thence North 08 degrees 23' 40" East 17 seconds West a distance of 50.08 feet to a point marked by a 3/4-inch pipe stake; run thence South 71 degrees 35' 40" East 32 seconds East a distance of 298.36 feet to a point marked by a 3/4-inch pipe stake; run thence South 16 degrees 00' 00" East 00' 00" seconds West a distance of 824.59 feet to a point marked by a 3/4-inch pipe stake; run thence North 43 degrees 55' 40" East 21 seconds West a distance of 176.42 feet to a point marked by a 3/4-inch pipe stake; run thence South 73 degrees 13' 40" East 31 seconds West a distance of 140.01 feet to a point; run thence South 44 degrees 12' 40" East 47 seconds West a distance of 697.51 feet to a point located on the north-easterly right of way line of Creek Drive (100 feet right of way); run thence along said right of way line of Creek Drive in a generally north-westerly direction; along the arc of a curve on the distance of 172.40 feet to a point (44' 40" 1/2" radius) of 35.57 feet and being intersected by a closed bearing and distance of North 48 degrees 17' 40" East 01 seconds West 174.77 feet; thence proceeding along said right of way line North 33 degrees 14' 40" East 46' 40" seconds West a distance of 19.86 feet to a point marked by a 3/4-inch pipe stake; thence leaving said right of way line run North 41 degrees 31' 40" East 12 seconds West a distance of 299.23 feet to a point marked by a 3/4-inch pipe stake; run thence North 43 degrees 55' 40" East 21 seconds West a distance of 143.78 feet to a point marked by a 3/4-inch pipe stake; run thence North 46 degrees 31' 40" East 16 seconds West a distance of 54.42 feet to a point marked by a 3/4-inch pipe stake; run thence North 10 degrees 19' 40" East 22 seconds West a distance of 167.10 feet to a point marked by a 3/4-inch pipe stake; run thence North 75 degrees 19' 40" East 10 seconds West a distance of 347.63 feet to a point located on the north-easterly right of way line of U.S. Hwy. No. 22 (100 feet right of way); run thence along said right of way line of U.S. Hwy. No. 22 North 07 degrees 55' 40" East 36 seconds East a distance of 42.11 feet to a point marked by a small stake; thence leaving said right of way line run North 81 degrees 12' 40" East 06 seconds East a distance of 299.33 feet to a point marked by a 3/4-inch pipe stake. Dated: 2006

thence North 87 degrees 56 minutes 02 seconds West a distance of 149.97 feet to a point 1/4 mile from South; thence North 87 degrees 20 minutes 49 seconds West a distance of 68.42 feet to a point; thence North 87 degrees 44 minutes 25 seconds East a distance of 268.90 feet to a point marked by a nail set; thence North 87 degrees 13 minutes 04 seconds West a distance of 710.48 feet to a point located on the northerly right of way line of U. S. Hwy. No. 21 (100 foot right of way); thence along the right of way line North 87 degrees 55 minutes 16 seconds West a distance of 350.00 feet to a point, which point was the TRUE 1/4 ACER COT. POINT 1181 BEGINNING.

Exhibit “C”

Conditions of Approval

General

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

Once established:

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

Exhibit “E”

Applicant’s Response to the Standards Governing Special Use Consideration

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit “F” Public Notice

CITY OF DULUTH NOTICE OF PUBLIC HEARING

GDP1580
99n33
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a special use request from Griselida Arizmendi, an approximately 5.72 acres of property in Land Lot 265, 8th District, Gwinnett County, located at 3570-B suite 101 Buford Highway, consisting of tax parcels 4265-247, case number SU2024-007. The special use request is to operate a concrete contracting company office with outdoor storage in the HC-A zoning District. The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The meeting date, place and time regarding this matter are as follows:

WHEN: February 18,
2025 - 6:00pm
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@duluth-ga.net
For more information, contact Planning & Development, at (770) 476-1790.

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



CITY OF DULUTH
CITY COUNCIL
Staff Report
February 10, 2025

CASE NUMBER:	SU2024-007
LOCATION:	3570-B Ste 101 Buford Hwy
PARCEL(S):	R6265 247
CURRENT ZONING:	HC-A (Highway Commercial – Auto District)
PROPOSED ZONING:	HC-A (Highway Commercial – Auto District) with Special Use
ACREAGE:	+/- 5.72 acres
REQUEST:	Approval of Special Use to allow a Construction Contractors, Builders and Developers, with outdoor storage in the HC-A (Highway Commercial – Auto District)
OWNER/APPLICANT:	<i>Owner:</i> Lee Merritt Merritt Properties, Inc. P.O Box 686 Lawrenceville, GA 30046 <i>Applicant:</i> Gricelda Arizmendi 582 Auburn Crossing Dr. Auburn, GA 30011

PLANNING COMMISSION RECOMMENDATION SU2024-007:	APPROVAL WITH CONDITIONS
STAFF RECOMMENDATION SU2024-007:	APPROVAL WITH CONDITIONS

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of this Special Use request (SU2024-007) is to allow for a “Construction Contractors, Builders and Developers” use, with outdoor storage in the HC-A (Highway Commercial – Auto 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”.

II. EXISTING CONDITIONS

The subject property totals +/- 5.72 acres. The suite in question (Suite 101) is surrounded by like uses all zoned HC-A (Highway Commercial – Auto District).

REVIEW OF THE REQUEST

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

- A. Table 2-C of the UDC allows “Construction Contractors, Builders and Developers, with Outdoor Storage” as a Special Use in HC-A (Highway Commercial – Auto District).
- 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 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 "D".

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

The subject property is located in the Buford Highway South Corridor. FORWARDuluth envisions this Character Area to serve as the gateway that serves the automotive and home repair needs of the community. The Future Land Use Map (FLUM) envisions the uses to be commercial/retail/office.

III. PLANNING STAFF REVIEW

Staff finds that the proposed use is compatible with the surrounding auto and industrial uses already occurring throughout the Four Wheel Drive area. The proposed suite is at the eastern end of Four Wheel Drive (.15 miles from Buford Hwy). The subject property abuts an RM property; however, the RM property is well buffered with an established evergreen hedge.

IV. RECOMMENDATION

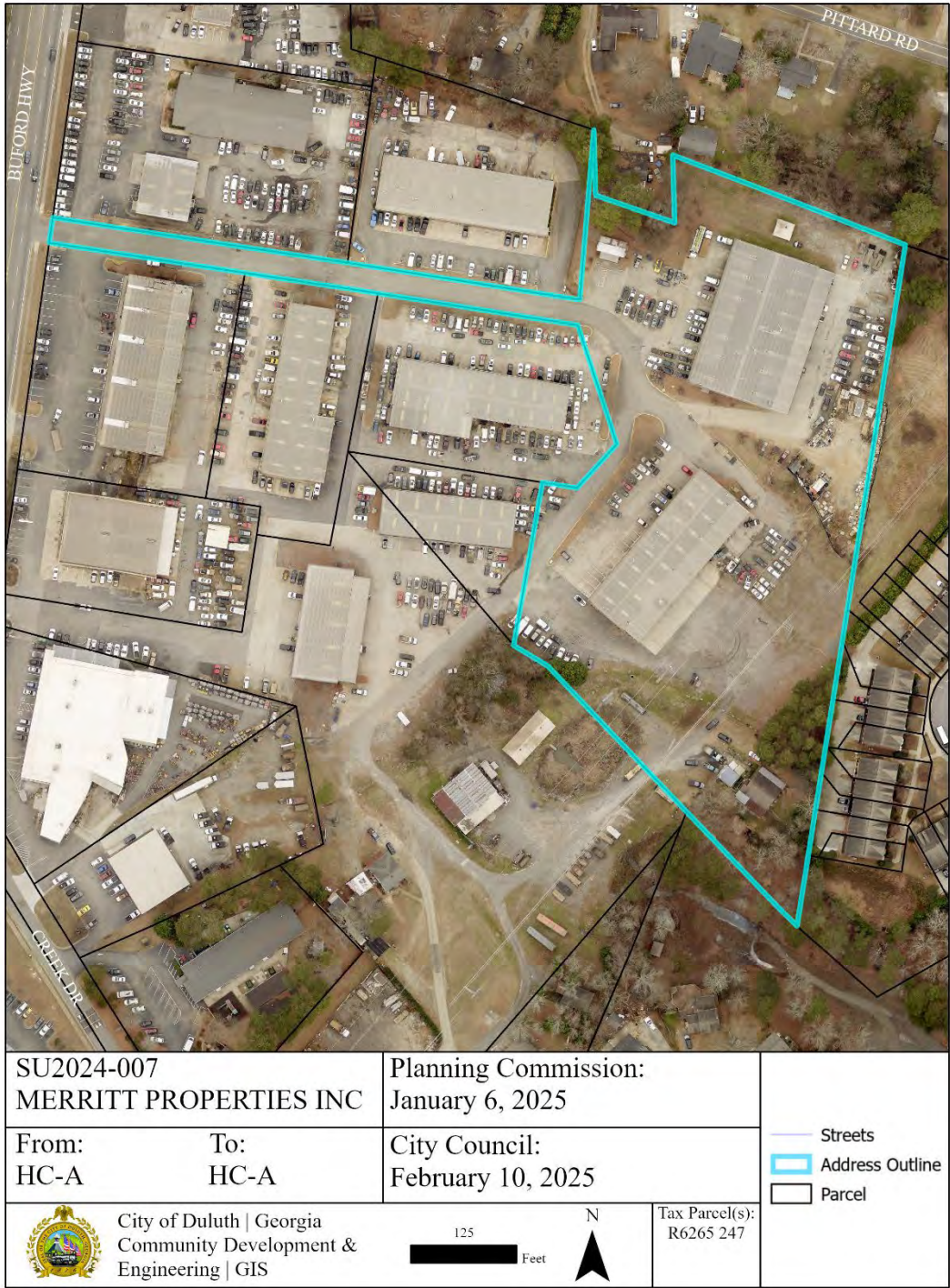
Staff recommends **Approval with Conditions** of case SU2024-007. The Conditions of Approval are attached hereto as Exhibit "C". Planning Commission recommended **Approval with Conditions** of case SU2024-007 at their January 6, 2025 meeting.

ATTACHMENTS:

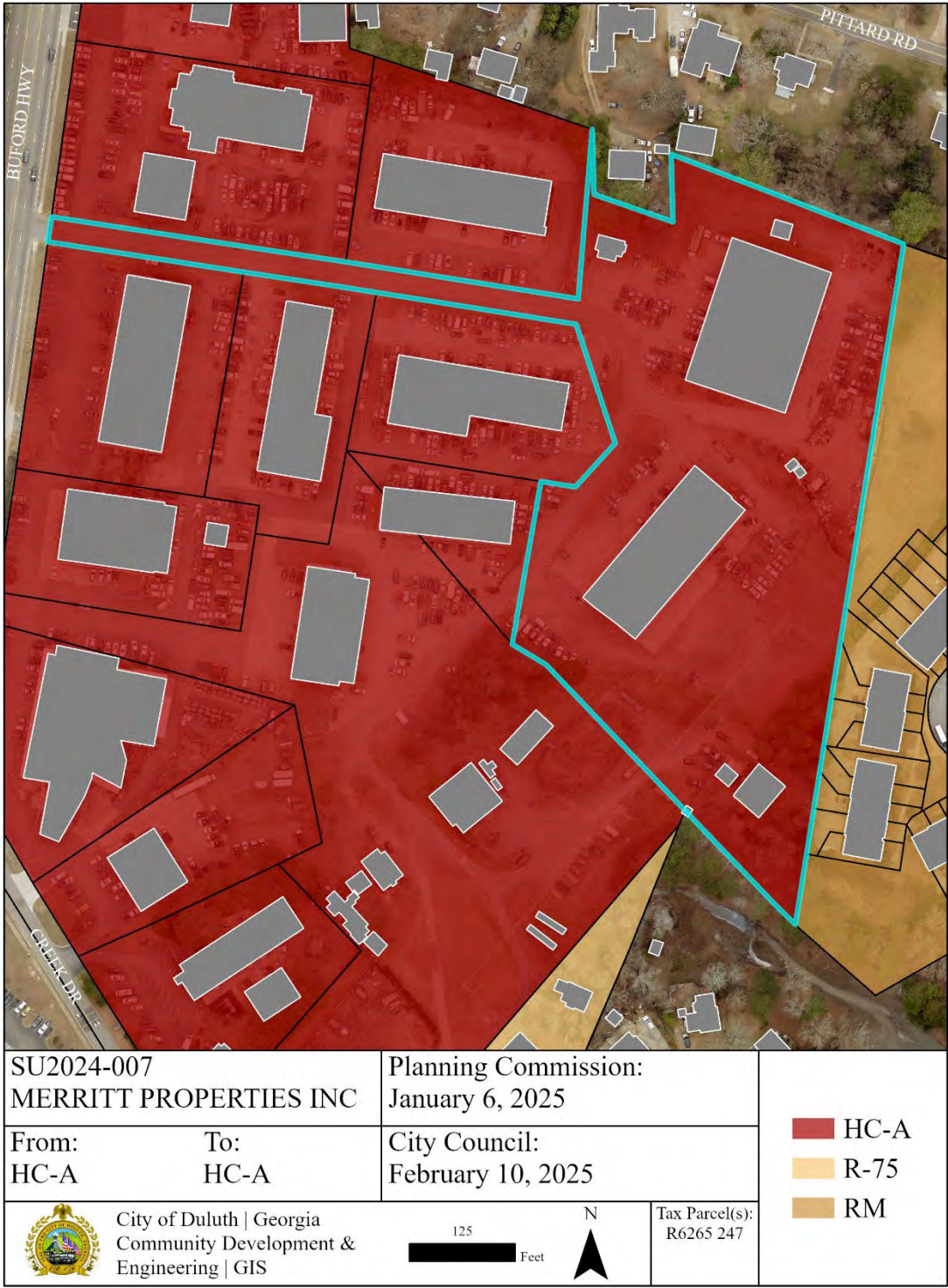
Exhibit "A": Maps
 Exhibit "B": Legal Description
 Exhibit "C": Conditions of Approval
 Exhibit "D": Applicant's Responses to the Standards Governing Special Use Consideration
 Exhibit "E": Public Hearing Advertisement/Public Notice

Exhibit "A"
Maps

Location Map



Zoning Map



Character Map

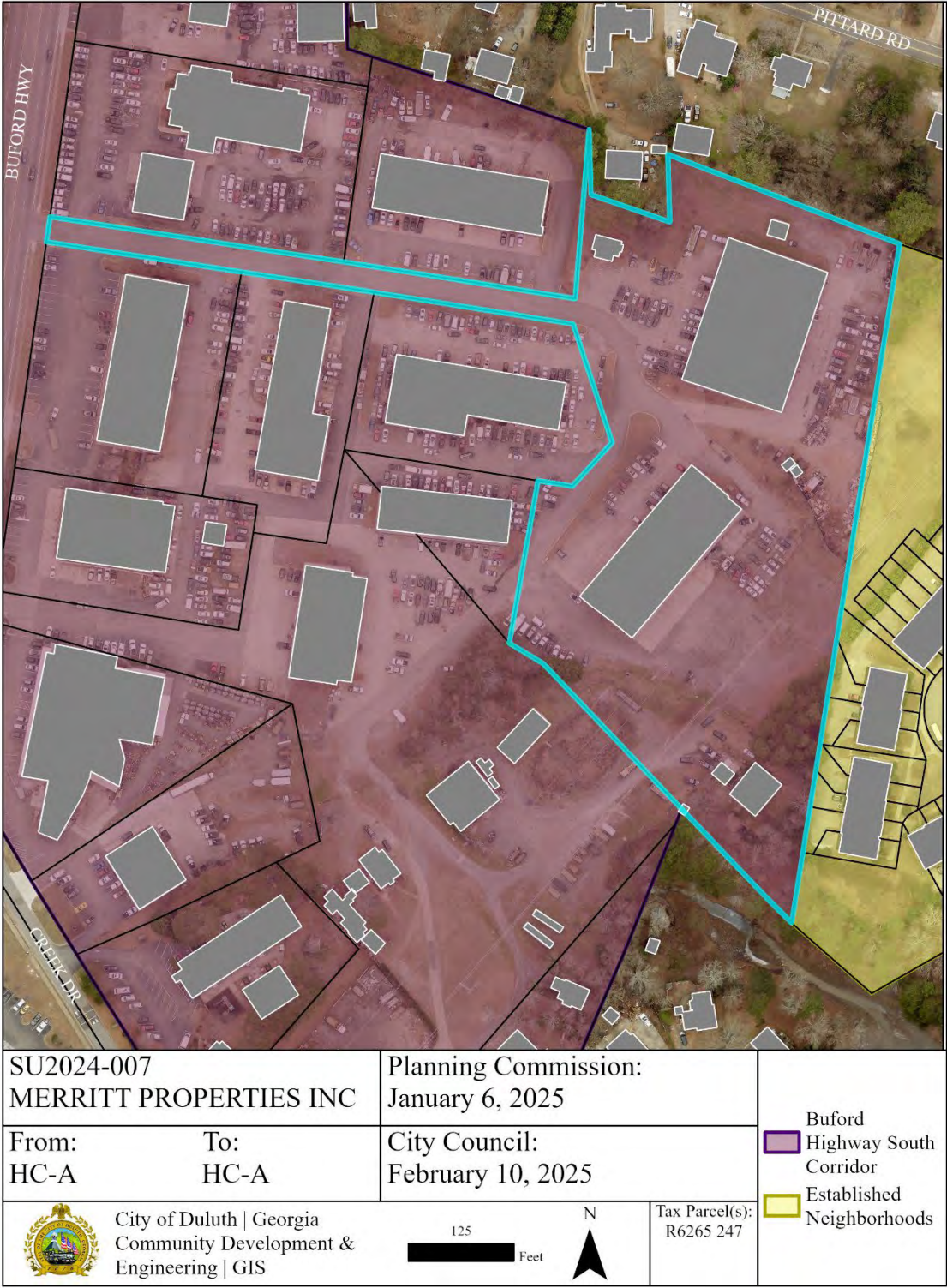


Exhibit "B"

Legal Description

EXHIBIT "A"

TRACT 1:

All that tract or parcel of land lying and being in Land Tract 165 of the 6th Land District, in the City of Duluth, being Tract No. 1 containing 1.9288 acres, as shown on said certain Survey for Mound Properties dated August 9, 2002, and revised September 24, 2002, prepared by Hanson, Benson & Eganoff, Surveyors & Engineers, Inc., 6415 N. Hudson, QUINCY 15218, and being more particularly described according to said survey as follows:

TO LOCATE THE TRUE PLACE OR POINT OF BEGINNING, begin at a point on the westerly right of way line of U.S. Hwy. No. 23 (100 foot right of way), which point is located 448.56 feet southeasterly along the original right of way of U.S. Hwy. No. 23 from its point of intersection with the right of way line of Grand Road (100 foot right of way); thence leaving said right of way line of U.S. Hwy. No. 23 run South 89 degrees 52 minutes 04 seconds East a distance of 352.60 feet to a pole; which point marks the TRUE PLACE OR POINT OF BEGINNING.

FROM THE TRUE PLACE OR POINT OF BEGINNING AS THUS ESTABLISHED run thence North 07 degrees 55 minutes 45 seconds East a distance of 246.49 feet to a point marked by an iron pin set; run thence North 70 degrees 35 minutes 59 seconds East a distance of 170.70 feet to a point marked by an iron pin set; run thence South 71 degrees 13 minutes 30 seconds East a distance of 163.96 feet to a point marked by a 1/4-inch pipe; thence run thence South 01 degrees 32 minutes 04 seconds East a distance of 80.11 feet to a point marked by a 1/4-inch pipe; thence run thence South 07 degrees 57 minutes 17 seconds West a distance of 115.21 feet to a point marked by an iron pin set; run thence North 88 degrees 12 minutes 04 seconds West a distance of 278.54 feet to a pole; which point marks the TRUE PLACE OR POINT OF BEGINNING.

TRACT 2:

All that land or parcel of land lying and being, in Land Lots 265 and 266 of the 6th Land District, in the City of Omaha, being Tract No. 2 containing 0.4327 acres and Tract No. 3 containing 36,2458 acres (for a total of 36,6785 acres), as shown on that certain Survey for Record Prepared and dated August 9, 2002, but revised September 28, 2002, prepared by Hansen, Becker & Hagwell, Surveyors & Engineers, Inc., Miles R. Hansen, G.E.L.S. # 1522, and being more particularly described according to said survey as follows:

BUTCHER RD at a point on the northeasterly right of way line of U.S. Hwy. No. 23 (100 foot right of way), which point is located 418.86 feet northwesterly along the original right of way of U.S. Hwy. No. 23 from its point of intersection with the right of way line of F (Grand River) Rd (100 foot right of way); thence bearing said right of way line of U.S. Hwy. No. 23 on South 81 degrees 12 minutes 04 seconds East a distance of 352.69 feet to a point; run thence South 81 degrees 12 minutes 04 seconds East a distance of 278.54 feet to a point marked by an iron pin; run thence North 07 degrees 57 minutes 17 seconds East a distance of 119.31 feet to a point marked by a 3/4-inch pipe found; run thence South 71 degrees 35 minutes 32 seconds West a distance of 59.87 feet to a point marked by a 3/4-inch pipe found; run thence North 01 degrees 23 minutes 17 seconds West a distance of 50.08 feet to a point marked by a 3/4-inch pipe found; run thence South 71 degrees 33 minutes 47 seconds East a distance of 299.36 feet to a point marked by a 1/2-inch pipe found; run thence South 10 degrees 00 minutes 00 seconds West a distance of 1828.59 feet to a point marked by a 3/4-inch pipe found; run thence North 41 degrees 55 minutes 23 seconds West a distance of 174.43 feet to a point marked by a 3/4-inch pipe found; run thence South 73 degrees 13 minutes 51 seconds West a distance of 14.41 feet to a point; run thence South 41 degrees 12 minutes 47 seconds West a distance of 672.51 feet to a point located on the northwesterly right of way line of Creek Drive (100 foot right of way); run thence along said right of way line of Creek Drive in a generally northwesterly direction along the arc of a curve on the distance of 172.49 feet to a point (said arc having a radius of 151.59 feet and being subtended by a chord bearing a distance of North 45 degrees 17 minutes 01 seconds West, 174.17 feet) commencing along said right of way line North 32 degrees 14 minutes 47 seconds West a distance of 19.46 feet to a point marked by a 3/4-inch pipe found; thence bearing said right of way line run North 41 degrees 31 minutes 12 seconds East a distance of 249.23 feet to a point marked by a 3/4-inch pipe found; run thence North 43 degrees 53 minutes 55 seconds West a distance of 143.78 feet to a point marked by a 3/4-inch pipe found; run thence North 64 degrees 31 minutes 16 seconds East a distance of 34.42 feet to a point marked by a 3/4-inch pipe found; run thence North 10 degrees 19 minutes 52 seconds West a distance of 67.30 feet to a point marked by a 3/4-inch pipe found; run thence North 15 degrees 39 minutes 00 seconds West a distance of 347.61 feet to a point located on the northwesterly right of way line of U.S. Hwy. No. 23 (100 foot right of way); run thence along said right of way line of U.S. Hwy. No. 23 North 07 degrees 55 minutes 36 seconds East a distance of 43.11 feet to a point marked by a nail found; thence bearing said right of way line on South 81 degrees 32 minutes 06 seconds East a distance of 791.35 feet to a point marked by a 3/4-inch pipe found; run

thence North 07 degrees 56 minutes 02 seconds East a distance of 149.97 feet to a point 3/4-inch pipe found; run thence North 11 degrees 29 minutes 49 seconds West a distance of 68.43 feet to a point; run thence North 09 degrees 44 minutes 25 seconds East a distance of 268.50 feet to a point marked by a nail found; run thence North 51 degrees 13 minutes 04 seconds West a distance of 230.48 feet to a point located on the northwesterly right of way line of U.S. Hwy. No. 23 (100 foot right of way); run thence along said right of way line North 07 degrees 55 minutes 36 seconds East a distance of 50.00 feet to a point, which point marks the TRUE EASEL POINT 121 T. 63 N. 12 E. 12 S. 12 E.

Exhibit “C”
Conditions of Approval

General

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

Once established:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit "F"

Public Notice

Public Notice Printed in Gwinnett Daily Post 1/14/2025

GDP1588
99n13
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 Griselda Arizmendi, an approximately 5.72 acres of property in Land Lot 265, 6th District, Gwinnett County, located at 3570-B suite 101 Buford Highway, consisting of tax parcels 4265-247, case number SU2024-007. The special use request is to operate a concrete contracting company office with outdoor storage in the HC-A zoning District. The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The meeting date, place and time regarding this matter are as follows:

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

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

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

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



**ORDINANCE OF REZONING
02025-09
CITY OF DULUTH**

AN ORDINANCE GRANTING SPECIAL USE APPROVAL TO OPERATE A SHORT-TERM RENTAL IN R-100 (SINGLE-FAMILY RESIDENTIAL DISTRICT) LOCATED ON A ± .46 ACRE PROPERTY IN LAND LOT 296 OF THE 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R6296 007 ADDRESSED AS 3873 HOWELL FERRY ROAD, DULUTH, GEORGIA 30096. THE PROPERTY, GENERALLY KNOWN AS “3873 HOWELL FERRY ROAD”, 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 applicants, Richard and Misti Billing have filed a complete application (SU2024-008) with the City of Duluth seeking Special Use approval to operate a Short-Term Rental in R-100 (Single-Family Residential District); and

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

WHEREAS, the City of Duluth Planning Commission held a public hearing at the meeting of January 6, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At the January 6, 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 February 10, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

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

D. The Future Land-Use and Development section and supporting Character Area Map of FORWARDuluth (also known as the Comprehensive Plan, 2045) identifies the Character Area of this property as the Chattahoochee Residential District. Special Use approval to operate a Short-Term Rental in R-100 (Single-Family Residential District) is consistent with the spirit and intent of the Comprehensive Plan.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of ±0.46 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 02025-09.

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 Holloway, Post 5

Those councilmembers voting in opposition:

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

Exhibit “A”
Maps

Location Map



Zoning Map



Character Area Map

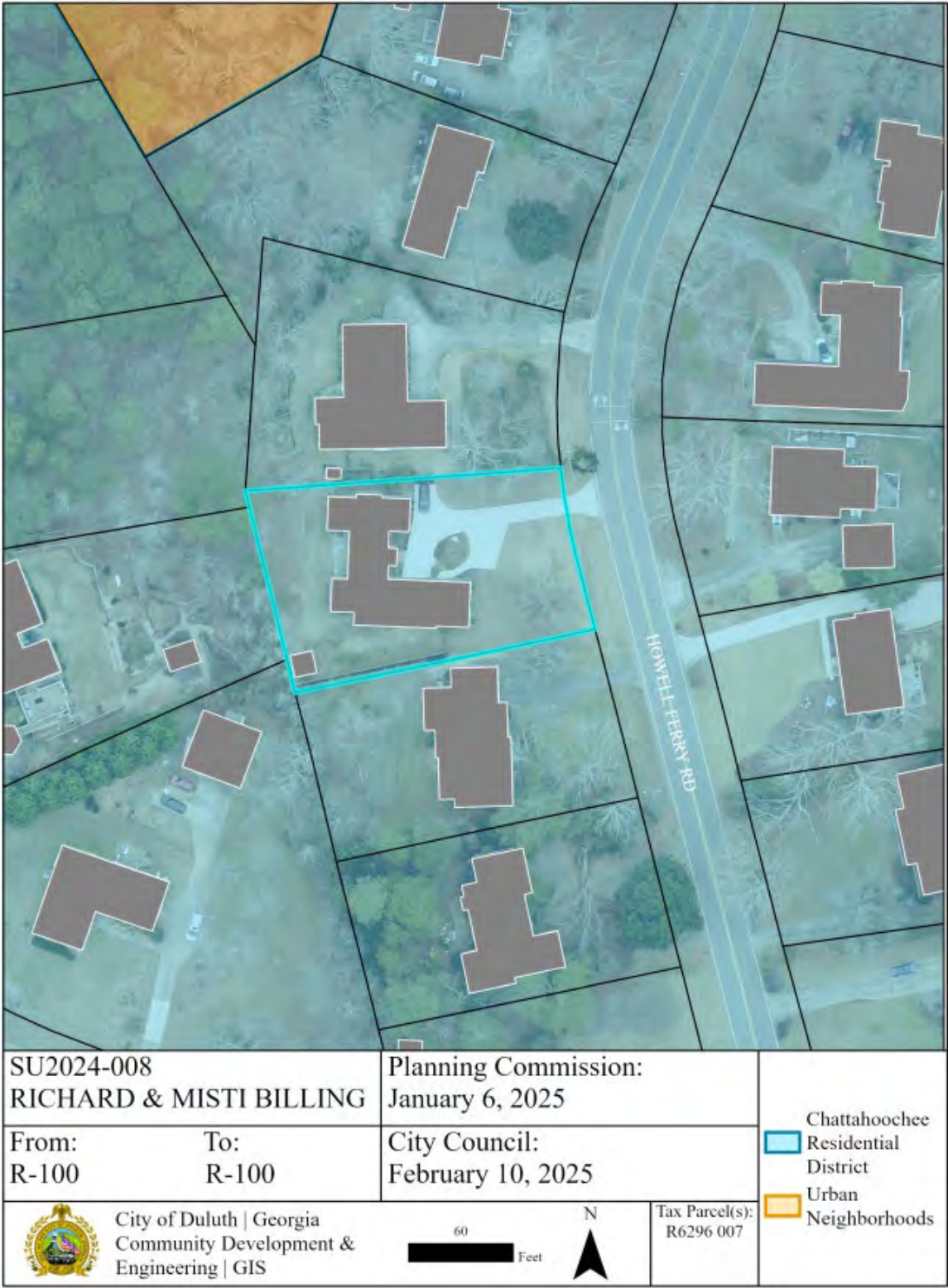


Exhibit "B"
Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 296 and and 297 of the 6th District, of Gwinnett County, Georgia, being Lot 4, Block C, Howell Wood Subdivision, Unit 1, as per plat recorded at Plat Book 7, Page 251, Gwinnett County, Georgia Records, which recorded plat is incorporated herein by this reference and made a part of this description. Said property being known as 3873 Howell Ferry Rd according to the present system of numbering property in Gwinnett County, Georgia.

Exhibit “C”

Conditions of Approval

General

1. The Special Use (SU2024-008) is hereby approved for Richard and Misti Billing, and their successors, for the operation of a Short-Term Rental. Notwithstanding, all Special Use applications shall be for firm proposals only. The Special Use shall not be used for securing early zoning for conceptual proposals that may not be undertaken for some time. Therefore, an occupational tax certificate shall be obtained within three (3) months from the date of Special Use approval. The Special Use shall be revoked if no occupational tax certificate is obtained.

Once established:

- A. If the use changes, the Special Use is hereby terminated.
 - B. If the use is discontinued or abandoned for a period of ninety (90) days, regardless of the intent of the owner or occupier to resume the use, the Special Use is hereby terminated.
 - C. If the use is extended in any way, either on the same or adjoining property, the Special Use is terminated.
2. The approval of the special use allows Richard and Misti Billing, and their successors, to operate a Short-Term Rental. The approval does not, however, permit the deviation from the UDC. Section 344. Short-Term Rental.
 - a. Within the single-family districts, STR shall not abut another STR.
 - b. The maximum occupancy allowed in an STR shall be no greater than two persons per bedroom.
 - c. In addition to all applicable requirements in Article 4: Parking and loading, the number of off-street parking spaces required for an STR shall be one space per bedroom for multi-family units. For single-family units, two off-street parking spaces are required plus an additional space per bedroom beyond 3 bedrooms.
 - d. In accordance with Article 3 of the City of Duluth Code of Ordinances, quiet hours shall be observed weekdays between 10:00 PM and 7:00 AM and weekends from 10:00 PM to 10:00 AM.
 - e. Permit Requirements:
 - i. Floor plan
 - ii. Gwinnett County Environmental Health Department approval for STR use of existing and proposed septic systems.
 - iii. Local contact must be kept on file and up to date with the Community Development and Engineering Department. Local contacts shall be reviewed on an annual basis to coincide with Occupational Tax Certificate renewals.
 - iv. ALL STRs shall have adequate Fire and Life Safety devices installed throughout the unit. This includes smoke detectors, carbon monoxide detectors, and functioning fire extinguishers. Proof of Fire and Life Safety devices shall be presented to Planning staff at the time of application.
 - v. Interior information signs will be clearly visible and legible within the STR and shall contain the following information:
 1. Local contact information and a telephone number where they can be reached on a 24-hour basis;
 2. The maximum number of occupants;
 3. Number and location of off-street parking;
 4. Trash pick-up and location of trash disposal;

5. Location of fire extinguishers;
 6. Local emergency law enforcement contact information;
 7. Property address; and,
 8. Quiet hours.
3. The property must maintain Homestead Exemption Status.
 4. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code; Unified Development Code; License and Business Regulations; Nuisance Codes, and any other codes adopted by the City of Duluth. Failure to maintain the property at or above the minimum standards adopted in the City of Duluth codes and ordinance shall be cause for revocation of the Special Use.
 5. 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

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.

We are using a suite in our house for a short-term rental. This house is in a residential neighborhood. We have a parking pad where renters can park and we have a maximum of 3 people for renting. The adjacent properties should be unaffected.

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

This short-term rental should not affect the adjacent properties.

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

We are using this short-term rental for special use to supplement our income. My wife had to stop working due to an injury. This short-term rental will help with replacing that income.

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 special use will have no impact or burden on the surrounding area. Guests will park on a parking pad that connects to our driveway. Guests will stay in our existing home.

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.

Yes, we believe it conforms to the Comprehensive Plan and Land Use Plan as well as other plans for Duluth.

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 no other condition.

This Special Use request is for a short-term rental. The rental is a part of our current home and would be in the in-law suite that is connected to our garage. We are renting this as a way to bring in income since my wife had to stop working because of her injury.

Exhibit "E"

Public Notice

CITY OF DULUTH NOTICE OF PUBLIC HEARING

SDP1579
and
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 Richard and Mary Bailey on approximately 0.46 acres of property in Land Lot 296, 8th District, Osprey County, located at 3673 Howell Ferry Road, consisting of tax parcel 6296-007, case number SU2024-006. The special use request is to operate a Short-Term Rental in the R-100 zoning District. The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The meeting date, place and time regarding this matter are as follows:

WHEN: February 18, 2025 - 4:00pm
WHERE: City Hall Council Chambers
2147 Main Street
Duluth, GA 30091

PERSONS INTERESTED IN THIS MATTER are invited to review the proposed special use, which is on file with the Department of Planning & Development at 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
2147 Main Street
Duluth, GA 30091
OR
Email: Planning@duluth-ga.net

For more information, contact Planning & Development, at (770) 456-1796.

In compliance with the Americans with Disabilities Act of 1990, the City of Duluth is committed

person with a disability. Please contact Teresa Lynn at (770) 456-3434 if special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

1/19/2025



CITY OF DULUTH
CITY COUNCIL
Staff Report
February 10, 2025

CASE NUMBER:	SU2024-008
LOCATION:	3873 Howell Ferry Rd
PARCEL(S):	R6296 007
CURRENT ZONING:	R-100 (Single-Family District)
PROPOSED ZONING:	R-100 (Single-Family District) with Special Use
ACREAGE:	+/- 0.46 acres
REQUEST:	Approval of Special Use to allow a Short-Term Rental as a Special Use in R-100 (Single-Family Residential District).
OWNER/APPLICANT:	<i>Owner:</i> Richard and Misti Billing 3873 Howell Ferry Rd Duluth, GA 30096 <i>Applicant:</i> Richard and Misti Billing 3873 Howell Ferry Rd. Duluth, GA 30096

PLANNING COMMISSION RECOMMENDATION SU2024-008:	APPROVAL WITH CONDITIONS
STAFF RECOMMENDATION SU2024-008:	APPROVAL WITH CONDITIONS

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of this Special Use request (SU2024-008) is to allow a Short-Term rental as a Special Use in R-100 (Single-Family Residential 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”.

II. EXISTING CONDITIONS

The subject property totals +/- 0.46 acres. The applicant is proposing to rent out one of the rooms of the single-family detached house for a short-term rental. The subject property is fully surrounded by R-100 (Single-Family Residential District) zoning.

III. REVIEW OF THE REQUEST

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

- A. Table 2-C of the UDC allows “other transient lodging”, which includes short-term rentals in R-100 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 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 “D”.

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

The subject property is located in the Chattahoochee Residential District. FORWARDuluth envisions this Character Area to serve as the City’s premier residential district for large lot, executive style homes. The Future Land Use Map (FLUM) envisions the uses to be low density residential.

IV. **PLANNING STAFF REVIEW**

In Section 4 of the Special Use application, the applicants lay out their reasonings as to why they should be allowed to operate a short-term rental out of their home (see Exhibit “D”: Applicant’s Responses to the Standards Governing Special Use Consideration). They state that they “are using a suite in [their] house for a short-term rental” and “the rental is part of [their] current home and would be in the in-law suite that is connected to [their] garage.” One of the key indicators that staff looks for when evaluating the appropriateness of a short-term rental is whether the short-term rental would cause a nuisance to the surrounding neighbors. When a home is owner-occupied, rules laid out by the homeowner are more likely to be followed. Noise, traffic frequency, on-street parking, etc. do not tend to be issues with owner-occupied short-term rentals.

The “in-law” suite is connected to the main house through the garage and is therefore part of the principal structure.

Code enforcement staff has been directed to seek out illegal short-term rentals. On October 30, 2024 a Code Enforcement officer discovered a listing on Airbnb.com for a portion of the residence. On October 30, 2024 a notice of violation was sent to Richard and Misti Billing via USPS certified and regular mail (as is protocol with notice of violations). In the NOV, it was made apparent to the applicants that they could seek special use approval for their short-term rental. The applicants filed their application on November 10, 2024.

Staff has determined that because the applicant lives in the home full-time, greater consideration should be given to the application.

V. **RECOMMENDATION**

Staff recommends **Approval with Conditions** of case SU2024-008. The Conditions of Approval are attached hereto as Exhibit “C”. Planning Commission recommends **Approval with Conditions** as voted at their January 6, 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": Compliance with Short-Term Rental Requirements

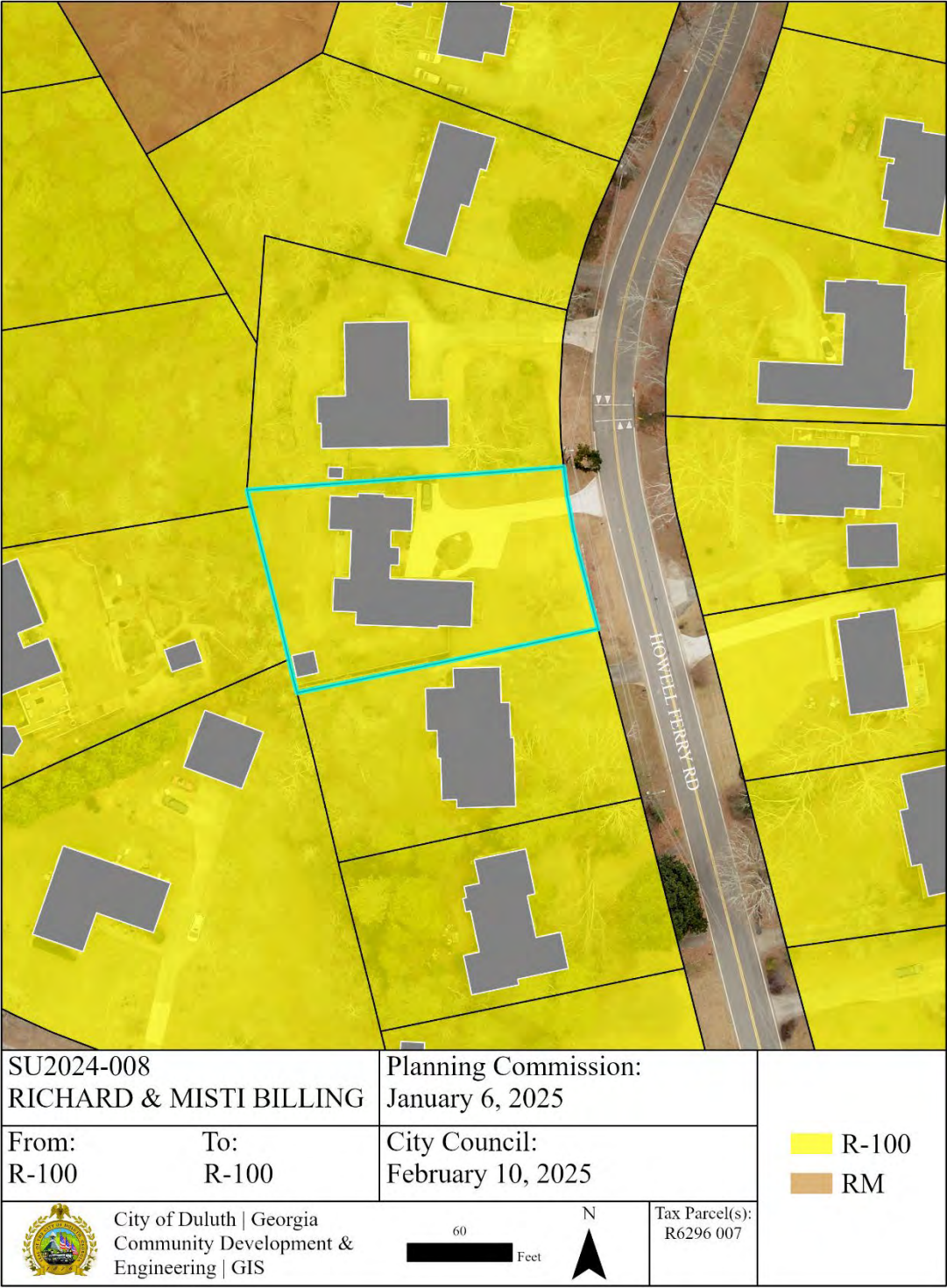
Exhibit "F": Public Hearing Advertisement/Public Notice

Exhibit “A”
Maps

Location Map



Zoning Map



Character Map

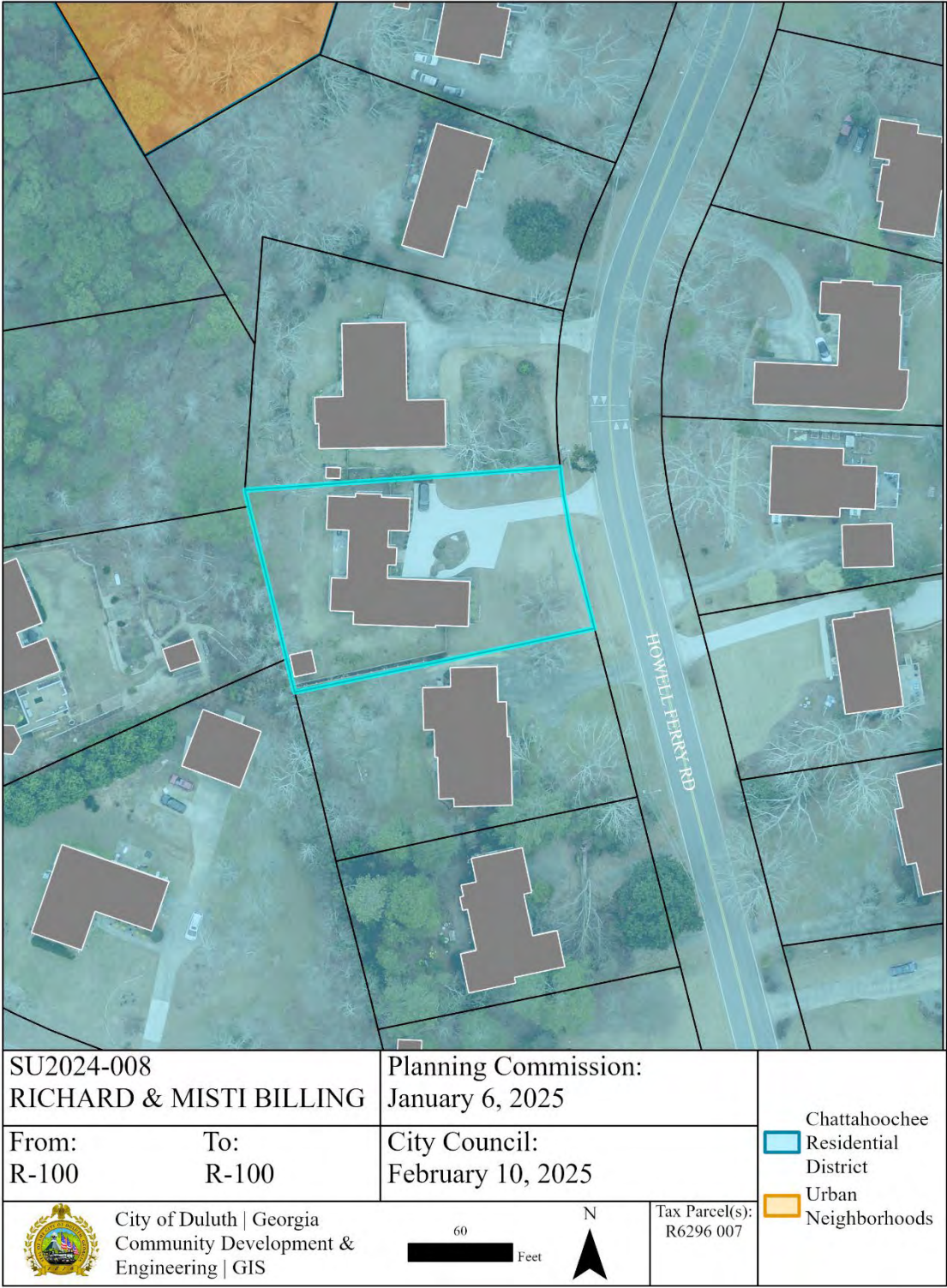


Exhibit "B"
Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 296 and and 297 of the 6th District, of Gwinnett County, Georgia, being Lot 4, Block C, Howell Wood Subdivision, Unit 1, as per plat recorded at Plat Book 7, Page 251, Gwinnett County, Georgia Records, which recorded plat is incorporated herein by this reference and made a part of this description. Said property being known as 3873 Howell Ferry Rd according to the present system of numbering property in Gwinnett County, Georgia.

Exhibit "C"

Conditions of Approval

General

1. The Special Use (SU2024-008) is hereby approved for Richard and Misti Billing, and their successors, for the operation of a Short-Term Rental. Notwithstanding, all Special Use applications shall be for firm proposals only. The Special Use shall not be used for securing early zoning for conceptual proposals that may not be undertaken for some time. Therefore, an occupational tax certificate shall be obtained within three (3) months from the date of Special Use approval. The Special Use shall be revoked if no occupational tax certificate is obtained.

Once established:

- A. If the use changes, the Special Use is hereby terminated.
 - B. If the use is discontinued or abandoned for a period of ninety (90) days, regardless of the intent of the owner or occupier to resume the use, the Special Use is hereby terminated.
 - C. If the use is extended in any way, either on the same or adjoining property, the Special Use is terminated.
2. The approval of the special use allows Richard and Misti Billing, and their successors, to operate a Short-Term Rental. The approval does not, however, permit the deviation from the UDC. Section 344. Short Term Rental.
 - a. Within the single-family districts, STR shall not abut another STR.
 - b. The maximum occupancy allowed in an STR shall be no greater than two persons per bedroom.
 - c. In addition to all applicable requirements in Article 4: Parking and loading, the number of off-street parking spaces required for an STR shall be one space per bedroom for multi-family units. For single-family dwelling units, two off-street parking spaces are required plus an additional space per bedroom beyond 3 bedrooms.
 - d. In accordance with Article 3 of the City of Duluth Code of Ordinances, quiet hours shall be observed weekdays between 10:00 PM and 7:00 AM and weekends from 10:00 PM to 10:00 AM.
 - e. Permit Requirements:
 - i. Floor plan
 - ii. Gwinnett County Environmental Health Department approval for STR use of existing and proposed septic systems.
 - iii. Local Contact must be kept on file and up to date with the Department of Planning and Development. The local contact information shall be distributed to the adjacent property owners with proof of mailing submitted to the Department of Planning and Development. Local contacts shall be reviewed on an annual basis to coincide with Occupational Tax Certificate renewals.
 - iv. All STRs shall have adequate Fire and Life Safety devices installed throughout the unit. This includes smoke detectors, carbon monoxide detectors, and functioning fire extinguisher. Proof of Fire and Life Safety devices shall be presented to Planning staff at the time of application.
 - v. Interior information signs will be clearly visible and legible within the STR and shall contain the following information:
 1. Local contact information and telephone number where they can be reached on a 24-hour basis;
 2. The maximum number of occupants;
 3. Number and location of off-street parking;
 4. Trash pick-up day and location of trash disposal;

5. Location of fire extinguishers;
 6. Local emergency law enforcement contact information;
 7. Property address; and,
 8. Quiet hours.
3. The property must maintain Homestead Exemption Status.
 4. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code; Unified Development Code; License and Business Regulations; Nuisance Codes, and any other codes adopted by the City of Duluth. Failure to maintain the property at or above the minimum standards adopted in the City of Duluth codes and ordinance shall be cause for revocation of the Special Use.
 5. 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

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.

We are using a suite in our house for a short-term rental. This house is in a residential neighborhood. We have a parking pad where renters can park and we have a maximum of 3 people for renting. The adjacent properties should be unaffected.

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

This short-term rental should not affect the adjacent properties.

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

We are using this short-term rental for special use to supplement our income. My wife had to stop working due to an injury. This short-term rental will help with replacing that income.

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 special use will have no impact or burden on the surrounding area. Guests will park on a parking pad that connects to our driveway. Guests will stay in our existing home.

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.

Yes, we believe it conforms to the Comprehensive Plan and Land Use Plan as well as other plans for Duluth.

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 no other condition.

This Special Use request is for a short-term rental. The rental is a part of our current home and would be in the in-law suite that is connected to our garage. We are renting this as a way to bring in income since my wife had to stop working because of her injury.

Exhibit "E"
Compliance with Short-Term Rental Requirements

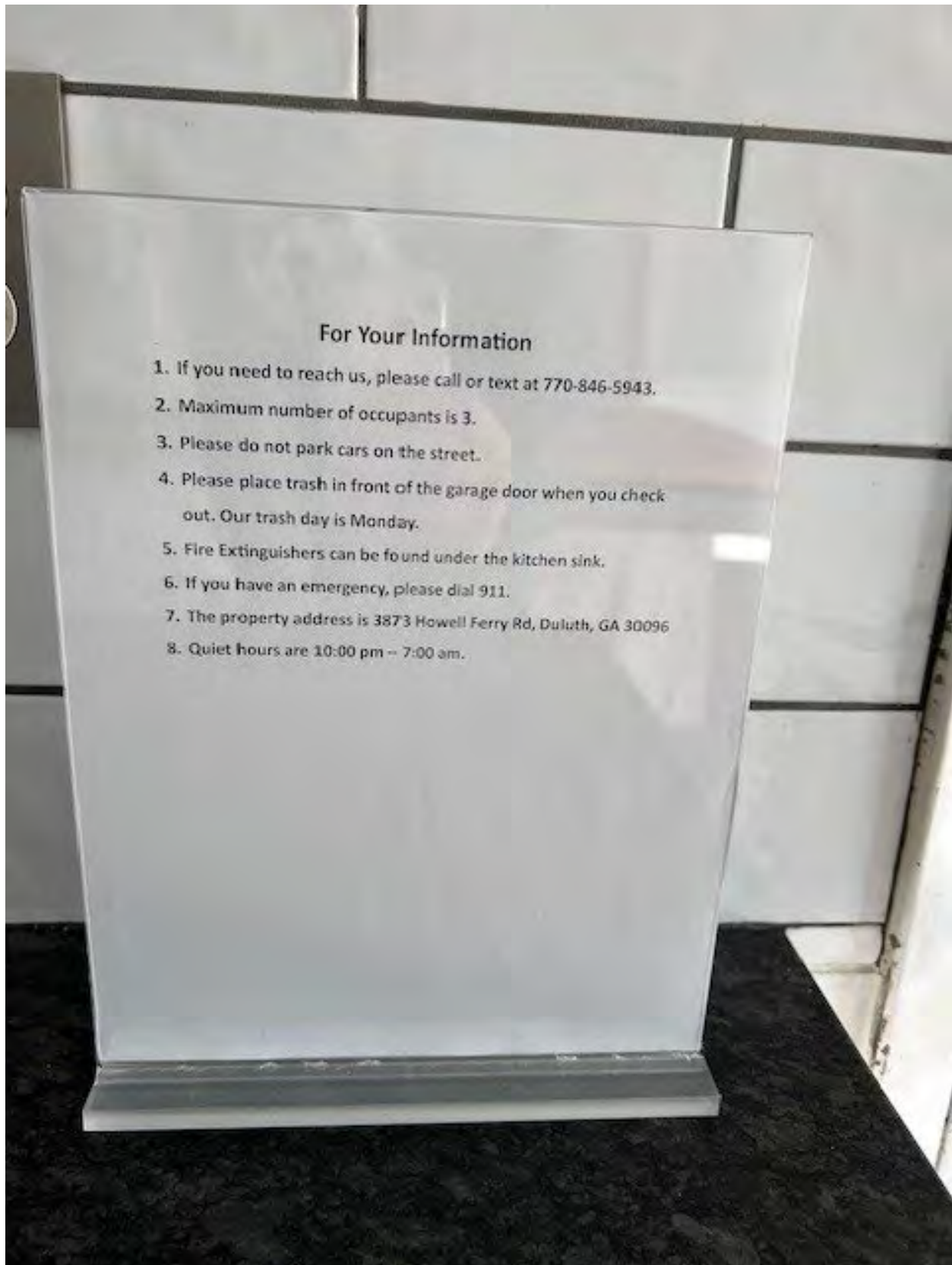








Exhibit "F"

Public Notice

Public Notice Printed in Gwinnett Daily Post 1/14/2025

GDP1379
Jan13
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 Richard and Kathy Shilling, an approximately 0.46 acres of property in Land Lot 296, 6th District, Gwinnett County, located at 3072 Howell Ferry Road, consisting of tax parcel 0256-057, case number 3-0000-001. The special use request is to operate a Short-Term Rental in the 6th zoning District. The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The hearing date, place and time regarding this matter are as follows:

WHEN: February 19, 2025 - 3:00pm
WHERE: City Hall Council Chambers
2167 Main Street
Duluth, GA 30094

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
2167 Main Street
Duluth, GA 30094
OR
Email: Planning@cityofduluth-ge.net
For more information, contact Planning & Development, at (770) 476-1799.

In compliance with the Americans with Disabilities Act of 1990, the City of Duluth is committed

person with a disability. Please contact Teresa Lynn at (770) 476-3434 if special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.
1/19/2025



ORDINANCE 02025-10
CITY OF DULUTH
UNIFIED DEVELOPMENT CODE
AMENDING ARTICLE 2 “USE OF LAND AND STRUCTURES”

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 Community Agenda; 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 Director of Community Development and Engineering to initiate amendments to the text of the City of Duluth Unified Development Code; and

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

WHEREAS, on February 3, 2025, the City of Duluth Planning Commission held a public hearing duly noticed and voted to recommend approval of the text amendment (TA2025-01) as set forth in the minutes of said meeting; and

WHEREAS, the Duluth City Council held a public meeting on February 10, 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, the City Council of the City of Duluth hereby ordains that the City of Duluth Unified Development Code is hereby amended by amending: Article 2 as attached hereto in Exhibit “A”.

ATTACHMENTS:

Exhibit “A”: Proposed Text Amendments to the 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 Holloway, Post 5

Those councilmembers voting in opposition:

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

Exhibit "A"

II. Description of the Request

NAICS 2022	PRINCIPAL USES	R-TH	RA-200	R-100	R-75	RM	MH	HRD	CBD	C-1	C-2	HC-Retail	HC-Auto	O-I	O-N	M-1	M-2	RD	See Also Article 3	For Parking, See Table 4-B
	<i>Transient Lodging:</i>																			
7211	Hotels, not Extended Stay								A		A	A	A	S		S	S		Sec. 327	a.8.
7211	Hotels, Extended Stay										S	A	A	S		S	S		Sec. 327	a.8.
721191	Bed-and-Breakfast Inns								S											a.7.
721119	Other Transient Lodging			S	S	S		S	S											
721214	Fishing Camps		A																	--

NAICS 2022	PRINCIPAL USES	R-TH	RA-200	R-100	R-75	RM	MH	HRD	CBD	C-1	C-2	HC-Retail	HC-Auto	O-I	O-N	M-1	M-2	RD	See Also Article 3	For Parking, See Table 4-B
6242	Community Food and Housing, and Emergency and Other Relief Services													A		S	S			b.1.

Replace with:

NAICS 2022	PRINCIPAL USES	R-TH	RA-200	R-100	R-75	RM	MH	HRD	CBD	C-1	C-2	HC-Retail	HC-Auto	O-I	O-N	M-1	M-2	RD	See Also Article 3	For Parking, See Table 4-B
	<i>Transient Lodging:</i>																			
7211	Hotels, not Extended Stay								A		A	A	A	S		S	S		Sec. 327	a.8.
7211	Hotels, Extended Stay										S	A	A	S		S	S		Sec. 327	a.8.
721191	Bed-and-Breakfast Inns								S											a.7.
721119	Other Transient Lodging			S	S	S		S	S											
721214	Fishing Camps		A																	--

NAICS 2022	PRINCIPAL USES	R-TH	RA-200	R-100	R-75	RM	MH	HRD	CBD	C-1	C-2	HC-Retail	HC-Auto	O-I	O-N	M-1	M-2	RD	See Also Article 3	For Parking, See Table 4-B
6242	Community Food and Housing, and Emergency and Other Relief Services													S		S	S			b.1.

Exhibit "B"

Public Notice Posted in the Gwinnett Daily Post 1/14/2025

GDP1587
99013
**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 UDC (Unified Development Code) within Article 2: Use of Land and Structures and any other pertinent code sections. The public is invited to attend this hearing before Mayor and Council. The meeting date, place and time regarding this matter are as follows:

WHEN: February 18,
2025 - 6:30pm
WHERE: City Hall Council
Chambers
3167 Main Street
Duluth, GA 30096

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

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

In compliance with the Americans with Disabilities Act of 1990, the City of Duluth is committed to providing reasonable accommodations for a person with a disability. Please contact Teresa Lynn at (770) 476-3434 if special program 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.
1/19,2025

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

CASE NUMBER:	TA2025-01
REQUEST:	Text Amendment to <i>Article 2. Use of Land and Structures Table 2-C: Principal Uses Allowed by Zoning District</i>
APPLICANT:	City of Duluth

Staff Recommendation Planning Commission Recommendation	Approval Approval
--	------------------------------

I. Background:

In June of 2024 Planning Commission recommended approval and Mayor and Council approved changes to Table 2-C under “Other Transient Lodging”, which refers to short-term rental of a unit not to exceed 30 days. During that change, staff overlooked R-TH (Residential Townhouse District). Staff is recommending there be a request for a special use for “Other Transient Lodging” in R-TH (Residential Townhouse District).

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

II. Description of the Request:

1. *Attached is a redlined copy of the proposed Unified Development Code Amendments.*

III. Exhibits

Exhibit “A”: Public Notice

II. Description of the Request

NAICS 2022	PRINCIPAL USES	R-TH	RA-200	R-100	R-75	RM	MH	HRD	CBD	C-1	C-2	HC- Retail	HC- Auto	O-I	O-N	M-1	M-2	RD	See Also Article 3	For Parking, See Table 4-B:
	<i>Transient Lodging:</i>																			
7211	Hotels, not Extended Stay								A		A	A	A	S		S	S		Sec. 327	a.8.
7211	Hotels, Extended Stay										S	A	A	S		S	S		Sec. 327	a.8.
721191	Bed-and-Breakfast Inns								S											a.7.
72119	Other Transient Lodging			S	S	S		S	S											
721214	Fishing Camps		A																	--

NAICS 2022	PRINCIPAL USES	R-TH	RA-200	R-100	R-75	RM	MH	HRD	CBD	C-1	C-2	HC- Retail	HC- Auto	O-I	O-N	M-1	M-2	RD	See Also Article 3	For Parking, See Table 4-B:
6242	Community Food and Housing, and Emergency and Other Relief Services													A		S	S			b.1.

Replace with:

NAICS 2022	PRINCIPAL USES	R-TH	RA-200	R-100	R-75	RM	MH	HRD	CBD	C-1	C-2	HC- Retail	HC- Auto	O-I	O-N	M-1	M-2	RD	See Also Article 3	For Parking, See Table 4-B:
	<i>Transient Lodging:</i>																			
7211	Hotels, not Extended Stay								A		A	A	A	S		S	S		Sec. 327	a.8.
7211	Hotels, Extended Stay										S	A	A	S		S	S		Sec. 327	a.8.
721191	Bed-and-Breakfast Inns								S											a.7.
72119	Other Transient Lodging	S		S	S	S		S	S											
721214	Fishing Camps		A																	--

NAICS 2022	PRINCIPAL USES	R-TH	RA-200	R-100	R-75	RM	MH	HRD	CBD	C-1	C-2	HC- Retail	HC- Auto	O-I	O-N	M-1	M-2	RD	See Also Article 3	For Parking, See Table 4-B:
6242	Community Food and Housing, and Emergency and Other Relief Services													S		S	S			b.1.

Exhibit "A"

Public Notice Posted in the Gwinnett Daily Post 1/14/2025

GDP1587
9913**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 UDC (Unified Development Code) within Article 2: Use of Land and Structures and any other pertinent code sections. The public is invited to attend this hearing before Mayor and Council. The meeting date, place and time regarding this matter are as follows:

WHEN: February 18,
2025 - 6:30pm
WHERE: City Hall Council
Chambers
3167 Main Street
Duluth, GA 30096

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

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1/19,2025

ORDINANCE NO. 02025-011

AN ORDINANCE FOR THE REZONING OF ± 1.47 ACRES OF PROPERTY IN LAND LOT 293, 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R6293 118 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, ANM Homes, LLC, has filed a complete application (Z2024-004) with the City of Duluth seeking a rezoning. Said rezoning plan includes, but is not limited to, the rezoning of ± 1.47 acres of property from split zoned RM (Residential Multi-Family District) and C-1 (Neighborhood Business District) to RM (Residential Multi-Family District).

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

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

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

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

SECTION 1. FINDINGS.

Pursuant to Article 11 of the Duluth Unified Development Code, the City Council finds that it is appropriate to rezone the property from O-I (Office-Institutional District) to PUD (Planned Unit Development District), for the following reasons:

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

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

Ordinance No. O2025-011

accessible to Downtown. The Future Land Use Map (FLUM) envisions this parcel as high density residential.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of ± 1.47 acres and is legally described on Exhibit "B", attached hereto. Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. CONDITIONS OF APPROVAL

Conditions of approval attached hereto as Exhibit "C". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

All conflicting ordinances and conditions are hereby repealed and replaced with the conditions of approval set forth in this Ordinance, No. O2025-011.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Conditions of Approval

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

Exhibit "E": Public Hearing Advertisement/Public Notice

{Signatures on the Following Page}

IT IS SO ORDAINED this _____ day of _____ 2025.

Those councilmembers voting in favor:

Mayor Greg Whitlock

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

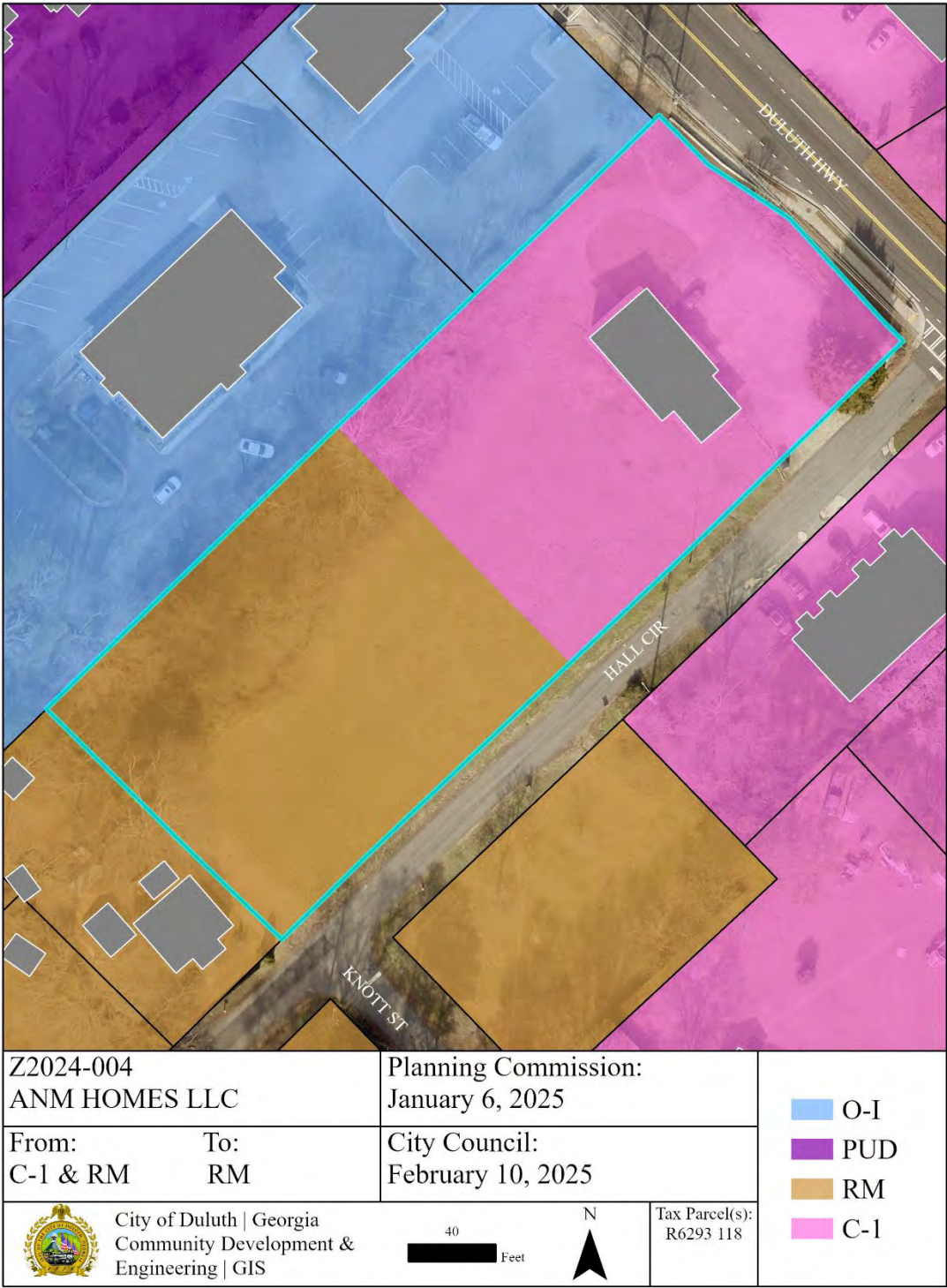
ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

Exhibit "A"
Maps
Location Map



Z2024-004 ANM HOMES LLC		Planning Commission: January 6, 2025		Streets Address Outline Parcel
From: C-1 & RM	To: RM	City Council: February 10, 2025		
 City of Duluth Georgia Community Development & Engineering GIS		40 Feet N  Tax Parcel(s): R6293 118		

Zoning Map



Character Map

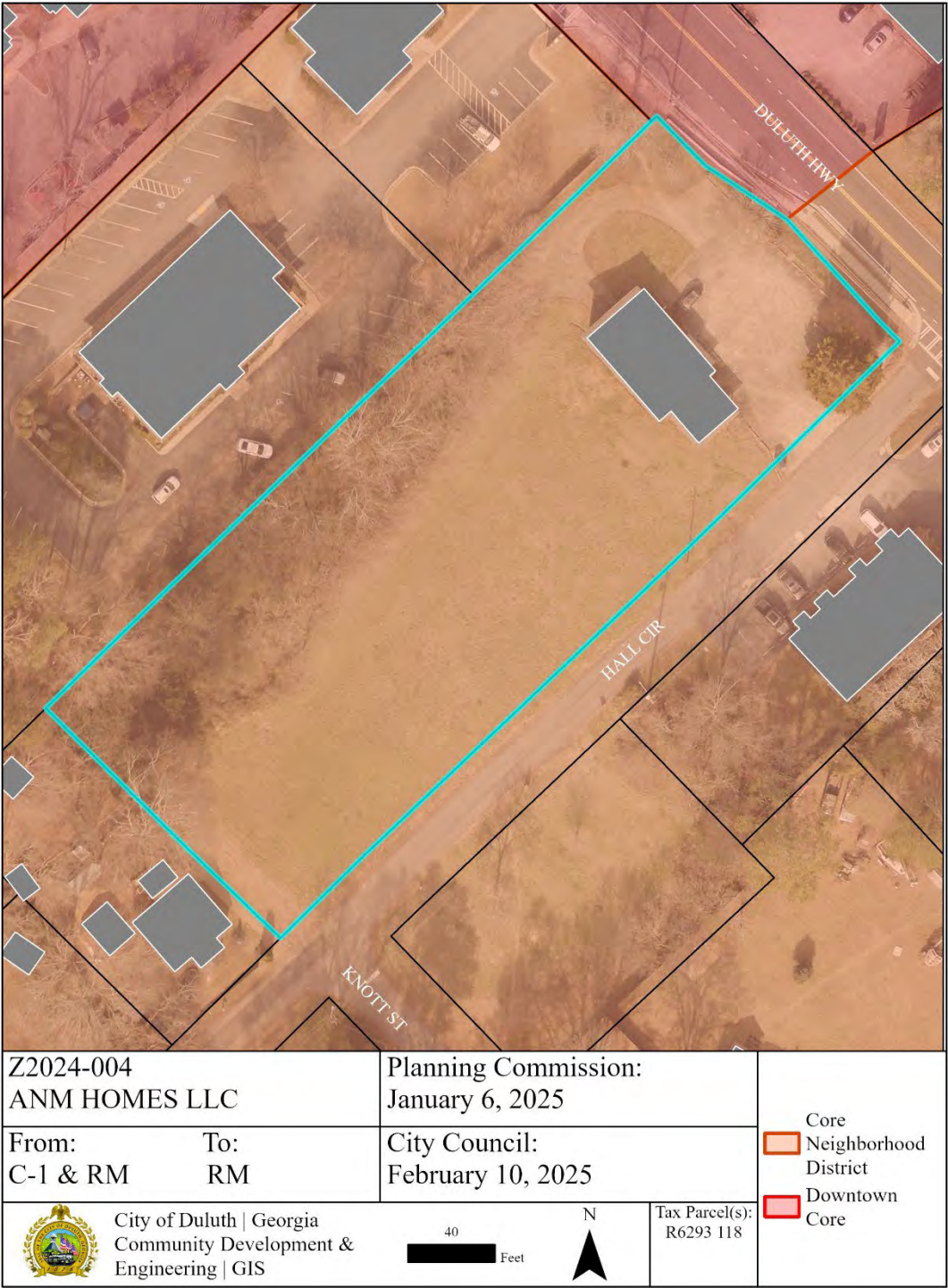


Exhibit "B"
Legal Description

Record and Return to:
Lueder, Larkin & Hunter, LLC
5900 Windward Parkway, Suite 390
Alpharetta, GA 30005
File No.: GA-AL-24-0386-PUR

TRUSTEE'S DEED

STATE OF GEORGIA
COUNTY OF GWINNETT
APN/Parcel ID: R6293 118

THIS INDENTURE, made this 5th day of September, 2024, between

THE IAN P. ALBRITTON LIVING TRUST DATED JANUARY 10, 2023

as party or parties of the first part, hereinafter called Grantor, and

ANM HOMES, LLC

as party or parties 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 AND 00/100 (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof 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:

All that tract or parcel of land lying and being in Land Lot 293 of the 6th District of Gwinnett County, Georgia and being more particularly described as follows: Beginning at an iron pin set at the intersection of the southwesterly right-of-way line of Georgia Highway 120 (a 50 foot right-of-way) with the northwesterly right-of-way line of Hall Street (a 25 foot right-of-way) and from said point of beginning running thence south 46 degrees 04 minutes 10 seconds west a distance of 404.99 feet to an iron pin found; thence running north 43 degrees 44 minutes 00 seconds west a distance of 160.25 feet to an iron pin set; thence running north 48 degrees 22 minutes 19 seconds east a distance of 406.79 feet to an iron pin set on the southwesterly right-of-way line of Georgia Highway 120; thence running south 43 degrees 06 minutes 28 seconds east a distance of 158.06 feet along and following said right-of-way line to the point of Beginning. Said property being further shown on that plat of survey for Ian P. Albritton, Gloria H. Albritton and Bank South, N.A., prepared by Solar Land Surveying Company, certified to by Gerald Thomas Batchelor, Georgia Registered Land Surveyor 2236, dated December 19, 1988 and recorded of even date herewith. Less and Except All that tract or parcel of land conveyed in Right of Way Deed located in Deed Book 55369, Page 1, dated 07/31/2017, filed 09/01/2017, aforesaid Clerk's Office.

Exhibit "C"
Conditions of Approval

General

1. The subject property shall be developed in substantial accordance with the exhibits listed in this report, except as modified by the conditions contained herein and on file in the office of Community Development and Engineering.
2. All conditions shall be shown on the final plat.
3. The residential development shall be subject to the protective covenants of the to-be-established homeowner association as approved by the Community Development and Engineering Department and recorded in the Gwinnett County Clerk of Court. The protective covenants shall include a restriction of no more than 10% of the units to be leased.
4. An enhanced landscape plan shall be submitted and reviewed by the Community Development and Engineering Department. Enhanced planting along Hall Circle and Duluth Highway shall be installed. Maintenance of the enhanced buffer shall be performed in perpetuity regardless of change of ownership.
5. All requirements imposed under this Ordinance shall meet or exceed the minimum standards of the Unified Development Code, unless modified by the conditions contained herein, regardless of any change in ownership.
6. Driveways must conform to the Driveway Design Standards listed in the UDC. 909.07.b.1.b
7. All retaining walls, as needed, shall be constructed of interlocking masonry block, brick or other decorative material as approved by the Community Development and Engineering Department. Gabion baskets and similar ecofriendly walls may be approved at the Director's discretion. Timber and other wooden walls are prohibited. All walls shall meet all City design standards and must be included in the site development plans. All walls over 3' in height require separate review and permitting.
8. The Developer shall provide underground utilities throughout the entire development. Utility meters, power transformers, air conditioner units, etc. shall be located in the rear of buildings and not visible from the right-of-way. Placement of utilities shall be designed to maximize the quality and quantity of landscaping visible from the street and in no case should utility placement be designed to limit opportunities for improved streetscape.
9. Roof equipment shall be screened from the public right-of-way and adjacent property. The method of screening shall be integrated with the structure in terms of its architectural form, materials, color, shape and size. Ground mounted mechanical, HVAC and similar equipment shall be screened on all sides by dense landscaping or walls constructed of the principal material of the building and located so as not to be visible from the public right-of-way and adjacent properties. Additional screening requirements, as identified in Section 306 of the

Unified Development Code, shall be implemented to ensure adequate screening of equipment.

10. An outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a development permit. Lighting plans shall include location type, and operation of all exterior lighting on the site. Site lighting shall be maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring properties.
11. The property shall be cleared of all trash and collections of illegal dumping throughout the site prior to the issuance of a Certificate of Occupancy.
12. A master signage plan shall be submitted to and approved by the Community Development and Engineering Department prior to the issuance of any building permits.
13. 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.

Variances

The applicant is seeking a variance from the Unified Development Code (UDC) for four (4) out of the seventeen (17) townhomes to be front-loaded instead of the required rear-loaded townhome configuration. This parcel is within the DOD (Downtown Overlay District) it follows the standards set out in 205.15 CBD Central Business District. Under this section the UDC states that townhouses shall be designed to be rear entry

Exhibit "E"
Public Notice

GDP1581
sent3
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING

NOTICE IS HEREBY
GIVEN that a public
hearing will be held be-
fore Mayor and Council
to consider a rezoning re-
quest from ANH Homes
LLC, on approximately
1.47 acres of property in
Land Lot 293, 6th Dis-
trict, Gwinnett County,
located at 3437 Duluth
Highway, consisting of
tax parcels 6293-118, case
number Z2024-004. The
request is to rezone the
above property currently
zoned C-1 to RM district
to allow for the develop-
ment of Townhomes. The
public is invited to attend
this hearing before the
Mayor and Council on
the proposed rezoning.
The meeting date, place
and time regarding this
matter are as follows:
WHEN: February 10th,
2025 - 6:00pm
WHERE: City Hall Coun-
cil Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTEREST-
ED IN THIS MATTER
are invited to review the
proposed rezoning, which
is on file with the De-
partment of Planning &
Development of the City
of Duluth and to attend
the public hearing at the
date, time and place pro-
vided in this notice, to
express their opinion on
this matter. Written
comments may also be
received in lieu of testi-
mony during the public
hearing. Written com-
ments may be sent to the
following address:

City of Duluth
ATTN: Planning Depart-
ment
3167 Main Street
Duluth, GA 30096
OR
Email: [Planning@duluth-
ga.net](mailto:Planning@duluth-ga.net)
For more information,
contact Planning & De-
velopment, at (770)
476-1790.

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



CITY OF DULUTH
City Council
Staff Report
February 10, 2025

CASE NUMBER:	Z2024-004
LOCATION:	3407 Duluth Highway 120
PARCEL(S):	R6293 118
CURRENT ZONING:	C-1 (Neighborhood Business District) and RM (Residential Multi-family District) – split zoned
PROPOSED ZONING:	RM (Residential Multi-family District)
ACREAGE:	+/- 1.47 acres
REQUEST:	Approval of a Rezoning from C-1 (Neighborhood Business District) and RM (Residential Multi-family District) to RM (Residential Multi-family District) to allow for a townhome development.
OWNER/APPLICANT:	ANM Homes, LLC 5974 Respite Ct. Johns Creek, GA 30097 ANM Homes, LLC. 5974 Respite Ct. Johns Creek, GA 30097

STAFF RECOMMENDATION Z2024-004:	Approval with Conditions
PLANNING COMMISSION RECOMMENDATION:	Approval with Conditions

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of the rezoning request (Z2024-004) is to rezone the current split zoned parcel from C-1 (Neighborhood Business District) and RM (Residential Multi-family District) to one cohesive zoning designation of RM (Residential Multi-family District). This will facilitate the development of a townhome community on the property.

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

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

II. EXISTING CONDITIONS

The subject property totals +/- 1.47 acres. The subject property is currently split-zoned with half zoned RM (Residential Multi-family District) and half fronting Duluth Highway (Highway 120) as C-1 (Neighborhood Business District). The subject property is also within the DOD (Downtown Overlay District).

The property to the northwest is currently zoned O-I (Office Institutional District) and has an orthodontist and dental facility. The property to the northeast is currently zoned C-1 (Neighborhood Commercial District) and currently has a law office. The property to the west is currently zoned RM (Residential Multi-family District) and has a single-family home. The two properties to the south are zoned RM (Residential Multi-family District) and C-1 (Neighborhood Commercial District) respectively, with a vacant lot on RM and a building known as the Roth Professional Building on C-1.

III. REVIEW OF THE REQUEST

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

- A. Section 1101.02 of the UDC states if a proposed use is not allowed by right under the existing zoning on a property, a request for an amendment to the Official Zoning Map (often called a “rezoning”) must be approved prior to development, construction, or occupancy.

2. Standards Governing the Exercise of Zoning Power

Section 1104.02 of the UDC establishes the standards governing the exercise of zoning power. The following standards are relevant in balancing the interest and promoting

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

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

The Applicant has provided written responses to the above Special Use standards and Rezoning Standards as part of the application. Those documents are attached hereto as Exhibit "E".

3. Literal Interpretation of FORWARDuluth, Plan 2040 (Comprehensive Plan)

The subject property is located in the Core Neighborhood District Character Area. FORWARDuluth envisions this Character Area to be denser, connected neighborhoods, easily accessible to Downtown through a system of trails, sidewalks and road connections, while capitalizing on existing traditional street fabric and opportunities for redevelopment and infill. The Future Land Use Map (FLUM) envisions this parcel as high density residential. The density of this classification being 12+ units per acre.

IV. Variance

The applicant is seeking a variance from the Unified Development Code (UDC) for four (4) out of the seventeen (17) townhomes to be front-loaded instead of the required rear-loaded townhome configuration. As this parcel is within the DOD (Downtown Overlay District), it follows the standards set out in 205.15 CBD Central Business District which require townhouses to be designed with rear entry.

The topography makes constructing rear entry garages a financial and logistical challenge; therefore, the applicant seeks relief for the four townhomes at the rear of the property. This variance will also add relief to the adjacent property since that property will be shielded from potential light and noise trespass from cars entering at the rear of the townhomes.

V. PLANNING STAFF REVIEW

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

As was stated previously, the subject property is located in the Core Neighborhood District Character Area. A key feature of the Core Neighborhood District is the aspiration to make this area dense and accessible to downtown, which it is. The subject property is a quarter mile to downtown. It is connected to downtown by a sidewalk, which makes this a very accessible neighborhood to downtown. The density is in-line with what is allowed by-right in the RM zoning. At the proposed 17 units over 1.47 acres it will be the most dense development in the Hall Circle Neighborhood. The RM (Residential Multi-family district) allows for 15 units per acre, which is the densest zoning classification that the City of Duluth currently has. The applicant is proposing 11.5 units per acre over the 1.47 acres.

The density is also consistent with the Future Land Use Map (FLUM) which envisions this parcel as high density residential. The density of this classification being 12+ units per acre.

This parcel is also in the DOD (Downtown Overlay District). The purpose of the DOD Overlay District is to encourage new development and redevelopment adjacent to the Central Business District that follows the compact development pattern, architectural styles and mix of uses found in the CBD. The DOD is intended to allow the downtown area to extend across Buford Highway, consistent with the intent of the former Buford Highway Corridor Redevelopment Plan (March 2010) by supplementing the base zoning regulations within the overlay district which contains tailored building and design standards.

VI. RECOMMENDATION

Planning staff recommends **Approval with Conditions** of case Z2024-004. Planning Commission recommended approval with conditions at their hearing of January 6, 2025.

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": Applicant's Letter of Intent
- Exhibit "F": Master Planned Development
- Exhibit "G": Public Hearing Advertisement/Public Notice

Exhibit "B"
Legal Description

Record and Return to:
Lueder, Larkin & Hunter, LLC
5900 Windward Parkway, Suite 390
Alpharetta, GA 30005
File No.: GA-AL-24-0386-PUR

TRUSTEE'S DEED

STATE OF GEORGIA
COUNTY OF GWINNETT
APN/Parcel ID: R6293 118

THIS INDENTURE, made this **5th day of September, 2024**, between

THE IAN P. ALBRITTON LIVING TRUST DATED JANUARY 10, 2023

as party or parties of the first part, hereinafter called Grantor, and

ANM HOMES, LLC

as party or parties 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 AND 00/100 (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof 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:

All that tract or parcel of land lying and being in Land Lot 293 of the 6th District of Gwinnett County, Georgia and being more particularly described as follows: Beginning at an Iron pin set at the intersection of the southwesterly right-of-way line of Georgia Highway 120 (a 50 foot right-of-way) with the northwesterly right-of-way line of Hall Street (a 25 foot right-of-way) and from said point of beginning running thence south 46 degrees 04 minutes 10 seconds west a distance of 404.99 feet to an Iron pin found; thence running north 43 degrees 44 minutes 00 seconds west a distance of 160.25 feet to an iron pin set; thence running north 48 degrees 22 minutes 19 seconds east a distance of 406.79 feet to an iron pin set on the southwesterly right-of-way line of Georgia Highway 120; thence running south 43 degrees 06 minutes 28 seconds east a distance of 158.06 feet along and following said right-of-way line to the point of Beginning. Said property being further shown on that plat of survey for Ian P. Albritton, Gloria H. Albritton and Bank South, N.A., prepared by Solar Land Surveying Company, certified to by Gerald Thomas Batchelor, Georgia Registered Land Surveyor 2236, dated December 19, 1988 and recorded of even date herewith. Less and Except All that tract or parcel of land conveyed in Right of Way Deed located in Deed Book 55369, Page 1, dated 07/31/2017, filed 09/01/2017, aforesaid Clerk's Office.

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

1. The subject property shall be developed in substantial accordance with the exhibits listed in this report, except as modified by the conditions contained herein and on file in the office of Community Development and Engineering.
2. All conditions shall be shown on the final plat.
3. The residential development shall be subject to the protective covenants of the to-be-established homeowner association as approved by the Community Development and Engineering Department and recorded in the Gwinnett County Clerk of Court. The protective covenants shall include a restriction of no more than 10% of the units to be leased.
4. An enhanced landscape plan shall be submitted and reviewed by the Community Development and Engineering Department. Enhanced planting along Hall Circle and Duluth Highway shall be installed. Maintenance of the enhanced buffer shall be performed in perpetuity regardless of change of ownership.
5. All requirements imposed under this Ordinance shall meet or exceed the minimum standards of the Unified Development Code, unless modified by the conditions contained herein, regardless of any change in ownership.
6. Driveways must conform to the Driveway Design Standards listed in the UDC. 909.07.b.1.b
7. All retaining walls, as needed, shall be constructed of interlocking masonry block, brick or other decorative material as approved by the Community Development and Engineering Department. Gabion baskets and similar ecofriendly walls may be approved at the Director's discretion. Timber and other wooden walls are prohibited. All walls shall meet all City design standards and must be included in the site development plans. All walls over 3' in height require separate review and permitting.
8. The Developer shall provide underground utilities throughout the entire development. Utility meters, power transformers, air conditioner units, etc. shall be located in the rear of buildings and not visible from the right-of-way. Placement of utilities shall be designed to maximize the quality and quantity of landscaping visible from the street and in no case should utility placement be designed to limit opportunities for improved streetscape.
9. Roof equipment shall be screened from the public right-of-way and adjacent property. The method of screening shall be integrated with the structure in terms of its architectural form, materials, color, shape and size. Ground mounted mechanical, HVAC and similar equipment shall be screened on all sides by dense landscaping or walls constructed of the principal material of the building and located so as not to be visible from the public right-of-way and adjacent properties. Additional screening requirements, as identified in Section 306 of the

Unified Development Code, shall be implemented to ensure adequate screening of equipment.

- 10.** An outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a development permit. Lighting plans shall include location type, and operation of all exterior lighting on the site. Site lighting shall be maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring properties.
- 11.** The property shall be cleared of all trash and collections of illegal dumping throughout the site prior to the issuance of a Certificate of Occupancy.
- 12.** A master signage plan shall be submitted to and approved by the Community Development and Engineering Department prior to the issuance of any building permits.
- 13.** 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.

Variances

The applicant is seeking a variance from the Unified Development Code (UDC) for four (4) out of the seventeen (17) townhomes to be front-loaded instead of the required rear-loaded townhome configuration. This parcel is within the DOD (Downtown Overlay District) it follows the standards set out in 205.15 CBD Central Business District. Under this section the UDC states that townhouses shall be designed to be rear entry

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

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

Yes, approval of the proposed rezoning application will permit uses that are suitable in view of the use and development of adjacent and nearby properties. The Property is located on Duluth Highway 120 and Hall Cir intersection in Duluth. The Property is adjacent to other townhouse developments, as well as intense, large-scale apartment developments.

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

No, the proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning classifications are compatible with both existing residential and commercial uses of adjacent property. Rather the proposed developments would complement existing commercial and employment centers.

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

No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Duluth Highway, Buford Highway and Interstate 85. Access to the proposed site has two entrances via Hall Cir onto Duluth Highway. The proposed developments would complement the existing commercial and nearby residential uses. More importantly, the developments would provide the necessary residential critical mass to support the existing commercial uses.

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

The proposed rezoning application is consistent with the policy and intent of the Duluth City 2040 Unified Plan. The subject property is located within the Vibrant Communities Character Area of the 2040 Future Development Map. Encouraged land uses for this Character Area specifically include apartments and townhomes. The proposed developments would be compatible with and successfully co-exist with the surrounding uses.

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

The applicant submits that the character of the surrounding development and the existing mix of uses in the area provide supporting reasons for approval of the rezoning application. Anticipated growth in Duluth City based on the 2040 Comprehensive Plan suggests a strong need for this type of housing. In addition, the Applicant submits that the subject Property’s location, size, and dimensions, as well as

its proximity to Duluth Downtown, Duluth Highway, Buford Highway and Interstate 85 provide further support for approval of the proposed rezoning application.

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

The applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have reasonable economic value as currently zoned. The Applicant strongly believes that the rezoning of the Property would allow the property to be developed into a more viable and compatible use with surrounding properties.

Exhibit "E"

Applicant's Letter of Intent

LETTER OF INTENT AND JUSTIFICATION FOR REZONING**Rezoning Application****Duluth, Gwinnett County, Georgia****Applicant:**

ANM Homes, LLC

Property:

Tax Parcel ID: R6293 118

Located at 3407 Duluth Hwy 120

Duluth, Georgia 30096

From C1 – RM

I. INTRODUCTION

This application is for Rezoning 1.47 acres parcel of land located in Land Lot 293 of the 6th District of Gwinnett County, Georgia, and generally known as 3407 Duluth Highway (hereinafter the "Property"). The Property is currently developed with one single family residential home and accessory structures on the site. The overall Property is a total of approximately 1.47 acres as shown on the survey prepared by Watts & Browning Engineers, Inc dated, August 18, 2024, and filed with this application. The Property that is the subject of this rezoning application is further identified as shown below from the Gwinnett County GIS:



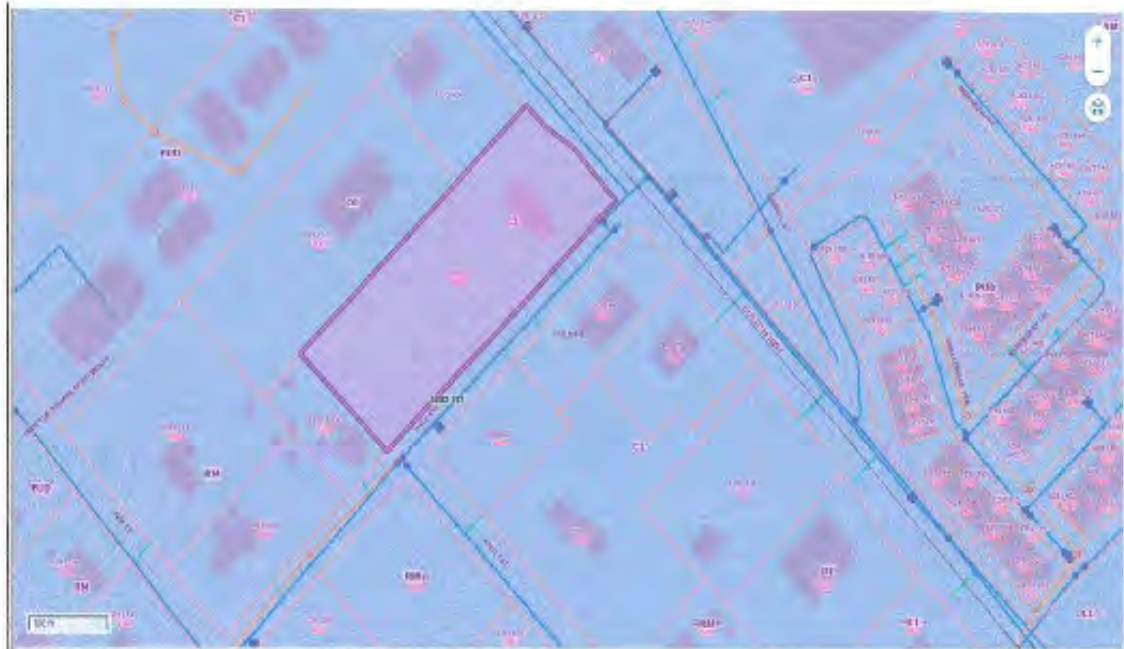
The Property is currently zoned C1 (Neighborhood Business District) pursuant to the Duluth Unified Development Code (the "UDC"). The Applicant, ANM Homes, LLC (the "Applicant") now seeks approval to rezone (1.47 acres) of the Property to RM (Multifamily Residence District) to develop a distinctive and attractive multifamily residential townhomes community with 17 units. This document is submitted as the Letter of Intent, Response to Standards Governing the Exercise of Zoning Power, and other materials required by the Duluth City UDC.

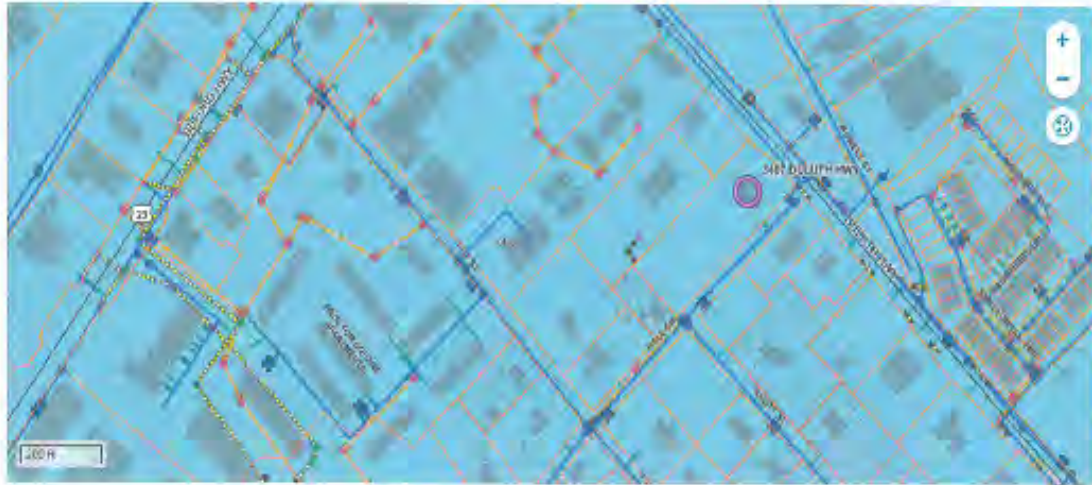
II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is a rectangular shaped tract fronting Duluth Highway near the intersection of Hall Cir, Duluth, Georgia. It is bounded on the East OI and South RM. The Property is in close proximity to additional multifamily developments, C1 (Neighborhood Business District) and OI (Office-Institutional District).

The Future Development Map of the Duluth 2040 Comprehensive Plan (the "2040 Plan") classifies this Property as within the "DOD Downtown Overlay District" of the Duluth City Future Development Map. The Downtown Overlay District character Area is intended for denser, connected neighborhoods, easily accessible to Downtown through a system of trails, sidewalks and road connections, while capitalizing on existing traditional street fabric and opportunities for redevelopment. Encourage development to have 2000 living units within walking distance (.75 miles) of Downtown. City comprehensive plan supports new development. Core Neighborhoods will continue to play an important role in anchoring Downtown within the city, while providing the community with a wide variety of housing types within walking distance of unique retail, recreation, and entertainment Duluth downtown offers.

Below are maps of the surrounding zoning classifications and Sewer/Water:





As such, the proposed development is in line with the encouraged land use and also aligns with the Duluth 2040 Comprehensive Plan, which is "intended for denser, connected neighborhoods, easily accessible to Downtown." The proposed developments would provide residential in-fill development at a density and with architectural character that is compatible with the surrounding uses and zoning patterns in Downtown Overlay District (DOD). Accordingly, the proposed developments satisfy the intent of the 2040 Comprehensive Plan, especially when considering the Property is in close proximity to Duluth Downtown. There is currently a healthy supply of commercial uses surrounding the area and the proposed developments would support those existing uses and provide additional housing options in the area. The proposed multifamily Townhomes units would include attractive architectural designs and building materials as set forth in the elevations preserving the aesthetics of the proposed development and enhancing the resident's experience. The residents would also have convenient access to Duluth Downtown, Duluth Highway, Buford Highway and Interstate 85.

III. PROJECT SUMMARY

As shown on the overall site plan dated October 1st, 2024, and filed with this application (hereinafter the "Site Plan"), the Applicant proposes to develop the Property into attractive Multifamily Residence District (Townhomes). The Applicant is proposing to rezone Tract (1.47 acres) from C1 to RM in order to accommodate the development of a multifamily residential Townhome community with 17 units. The proposed multifamily development would provide attractive, high-end residences with various amenities including, pickle ball court, Gazebo with picnic area and with generous guest parking. Residential buildings would include attractive architectural elements to maintain the aesthetics of the Duluth Highway and downtown corridor. The proposed multifamily community would include three to four bedrooms townhouses with 3 full and one-half baths ranging in size from 2391 to 2498 square feet. The centrally located amenity would also create an activity center and gathering place for residents to foster a sense of community. The proposed elevations of the multifamily development are filed with this Application. The Applicant submits the multifamily development will be compatible with the surrounding uses and will blend harmoniously into the area.

Zoning Development Standards

The applicant is requesting a rezoning to RM, Multifamily Residence (Townhouse). The following is a summary of applicable development standards considered from the Unified Development Code (UDC). Site plan and Architectural diagrams attached to depict these standards.

RM: Multifamily Residence District (Townhouses in the CBD Zoning District)

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 50'	48'	YES
Principal building setback Front	5'	15'	YES
Principal building setback Side	10'	12'	YES
Principal building setback Rear	12'	20'	YES
Guest Parking	4.5	8	YES
Density	17 Units/Acre	11.5 units/Acre	YES
Heated Floor Area	2200 Sqft Minimum	Minimum 2391	YES
Lot Size	1800 Sqft	Minimum 1826 and Maximum 2300 Sqft	YES
Building Coverage	Not exceed 80% of any lot	Less than 80%	YES
Lot width	22' Minimum	22' and 25'	YES
Garage Entry	Rear	Building A and B Rear Entry Garage Building C Front-Loaded Garage	Two Buildings meets the Criteria and Requesting variance for Building C.
Facade differentiation	No adjacent units shall be alike	Provided clear Differentiation of each adjacent unit	YES

- Brick and fiber cement siding will be used for Architectural elevations and renderings.

IV. REQUEST FOR VARIANCE

The applicant is requesting a variance for the construction of a front-loaded garage with a basement for rear end of the property for 4 townhome units. The need for this variance arises due to the unique topography and elevation challenges of the lot where elevation difference is around 30 feet from front to back of the property (Site Survey and Topography drawing attached).

As the property sits on an elevated slope, constructing a standard rear-loaded garage will not be feasible without extensive grading and filling, which would significantly alter the natural landscape and create drainage issues. The steep incline also limits practical options for driveway access, making a front-loaded garage the most suitable design.

The proposed variance would allow for a design that aligns with the natural contours of the land, minimizes the environmental impact, and maintains the aesthetic harmony of the surrounding homes. We believe that this adjustment would not negatively affect neighboring properties and would provide a more functional and visually appealing solution.

In addition, the topography poses a hardship that is not self-imposed but inherent to the property, making the variance necessary for the reasonable use of the lot. We kindly request that you consider this unique condition when reviewing our application.

VI. JUSTIFICATION FOR REZONING

This statement is intended to comply with application procedures established by city of Duluth, Georgia, and is intended to set forth a preliminary development plan for the subject property, to evaluate the proposed development, based upon factors set forth by city of Duluth and is otherwise intended as a letter of intent for the Subject Property.

In order to be compliant with the Duluth Unified Development Code, more fully described in the Application, incorporated herein by this reference (collectively referred to as the "Applicant's Proposal"), ANM Homes LLC (the "Applicant") is seeking to rezone the subject property from C1 (Neighborhood Business District) to RM (Multifamily Residence District).

The Applicant is attaching plans with the application detailing the use for approval by the City of Duluth Department of Planning and Development, Department of Engineering, the Gwinnet County Department of Water & Sewer, and any other appropriate governmental agencies, based on conformity with subdivision and zoning requirements, as well as other ordinances, statutes, and regulations.

Permanent access to the property will be from Hall Cir Road. Access and traffic should not be a problem.

The Applicant's proposal is of a residential use and located within a residential area therefore, there is no negative impact on the surrounding properties.

Public utilities, water, gas, electricity, are available to the site. The Applicant will utilize Gwinnet County sewer to serve the wastewater needs for this property.

The proposed use will have low impact on the city school system as the proposal is only for 17 Townhomes.

The Applicant believes the proposed use will enhance surrounding property values. The Applicant's Proposal is consistent with the developing trend in the area, which consists of like uses.

Duluth City planning commission failure to approve the Applicant's Proposal, as requested by the Applicant, will impose a disproportionate hardship on the Applicant and owners of the Subject Property without benefiting any surrounding property owners. There is no resulting benefit to the public from not allowing the proposed use to be carried out.

The portions of the Duluth Unified Development Code that classify, or may classify, the Subject Property into any non-requested zoning classification or zoning classification that does not permit the proposed use as a matter of right, is, or will be, unconstitutional in that they will constitute a taking of the Applicant's and owners' property rights without first paying fair, adequate, and just compensation for such rights in violation of Art. I, Sec. III, Para. I of the Constitution of the State of Georgia and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is presently suitable for the Applicant's Proposal, as requested by the Applicant. A denial of this Applicant's Proposal, as requested by the Applicant, will constitute an arbitrary and capricious act by the Duluth City Board of Commissioners without any basis for such, and will constitute an abuse of discretion in violation of Art. I, Sec. I, Para. I of the Constitution of the State of Georgia and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the Duluth City Board of Commissioners to approve the Applicant's Proposal, as requested by the Applicant, will prohibit the only viable economic use of the property, will be unconstitutional, and will discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners, and the owners of similarly situated property, in violation of Art. I, Sec. I, Para. II of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

The Applicant submits that the Board of Commissioners cannot lawfully impose more restrictive standards on the development of the Subject Property than presently exist. To do so not only will constitute a taking of the property as set forth above, but will also amount to an unlawful delegation of the Board's authority in response to neighborhood opposition, in violation of Art. IX, Sec. II, Para. IV of the Constitution of the State of Georgia.

The Applicant further asserts that the Duluth Unified Development Code was not adopted in compliance with the laws or constitutions of Georgia or of the United States, and a refusal to approve the Application based upon provisions illegally adopted would deprive the Applicants of due process of law.

By filing this Written Evaluation, the Applicants reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

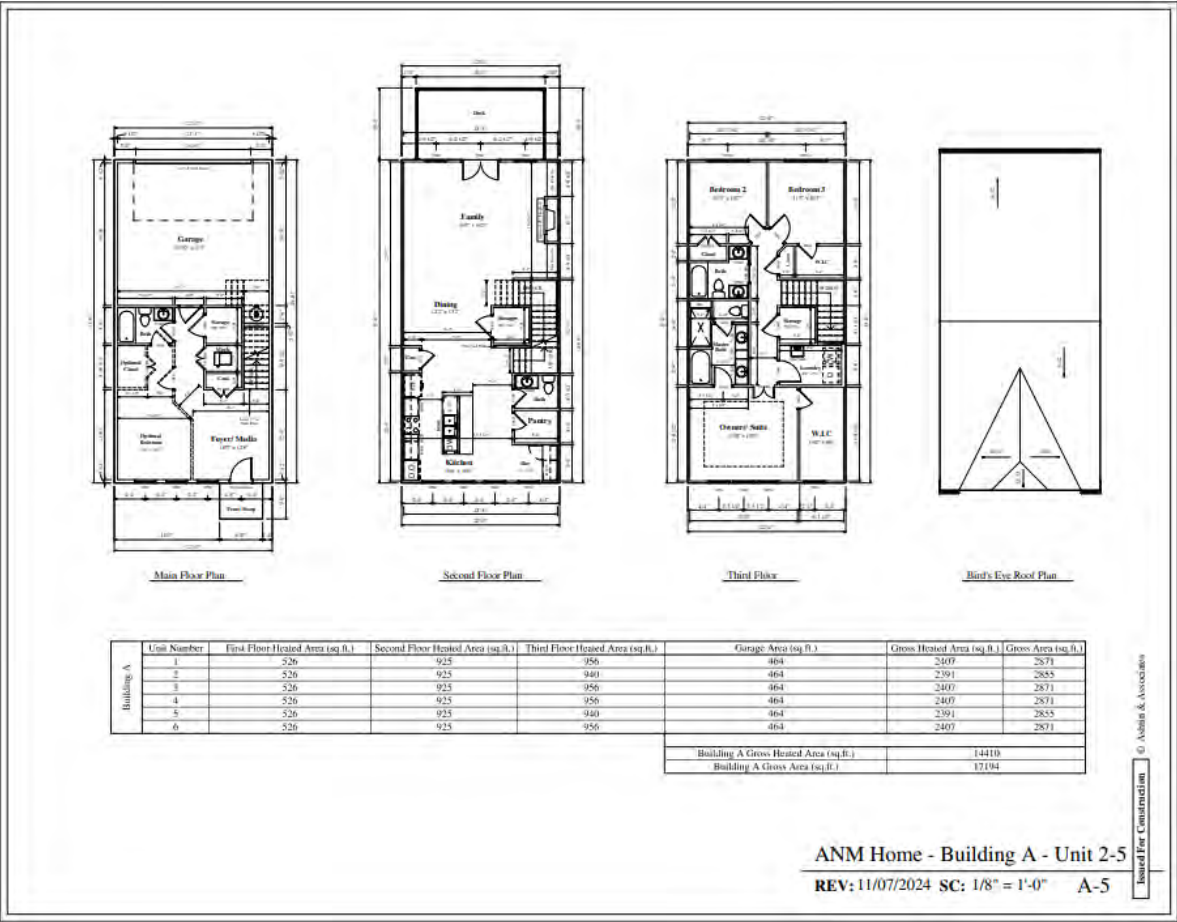
ANM Homes, LLC.


Madhava R Gurram
(CEO and Member)



Exhibit "F"
Elevations and Floor Plans
Building "A"





Building "B"





Building "C"





ANM Home - Building C
REV: 11/07/2024 SC: A-2

© 2024 ANM Home - Building C

Exhibit "G"

Public Notice

Public Notice Printed in Gwinnett Daily Post 1/14/2025

GDP1581
snn12
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a rezoning request from ANH Homes LLC, on approximately 1.47 acres of property in Land Lot 293, 6th District, Gwinnett County, located at 3407 Duluth Highway, consisting of tax parcels 6293-118, case number Z2024-004. The request is to rezone the above property currently zoned C-1 to RM district to allow for the development of Townhomes. The public is invited to attend this hearing before the Mayor and Council on the proposed rezoning. The meeting date, place and time regarding this matter are as follows:
WHEN: February 10th, 2025 - 6:00pm
WHERE: City Hall Council Chambers
3167 Main Street
Duluth, GA 30096

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

City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR
Email: Planning@duluth-ga.net
For more information, contact Planning & Development, at (770) 476-1796.

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

1/19, 2025



ORDINANCE
TO AMEND THE CITY OF DULUTH
2025 FISCAL YEAR BUDGET

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

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

Total Revenues:	<u>100,518,929</u>
Operations Expenditures:	<u>42,886,848</u>
Capital Improvement Expenditures:	<u>57,632,081</u>
Total Expenditures:	<u>100,518,929</u>

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

WHEREAS the City of Duluth would like to connect the sidewalk along Fox Street which terminate at the District at Duluth development and at the intersection with Buford Highway; and

WHEREAS staff is requesting \$50,000 in unallocated 2023 SPLOST Transportation funds to enter into a contract with Pond & Company to provide the design and produce bid documents for construction, plus staff oversight; and

WHEREAS it is requested \$50,000 in unallocated 2023 SPLOST Transportation funds be add to Transportation/Infrastructure Improvements – Paved Streets – Professional Services line item; and

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

Total Revenues & Prior Yr Reserves	<u>100,568,929</u>
Operations Expenditures:	<u>42,886,848</u>
Capital Improvement Expenditures:	<u>57,682,081</u>
Total Expenditures:	<u>100,568,929</u>

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

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

ORDINANCE
TO AMEND THE CITY OF DULUTH
2025 FISCAL YEAR BUDGET

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

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

Total Revenues:	<u>100,516,629</u>
Operations Expenditures:	<u>42,886,848</u>
Capital Improvement Expenditures:	<u>57,629,781</u>
Total Expenditures:	<u>100,516,629</u>

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

WHEREAS the City of Duluth recently purchase a parcel of land at 2516 Main Street and would like to hire a contract to demolish a structure on the site; and

WHEREAS the cost of demolition includes a contractor bid of \$9,900, a 10% contingency of \$1,000 and \$600 for staff contracting, oversight, and closeout, for a total of \$11,500, because \$9,209 funds remain in the budget, staff is only requesting \$2,300; and

WHEREAS it is requested \$2,300 in unallocated 2023 SPLOST Administrative Facilities funds be add to Public Works Land Acquisition – General Government Buildings – Land line item; and

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

Total Revenues & Prior Yr Reserves	<u>100,518,929</u>
Operations Expenditures:	<u>42,886,848</u>
Capital Improvement Expenditures:	<u>57,632,081</u>
Total Expenditures:	<u>100,518,929</u>

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

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

RESOLUTION No. _____
PINE NEEDLE DRIVE PEDESTRIAN CONNECTOR GRANT MATCH

WHEREAS, the Mayor and Council of the City of Duluth, Georgia did approve to undertake a grant application for Transportation Alternative Program (TAP) funds to design and construct the Pine Needle Pedestrian Connector project (herein referred to as “Project”); and

WHEREAS, the Project proposes a non-motorized transportation alternative route along Pine Needle Drive and portions of State Route 120 and Irvindale Road; and

WHEREAS, the Project is part of the City of Duluth’s overall sidewalk plan; and

WHEREAS, the Project will connect existing pedestrian facilities with other existing or planned regional bicycle and pedestrian facilities; and

WHEREAS, the City of Duluth has the capacity to successfully administer any grant funds awarded by the Georgia Department of Transportation and/or the Atlanta Regional Commission (ARC) for this Project; and

WHEREAS, the City of Duluth is committed to accepting TAP grant monies awarded for this Project and will enter into an agreement of acceptance with ARC and an agreement with the Georgia Department of Transportation as the subrecipient of these funds; and

WHEREAS, the City of Duluth is committed to matching the federal grant funds awarded with a minimum of 20% of the total Project budget, using local funds.

NOW THEREFORE, be it resolved by the Mayor and Council City of Duluth, Georgia to apply for, accept, and match grant funds as noted above, should they be awarded for this Project.

So resolved by the Mayor and Council this _____ day of _____, 2025.

Greg Whitlock, Mayor

Kenneth Lamar Doss, Council Post 3

Charles Jamin Harkness, Council Post 1

Manfred Graeder, Council Post 4

Marline Thomas, Council Post 2

Shenée Johnson Holloway, Council Post 5

ATTEST:

Teresa Lynn, City Clerk

SEAL