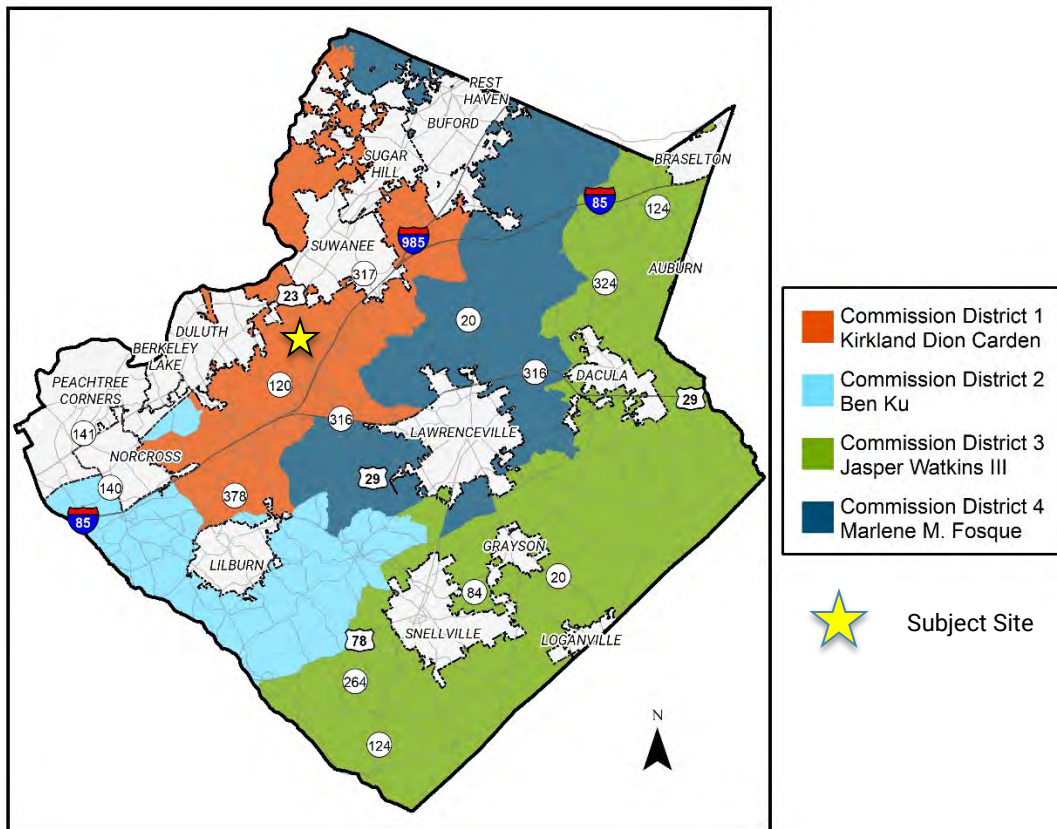


## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** SUP2021-00035  
**Current Zoning:** R-75 and R-100 (Single-Family Residence District)  
**Request:** Special Use Permit Renewal for a Childcare Center  
**Address:** 2769 Duluth Highway  
**Map Number:** R7160 014  
**Site Area:** 15.10 acres  
**Square Feet:** 22,000 square feet  
**Proposed Development:** Child Care Center (Renewal)  
**Commission District:** District 1 – Commissioner Carden  
**Character Area:** Established Neighborhoods

**Staff Recommendation:** APPROVAL WITH CONDITIONS

**Planning Commission Recommendation:** APPROVAL WITH CONDITIONS



*Location Map*

**Planning Commission Advertised Public Hearing Date: 6/2/2021**  
**Board of Commissioners Advertised Public Hearing Date: 6/22/2021**

**Applicant:** Harmony Youth Center  
2769 Duluth Highway  
Duluth, GA 30096

**Owner:** Radha Madhav Society  
2769 Duluth Highway  
Duluth, GA 30096

**Contact:** Devika Armogan

**Contact Phone:** 404.903.4299

## **Zoning History**

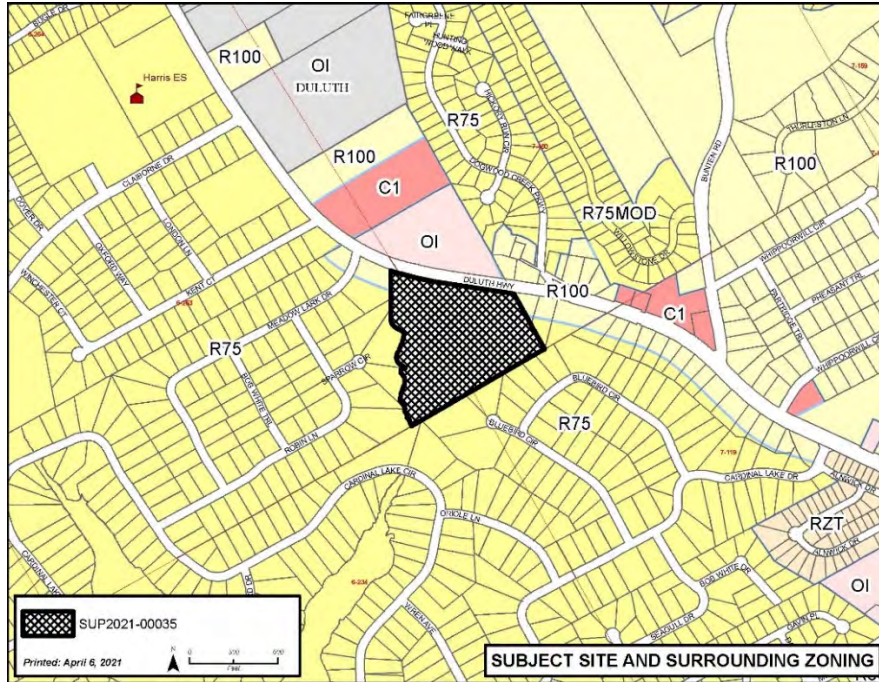
The subject property has been zoned R-100 along the frontage and R-75 on the remainder of the site since 1970. In 2016, SUP2016-00040 was approved for an adult day care facility serving a maximum of 45 adults. In 2018, SUP2018-00012 was approved for a child day care facility serving a maximum of 107 children. This application is a request for renewal of SUP2018-00012.

## **Existing Site Condition**

The subject site is a 15.10-acre parcel located on Duluth Highway. The site includes a place of worship which is approximately 22,000 square feet, with smaller accessory structures, outdoor play areas, and associated parking. An existing sidewalk is along the Duluth Highway frontage. Sweetwater Creek separates the land use from Cardinal Lake Estates subdivision to the west. The site has a gentle slope upward from the creek eastward. The closest Transit service is Gwinnett County Transit Route 10 approximately 1.5 miles from the site at Boggs Road and Duluth Highway.

## **Surrounding Use and Zoning**

The subject site is surrounded by single-family residences and institutional and commercial uses. The following is a summary of surrounding uses and zoning:



Surrounding Zoning

Location	Land Use	Zoning	Density
Subject Property	Child Care/ Place of Worship	R-100 and R-75	N/A
North	Institutional	O-I	N/A
East	Single-family Residential	R-100 and R-75	1.16 per acre
South	Single-family Residential	R-75	1.16 per acre
West	Single-family Residential	R-75	1.16 per acre

## Project Summary

The applicant requests renewal of a Special Use Permit for a childcare center on a 15.10-acre property with R-100 and R-75 zoning.

- The childcare center is operating within the site's 22,000 SF place of worship, pursuant to the issuance of a 2018 Special Use Permit.
- The site is accessed by a single driveway on Duluth Highway.
- Children's outdoor play areas are existing to the rear of the site.
- No additions or modifications from the original SUP request are proposed.

## Zoning and Development Standards

The applicant is requesting a special use permit for a childcare center within a place of worship in the R-100 and R-75 zoning districts "which is intended primarily for single-family detached residences and related uses". The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Off-Street Parking	Minimum: 60 spaces Maximum: 150 spaces	64 spaces	YES

## Internal and External Agency Review

In addition to the above Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and external agency review comments are attached (Exhibit D). Standard site and infrastructure improvements will also be required related to stormwater, water, and sewer utilities and any recommended improvements, not already required by the UDO, have been added as staff recommended conditions.

## Staff Analysis

**Special Use Permit Analysis:** According to the UDO, the staff analysis and recommendation on each application for a Special Use Permit shall follow the same procedures as those contained in Section 270-20. Emphasis shall be given to the evaluation of characteristics of the proposed use in relationship to neighboring properties and the compatibility of the proposed use with its surroundings. For Special Use Permits, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

**A. Whether a proposed Special Use Permit renewal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

Renewal of the requested Special Use Permit for a child care center may be suitable within the existing place of worship. Similar requests have been granted for institutional uses along Duluth Highway.

**B. Whether a proposed Special Use Permit renewal will adversely affect the existing use or usability of adjacent or nearby property.**

With the recommended conditions, potential impacts on nearby residential uses could be reduced.

**C. Whether the property to be affected by a proposed Special Use Permit renewal has a reasonable economic use as currently zoned.**

The property has a reasonable economic use as currently zoned.

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

An impact on public facilities is anticipated in the form of traffic, utility demand, and stormwater runoff. No impact is anticipated on school enrollment. However, with appropriate





## **Planning Commission Recommendation**

Based on the staff's evaluation of the special use permit application, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommended **APPROVAL WITH CONDITIONS** of the special use permit request.

## **Planning Commission Recommended Conditions (Includes Staff Recommended Conditions)**

Approval of a Special Use Permit for Child Care Center, subject to the following enumerated conditions:

1. Use of the property shall be limited to a place of worship, which may include a child care center as a special use for a maximum of 107 children.
2. Exterior signage advertising the day care facility shall be prohibited, unless required by State of Georgia regulations.
3. Any exterior modification to the existing building shall be subject to review and approval by the Director of Planning and Development.
4. The child day care facility shall be subject to review and approval by the Gwinnett County Environmental Health Department to ensure adequate septic system capacity.
5. Hours of operation for the child day care facility shall be limited to between 6:00 a.m. and 6:30 p.m., Monday through Friday.
6. As it relates to the child day care facilities, no tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers or sign-twirlers shall be prohibited.

**Exhibits:**

- A. Site Visit Photos
- B. Site Plan
- C. Letter of Intent and Applicant's Response to Standards
- D. Internal and External Agency Review Comments
- E. Maps

**Exhibit A: Site Visit Photos**



**Duluth Highway Frontage**



**Duluth Highway Frontage**





**Monument Sign**

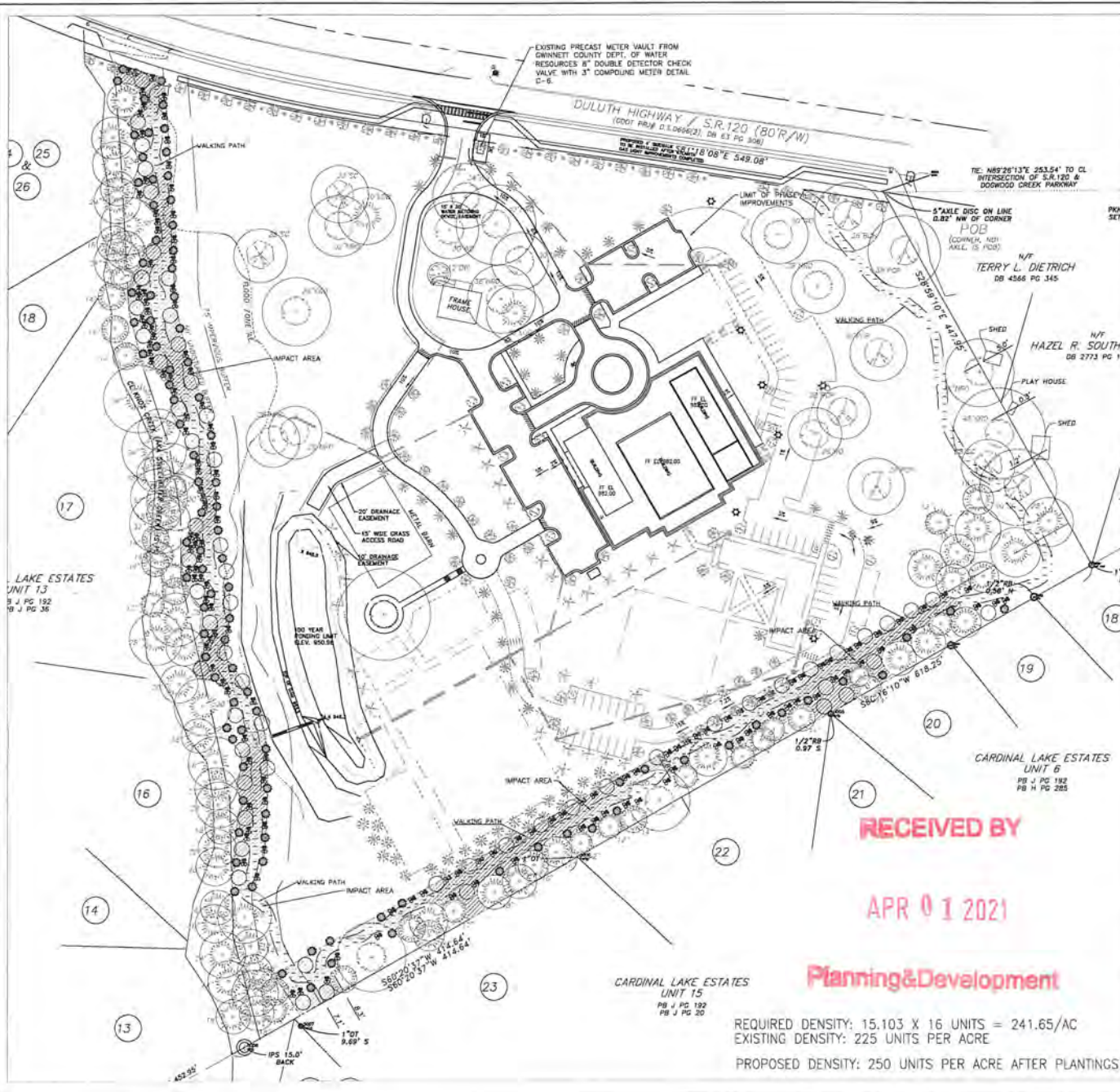


**Playground Facility**

**Exhibit B: Site Plan**

**[Attached]**





**TREE PROTECTION NOTES**

TREE PROTECTION FENCING MUST BE INSTALLED AND INSPECTED PRIOR TO OR CONCURRENT WITH ANY CLEARING, GRUBBING OR GRADING. CALL THE DEPARTMENT OF PLANNING AND DEVELOPMENT FOR AN INSPECTION.

TREE PROTECTION SHALL BE ENFORCED ACCORDING TO THE DWINNETT COUNTY TREE PRESERVATION AND REPLACEMENT ORDINANCE.

TOPPING TREES IS NOT ALLOWED. TREES REMOVED OR HAVING THEIR TOPS CUT AFTER COMPLIANCE WITH THIS ORDINANCE SHALL BE REPLACED WITH THE EQUIVALENT INCHES OF REMOVED TREES.

ALL BUFFERS AND TREE SAVE AREAS ARE TO BE CLEARLY IDENTIFIED WITH PROTECTIVE FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.

NON-VEGETATIVE MATERIAL TO BE REMOVED MANUALLY.

A COMMERCIAL APPLICATOR LICENSE AND A PESTICIDE CONTRACTOR LICENSE ARE REQUIRED BY THE CONTRACTOR IF THE USE OF HERBICIDES ARE NECESSARY FOR NOXIOUS PLANT MATERIAL REMOVAL.

TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO ANY LAND DISTURBANCE.

**TREE REPLACEMENT NOTES**

ALL PLANT MATERIALS ARE TO CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK, 1989 EDITION, AMERICAN ASSOCIATION OF NURSERYMEN.

DECIDUOUS TREES SHALL BE AT LEAST 2 INCHES IN DIAMETER AND EVERGREEN TREES SHALL BE AT LEAST 6 FEET IN HEIGHT AT TIME OF PLANTING.

THINNING IS ALLOWED AND MAY INCLUDE MANUAL REMOVAL OF NON-SPECIEN TREES WITHIN THE CRITICAL ROOT ZONE OR OUTLINE OF THE SPECIEN TREE IN THE LANDSCAPE INSTALLATION PHASE OF DEVELOPMENT ONLY. THINNING INCLUDES MANUAL REMOVAL (NO MOTORIZED/WHEELER OR TRACK VEHICLES ALLOWED WITHIN THE CRITICAL ROOT ZONE OF THE SPECIEN TREE).

**STREAM BUFFER IMPACT AREAL 28.91292**

PERCENTAGE	TYPE	Color	SP	Ac. Trees
25%	LARGE TREES	1-1/2"	200	20
25%	SMALL TREES	1-1/2"	100	22
25%	SHRUBS	1-1/2"	16	400
25%	GROUND COVER	2000	4	SHR. AREA

LARGE TREES	Common Name	Size	Number	Percentage
Arbutus menziesii	River Birch	2"	12	53.33%
Magnolia grandiflora	Southern Magnolia	2"	12	53.33%
Quercus alba	White Oak	2"	12	53.33%
	Total		36	
Small Trees				
Cupressus sempervirens	Leyland Cypress	2"	24	61.54%
Acer rubrum	Red Maple	2"	24	61.54%
Cryptomeria japonica	Japanese Cryptomeria	2"	24	61.54%
	Total		72	
Shrubs				
Wax-cane "Solenostema"	American Holly	8-foot	150	61.54%
Ardisia cuneata	Green Island	8-foot	150	61.54%
Woodswarden clematis	Flowering Anemone	5-gallon	250	61.54%
	Total		450	
Ground Cover	Festuca			

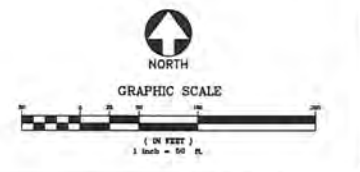
**BEAR UNDISTURBED BUFFER IMPACT AREAL 20.64552**

PERCENTAGE	TYPE	Color	SP	Ac. Trees
25%	LARGE TREES	1-1/2"	200	25
25%	SMALL TREES	1-1/2"	100	21
25%	SHRUBS	1-1/2"	16	200
25%	GROUND COVER	2000	4	SHR. AREA

LARGE TREES	Common Name	Size	Number	Percentage
Betula nigra	River Birch	2"	7	28.00%
Magnolia grandiflora	Southern Magnolia	2"	6	24.00%
Quercus alba	White Oak	2"	6	24.00%
	Total		19	
Small Trees				
Cupressus sempervirens	Leyland Cypress	2"	17	33.33%
Acer rubrum	Red Maple	2"	17	33.33%
Cryptomeria japonica	Japanese Cryptomeria	2"	17	33.33%
	Total		51	
Shrubs				
Wax-cane "Solenostema"	American Holly	8-foot	107	63.43%
Ardisia cuneata	Green Island	8-foot	107	63.43%
Woodswarden clematis	Flowering Anemone	5-gallon	106	53.17%
	Total		320	
Ground Cover	Festuca			

SHRUBS IN BUFFER TO BE A MINIMUM OF 3 FEET IN HEIGHT AT TIME OF PLANTING. SHRUBS PLANTED IN BUFFER TO BE A MINIMUM OF 10 FEET IN HEIGHT AT MATURITY.

TREE PROTECTION FENCE TO BE ORANGE MESH TYPE FABRIC BEHIND SDI-S.



CLIENT/OWNER/DEVELOPER

**RADHA MADHAV SOCIETY**

2769 Duluth Highway  
Duluth, GA 30098

PROJECT

**RADHA KRISHNA TEMPLE**

2769 Duluth Highway  
Duluth, GA 30098  
Land Lot 263, 6th District  
Land Lot 180, 7th District  
Tax Parcel  
7160014 2769

TerraBuild PROJECT NO. 132006

**tb TerraBuild USA**

P.O. BOX 601  
LILBURN, GEORGIA 30048  
Office: 770.905.7619  
www.terra-build.com



NOT VALID WITHOUT SIGNATURE AND DATE

These drawings are the property of TerraBuild and are to be used only for the specific project at the location shown. They are not to be used for any other project without the express written consent of TerraBuild. TerraBuild is not responsible for any errors or omissions in these drawings or for any consequences arising therefrom.

DESIGNED BY

DRAWN BY

CHECKED BY

APPROVED BY

DATE FEB 16, 2018

REVISIONS AUG 6, 2018

DRAWING TITLE

**BUFFER REPLANTING PLAN**

DRAWING NUMBER

**C3.01**

REQUIRED DENSITY: 15.103 X 16 UNITS = 241.65/AC  
EXISTING DENSITY: 225 UNITS PER ACRE  
PROPOSED DENSITY: 250 UNITS PER ACRE AFTER PLANTINGS

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**Exhibit C: Letter of Intent and Applicant's Response to Standards**

**[Attached]**



---

LETTER OF INTENT

SPECIAL USE PERMIT FOR CHILD CARE (R-100 ZONING DISTRICT)

The Applicant, Harmony Youth Center (hereinafter the "Applicant"), submits this request for Renewal of a Special Use Permit for a Child Care in a leased space located at 2769 Duluth Highway, Duluth, GA 30022, Parcel No. 7160 014 (the "Subject Property"). The Subject Property covered by this Application is currently zoned R-100.

Center is helping Families with their child care needs. The Child Care Center is operating within the 22,000 square foot building located on the Subject Property.

The center is professionally managed and operated. The facility is fully staffed and includes daily activities for the Child Care customers. The facility already has a full kitchen operated by the owner, Radha Madhav Society, Inc., which is providing meals and snacks to the Child Care customers. Existing outdoor areas will provide recreation and play as well.

The Child Care Center use is consistent with the existing character of the area. The Property has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares and highways.

The Subject Property is an appropriate location for the uses, and has little to no impact on any surrounding properties or to the citizens in nearby or surrounding areas. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

Respectfully submitted, this 1st day of April, 2021.

Devika Armogan - applicant representative

SUP '21 035

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**SPECIAL USE PERMIT APPLICANT'S RESPONSE**  
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENT OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The proposed Child Care is consistent with the residential and other permitted uses in the area. Thus, there is little to no impact on adjacent and nearby property uses.

- B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No. The proposed use would be completely contained within the existing property and a continued residential/permitted use appearance. There is little to no impact on adjacent and nearby property and will not adversely affect these properties.

- C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The property is currently zoned residential and does not have any reasonable economic use.

- D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:

No. The proposed Child Care is operating for limited daily hours and is not cause any additional or excessive use of existing streets, transportation facilities or facilities. There is no impact on the schools.

E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes.

F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:

Yes. The Property is located off of Duluth Highway, and the proposed use is entirely appropriate in light of existing zoning and existing and emerging development patterns and land uses in the surrounding area.

SUP '21035

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**SPECIAL USE PERMIT APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO REQUIREMENT OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

See attached

- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

See attached

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

See attached

- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

See attached

- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

See attached

- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:

See attached

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## **Exhibit D: Internal and External Agency Review Comments**

**[Attached]**



<b>TRC Meeting Date:</b>	May 13, 2021
<b>Department/Agency Name:</b>	Planning & Development
<b>Reviewer Name:</b>	Gail Bass
<b>Reviewer Title:</b>	Planner III
<b>Reviewer Email Address:</b>	gail.bass@gwinnettcountry.com
<b>Case Number:</b>	SUP2021-00035
<b>Case Address:</b>	2769 Duluth Hwy

**Comments:       YES       NO**

<b>1</b>	
<b>2</b>	
<b>3</b>	
<b>4</b>	
<b>5</b>	
<b>6</b>	
<b>7</b>	
<b>8</b>	

**Recommended Zoning Conditions:       YES       NO**

<b>1</b>	
<b>2</b>	
<b>3</b>	
<b>4</b>	
<b>5</b>	
<b>6</b>	
<b>7</b>	
<b>8</b>	



<b>TRC Meeting Date:</b>		5-13-2021
Department/Agency Name:		Transportation
Reviewer Name:		Michael Johnson
Reviewer Title:		Construction Manager 1
Reviewer Email Address:		michael.johnson2@gwinnettcountry.com
Case Number:		SUP2021-00035
Case Address:		2769 DULUTH HIGHWAY

**Comments:**       YES       NO

1	Duluth Hwy SR 120 is a Major Arterial with 50' of R/W required from the centerline of the roadway with a speed limit of 45 MPH and an AADT of 22,500 VPD
2	Standard deceleration lanes with appropriate taper and adequate right-of-way will be required
3	Coordinate with the Georgia D.O.T regarding access.
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**Recommended Zoning Conditions:**       YES       NO

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**Note:** Attach additional pages, if needed



<b>TRC Meeting Date:</b>	May 12, 2021
<b>Department/Agency Name:</b>	Development Plan Review
<b>Reviewer Name:</b>	Terri Drabek
<b>Reviewer Title:</b>	Planner III
<b>Reviewer Email Address:</b>	terri.drabek@gwinnettcountry.com
<b>Case Number:</b>	SUP2021-00035
<b>Case Address:</b>	2769 Duluth Highway

**Comments:**       YES       NO

1	
2	
3	
4	
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6	
7	
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**Recommended Zoning Conditions:**       YES       NO

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8	

**Note:** Attach additional pages, if needed





<b>TRC Meeting Date:</b>	05/13/2021
<b>Department/Agency Name:</b>	Gwinnett Fire Plan Review
<b>Reviewer Name:</b>	Jennifer Folden-Nissen
<b>Reviewer Title:</b>	Planner III
<b>Reviewer Email Address:</b>	jennifer.folden-nissen@gwinnettcounty.com
<b>Case Number:</b>	SUP2021-00035
<b>Case Address:</b>	2769 Duluth Hwy

**Comments:**       YES       NO

1	Day Care Center shall continue to meet all Bright From the Start requirements.
2	
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**Recommended Zoning Conditions:**       YES       NO

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6	
7	
8	

**Note:** Attach additional pages, if needed



<b>TRC Meeting Date:</b>	05/13/2021
<b>Department/Agency Name:</b>	STORMWATER PLAN REVIEW
<b>Reviewer Name:</b>	RINDA GROOMS
<b>Reviewer Title:</b>	ENGINEER IV
<b>Reviewer Email Address:</b>	RINDA.GROOMS@GWINNETTCOUNTY.COM
<b>Case Number:</b>	SUP2021-00035
<b>Case Address:</b>	2769 DULUTH HWY

**Comments:**       YES       NO

1	ANY PROPOSED SITE IMPROVEMENTS WILL REQUIRE ALL STORMWATER REGULATIONS BE MET.
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**Recommended Zoning Conditions:**       YES       NO

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4	
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8	

**Note:** Attach additional pages, if needed



<b>TRC Meeting Date:</b>	MAY 13, 2021
<b>Department/Agency Name:</b>	P&D/WS
<b>Reviewer Name:</b>	CHARLI YOUNG
<b>Reviewer Title:</b>	ENGINEER IV
<b>Reviewer Email Address:</b>	CHARLI.YOUNG@GWINNETTCOUNTY.COM
<b>Case Number:</b>	SUP2021-00035
<b>Case Address:</b>	2769 DULUTH HWY

**Comments:**       YES       NO

1	PROPERTY IS SERVED BY SEPTIC, NOT SANITARY SEWER AS STATED IN THE LETTER OF INTENT.
2	
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8	

**Recommended Zoning Conditions:**       YES       NO

1	MUST OBTAIN ENVIRONMENTAL HEALTH APPROVAL
2	
3	
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8	

**Note:** Attach additional pages, if needed

## Exhibit E: Maps

[Attached]





CLAIBORNE DR

LONDON LN

KENT CT

MEADOWLARK DR

BOB WHITE TRL

SPARROW CIR

ROBIN LN

CARDINAL LAKE CIR

ORIOLE LN

HICKORY RUN CIR

DOGWOOD CREEK PKWY

DULUTH HWY

BLUEBIRD CIR

BLUEBIRD CIR

WILLOWSTONE DR

BUNTIN RD

WHIPPOORWILL CIR

CARDINAL LAKE DR

SEAGULL DR

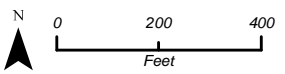
BOB WHITE DR



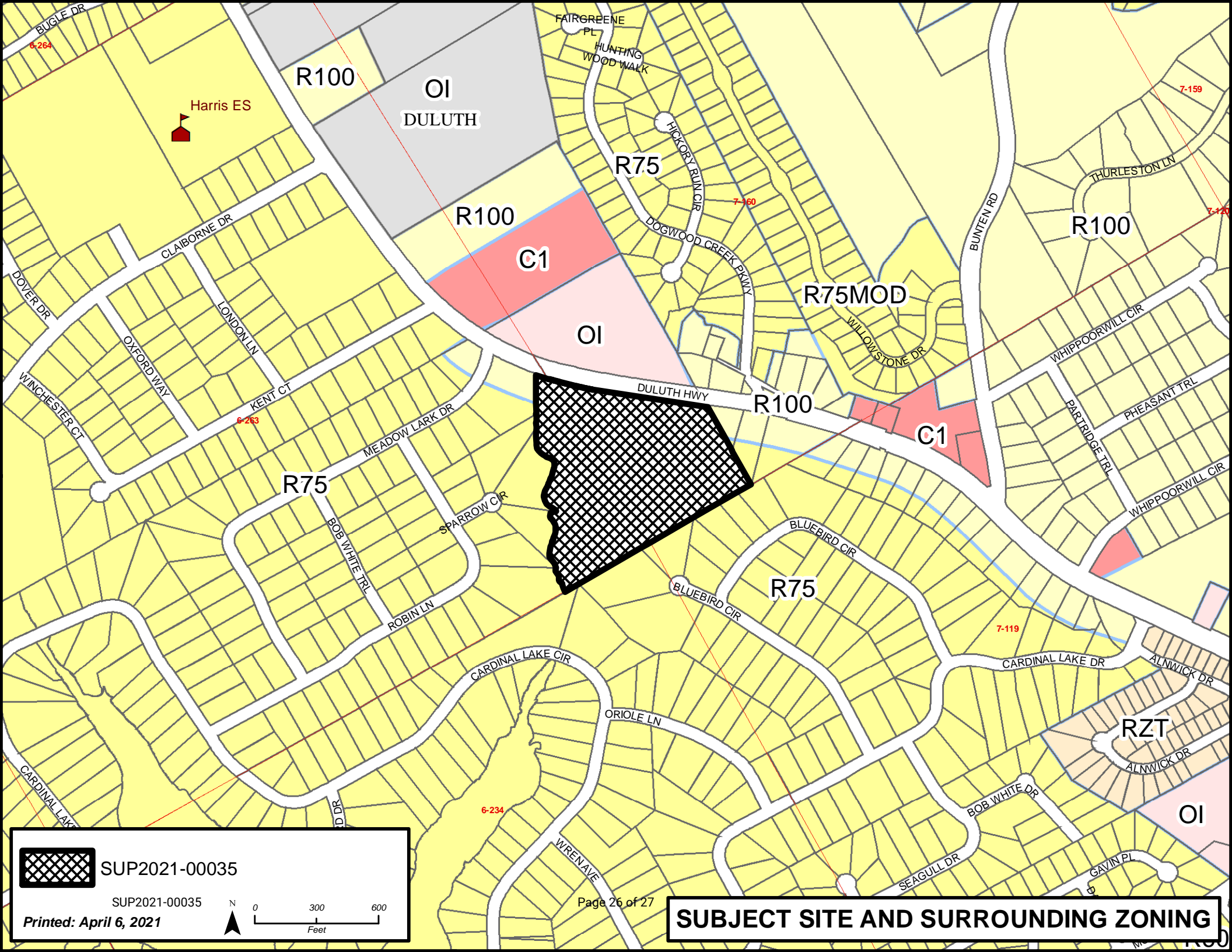
SUP2021-00035

SUP2021-00035

Printed: April 5, 2021







Harris ES

R100

OI  
DULUTH

R75

R100

C1

OI

R75MOD

R100

R100

C1

R75

R75

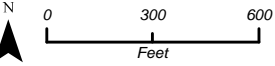
RZT

OI



SUP2021-00035

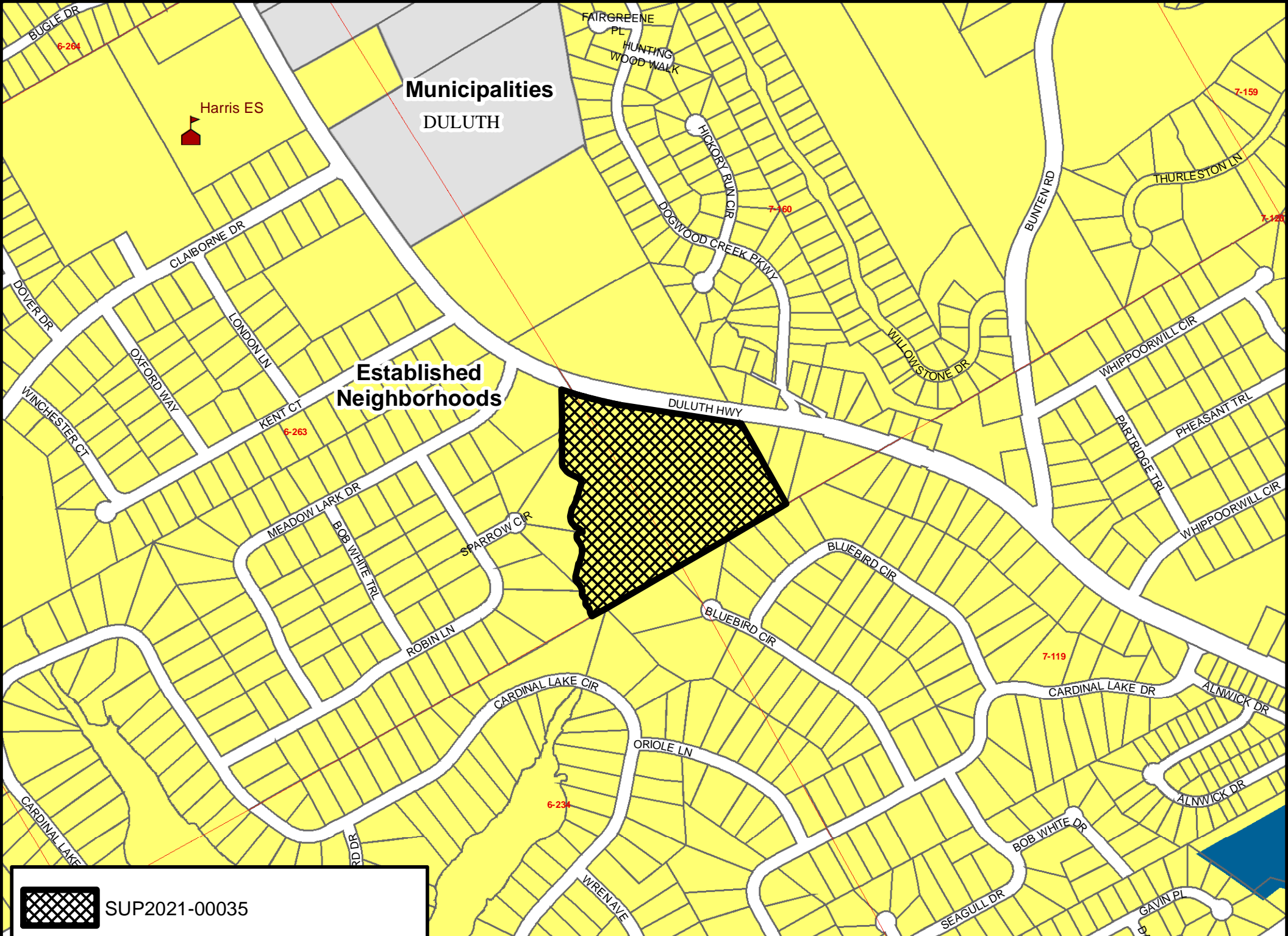
SUP2021-00035




Printed: April 6, 2021

**SUBJECT SITE AND SURROUNDING ZONING**





 SUP2021-00035

SUP2021-00035

Printed: April 6, 2021

N

0 300 600  
Feet

**SPECIAL USE PERMIT APPLICATION**

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Harmony Youth Center</u> ADDRESS: <u>2769 Duluth Hwy</u> CITY: <u>Duluth</u> STATE: <u>GA</u> ZIP: <u>30096</u> PHONE: <u>404-903-4299</u>	NAME: <u>Zadha Madhav Society</u> ADDRESS: <u>2769 Duluth Hwy</u> CITY: <u>Duluth</u> STATE: <u>GA</u> ZIP: <u>30096</u> PHONE: <u>678-920-6669</u>
CONTACT PERSON: <u>Devika Armogan</u> PHONE: <u>404-903-4299</u> CONTACT'S E-MAIL: <u>darmogan@gmail.com</u>	

\*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:	
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
R-75	
EXISTING/PROPOSED ZONING: <u>R-100</u> BUILDING/LEASED SQUARE FEET: <u>22,000 Sq ft</u>	
PARCEL NUMBER(S): <u>R7160 014</u> ACREAGE: <u>15.10</u>	
ADDRESS OF PROPERTY: <u>2769 Duluth Hwy Duluth GA 30096</u>	
SPECIAL USE REQUESTED: <u>Child Care Center</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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RADHA KRISHNA TEMPLE  
PROPERTY LINE DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 263 OF THE 6TH DISTRICT, AND LAND LOT 160 OF THE 7<sup>TH</sup> DISTRICT, GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A PK NAIL AT THE CENTERLINE INTERSECTION OF STATE ROUTE 120 AND DOGWOOD PARKWAY;

THENCE, SOUTH 89 DEGREES 26 MINUTES 13 SECONDS WEST, 253.54 FEET TO A ½" REBAR ON THE SOUTHERLY RIGHT-OF-WAY OF STATE ROUTE 120 (80' R/W); SAID POINT BEING THE POINT OF BEGINNING;

THENCE, SOUTH 28 DEGREES 59 MINUTES 10 SECONDS EAST, 447.95 FEET TO A 1" FLAT ROD;

THENCE, SOUTH 60 DEGREES 16 MINUTES 10 SECONDS WEST, 618.25 FEET TO A 1" OPEN TOP PIPE;

THENCE, SOUTH 60 DEGREES 20 MINUTES 37 SECONDS WEST, 414.64 FEET TO A POINT IN THE CENTERLINE OF KNOX CREEK (A.K.A. SWEETWATER CREEK);

THENCE ALONG THE CENTERLINE OF SAID CREEK, 1118.04 FEET AND BEING SUBTENDED BY A CHORD OF 1074.17 FEET, AT NORTH 08 DEGREES 19 MINUTES 07 SECONDS WEST, 1074.17 FEET TO A POINT;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 303.05 FEET, SAID CURVE HAVING A RADIUS OF 1472.74 FEET AND BEING SUBTENDED BY A CHORD OF 302.52 FEET, AT SOUTH 75 DEGREES 24 MINUTES 26 SECONDS EAST, TO A POINT;

THENCE, SOUTH 81 DEGREES 18 MINUTES 08 SECONDS EAST, 549.08 FEET TO THE POINT OF BEGINNING;

SAID TRACT OR PARCEL CONTAINING 15.10 ACRES

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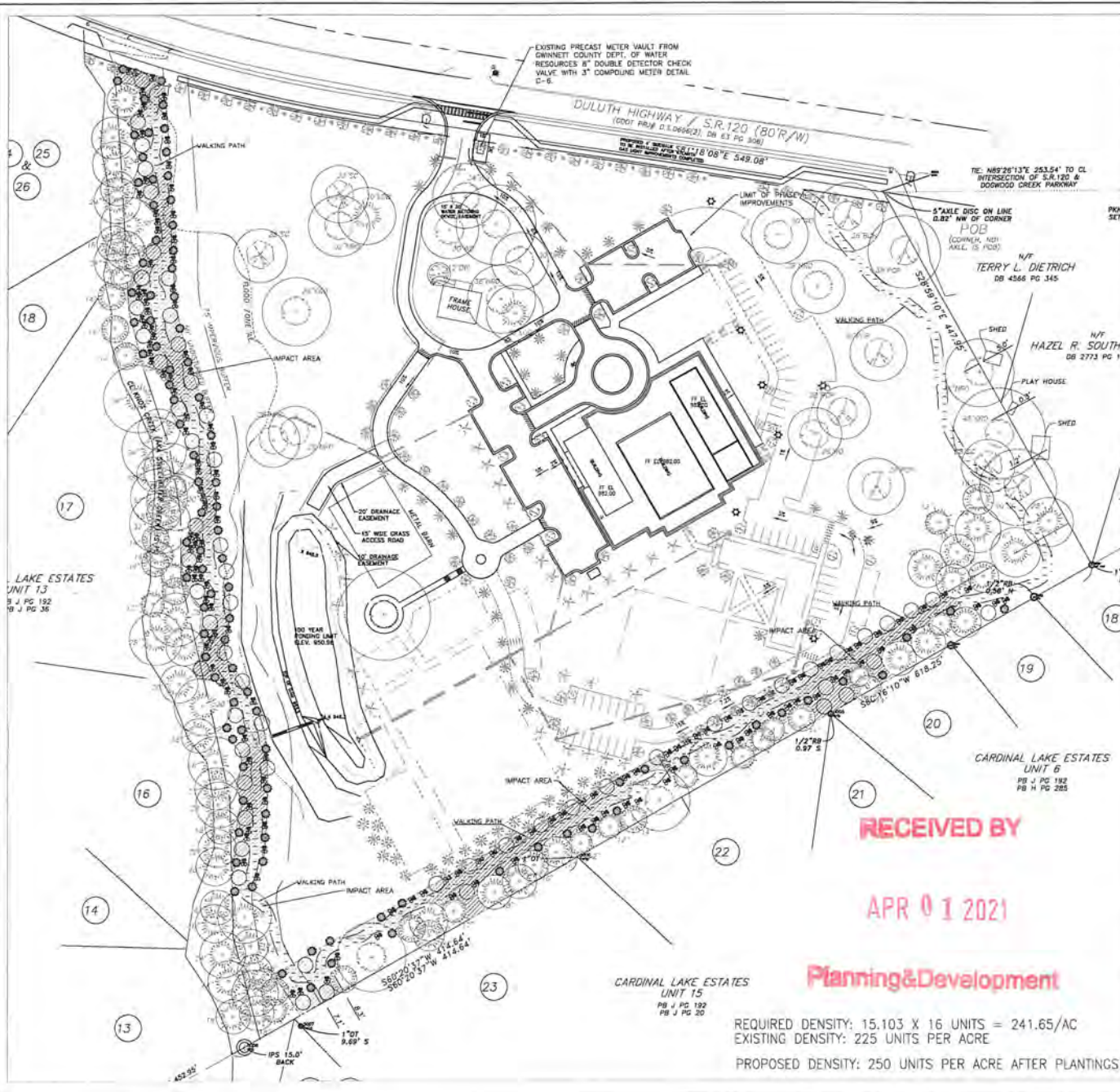
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**TREE PROTECTION NOTES**

TREE PROTECTION FENCING MUST BE INSTALLED AND INSPECTED PRIOR TO OR CONCURRENT WITH ANY CLEARING, GRUBBING OR GRADING. CALL THE DEPARTMENT OF PLANNING AND DEVELOPMENT FOR AN INSPECTION.

TREE PROTECTION SHALL BE ENFORCED ACCORDING TO THE DWINNETT COUNTY TREE PRESERVATION AND REPLACEMENT ORDINANCE.

TOPPING TREES IS NOT ALLOWED. TREES REMOVED OR HAVING THEIR TOPS CUT AFTER COMPLIANCE WITH THIS ORDINANCE SHALL BE REPLACED WITH THE EQUIVALENT INCHES OF REMOVED TREES.

ALL BUFFERS AND TREE SAVE AREAS ARE TO BE CLEARLY IDENTIFIED WITH PROTECTIVE FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.

NON-VEGETATIVE MATERIAL TO BE REMOVED MANUALLY.

A COMMERCIAL APPLICATOR LICENSE AND A PESTICIDE CONTRACTOR LICENSE ARE REQUIRED BY THE CONTRACTOR IF THE USE OF HERBICIDES ARE NECESSARY FOR NOXIOUS PLANT MATERIAL REMOVAL.

TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO ANY LAND DISTURBANCE.

**TREE REPLACEMENT NOTES**

ALL PLANT MATERIALS ARE TO CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK, 1980 EDITION, AMERICAN ASSOCIATION OF NURSERYMEN.

DECIDUOUS TREES SHALL BE AT LEAST 2 INCHES IN DIAMETER AND EVERGREEN TREES SHALL BE AT LEAST 6 FEET IN HEIGHT AT TIME OF PLANTING.

THINNING IS ALLOWED AND MAY INCLUDE MANUAL REMOVAL OF NON-SPECIEN TREES WITHIN THE CRITICAL ROOT ZONE OR OUTLINE OF THE SPECIEN TREE IN THE LANDSCAPE INSTALLATION PHASE OF DEVELOPMENT ONLY. THINNING INCLUDES MANUAL REMOVAL (NO MOTORIZED/WHEELER OR TRACK VEHICLES ALLOWED WITHIN THE CRITICAL ROOT ZONE OF THE SPECIEN TREE).

**STREAM BUFFER IMPACT AREAL 28.9122E**

PERCENTAGE	TREE TYPE	Caliber	SP	No. Trees
25%	LARGE TREES	12"-14"	200	20
25%	SMALL TREES	1"-3"	100	22
25%	SHRUBS	1'-3' DIA	16	400
25%	GROUND COVER	SEED	4	SHR AREA

**LARGE TREES**

Common Name	Size	Number	Percentage
Arbutus menziesii	2"	12	53.33%
Magnolia grandiflora	2"	12	53.33%
Quercus alba	2"	12	53.33%
Total		36	
<b>SHRUB TREES</b>			
Cupressus sempervirens	2"	24	61.54%
Acer rubrum	2"	24	61.54%
Cryptanthus japonicus	2"	24	61.54%
Total		72	
<b>SHRUBS</b>			
Ilex opaca 'Semi-erecta'	8-foot	150	61.54%
Ardisia cuneata	8-foot	150	61.54%
Woodsia glabella	5-gallon	250	33.92%
Total		450	
Ground Cover			
Fescue			

**BEAR UNDISTURBED BUFFER IMPACT AREAL 20.6455E**

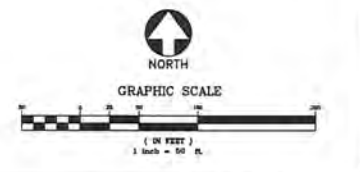
PERCENTAGE	TREE TYPE	Caliber	SP	No. Trees
25%	LARGE TREES	12"-14"	200	25
25%	SMALL TREES	1"-3"	100	21
25%	SHRUBS	1'-3' DIA	16	200
25%	GROUND COVER	SEED	4	SHR AREA

**LARGE TREES**

Common Name	Size	Number	Percentage
Betula nigra	2"	7	28.00%
Magnolia grandiflora	2"	6	24.00%
Quercus alba	2"	9	42.00%
Total		22	
<b>SHRUB TREES</b>			
Cupressus sempervirens	2"	17	33.33%
Acer rubrum	2"	17	33.33%
Cryptanthus japonicus	2"	17	33.33%
Total		51	
<b>SHRUBS</b>			
Ilex opaca 'Semi-erecta'	8-foot	107	63.43%
Ardisia cuneata	8-foot	107	63.43%
Woodsia glabella	5-gallon	156	33.14%
Total		370	
Ground Cover			
Fescue			

SHRUBS IN BUFFER TO BE A MINIMUM OF 3 FEET IN HEIGHT AT TIME OF PLANTING. SHRUBS PLANTED IN BUFFER TO BE A MINIMUM OF 10 FEET IN HEIGHT AT MATURITY.

TREE PROTECTION FENCE TO BE ORANGE MESH TYPE FABRIC BEHIND SDI-S.



CLIENT/OWNER/DEVELOPER

**RADHA MADHAV SOCIETY**

2769 Duluth Highway  
Duluth, GA 30098

PROJECT

**RADHA KRISHNA TEMPLE**

2769 Duluth Highway  
Duluth, GA 30098  
Land Lot 263, 6th District  
Land Lot 180, 7th District  
Tax Parcel  
7160014 2769

TerraBuild PROJECT NO. 132006

**tb TerraBuild USA**

P.O. BOX 601  
LILBURN, GEORGIA 30048  
Office: 770.905.7619  
www.TerraBuildUSA.com



NOT VALID WITHOUT SIGNATURE AND DATE

These drawings are the property of TerraBuild and are to be used only for the specific project at the location shown. They are not to be used for any other project without the prior written consent of TerraBuild. TerraBuild, its employees, and its agents shall not be held liable for any errors or omissions in these drawings.

DESIGNED BY

DRAWN BY

CHECKED BY

APPROVED BY

DATE FEB 16, 2018

REVISIONS AUG 6, 2018

DRAWING TITLE

**BUFFER REPLANTING PLAN**

DRAWING NUMBER

**C3.01**

REQUIRED DENSITY: 15.103 X 16 UNITS = 241.65/AC  
EXISTING DENSITY: 225 UNITS PER ACRE  
PROPOSED DENSITY: 250 UNITS PER ACRE AFTER PLANTINGS

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**SPECIAL USE PERMIT APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO REQUIREMENT OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

See attached

- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

See attached

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

See attached

- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

See attached

- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

See attached

- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:

See attached

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**SPECIAL USE PERMIT APPLICANT'S RESPONSE**  
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENT OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The proposed Child Care is consistent with the residential and other permitted uses in the area. Thus, there is little to no impact on adjacent and nearby property uses.

- B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No. The proposed use would be completely contained within the existing property and a continued residential/permitted use appearance. There is little to no impact on adjacent and nearby property and will not adversely affect these properties.

- C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The property is currently zoned residential and does not have any reasonable economic use.

- D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:

No. The proposed Child Care is operating for limited daily hours and is not cause any additional or excessive use of existing streets, transportation facilities or facilities. There is no impact on the schools.

E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes.

F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:

Yes. The Property is located off of Duluth Highway, and the proposed use is entirely appropriate in light of existing zoning and existing and emerging development patterns and land uses in the surrounding area.

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LETTER OF INTENT

SPECIAL USE PERMIT FOR CHILD CARE (R-100 ZONING DISTRICT)

The Applicant, Harmony Youth Center (hereinafter the "Applicant"), submits this request for Renewal of a Special Use Permit for a Child Care in a leased space located at 2769 Duluth Highway, Duluth, GA 30022, Parcel No. 7160 014 (the "Subject Property"). The Subject Property covered by this Application is currently zoned R-100.

Center is helping Families with their child care needs. The Child Care Center is operating within the 22,000 square foot building located on the Subject Property.

The center is professionally managed and operated. The facility is fully staffed and includes daily activities for the Child Care customers. The facility already has a full kitchen operated by the owner, Radha Madhav Society, Inc., which is providing meals and snacks to the Child Care customers. Existing outdoor areas will provide recreation and play as well.

The Child Care Center use is consistent with the existing character of the area. The Property has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares and highways.

The Subject Property is an appropriate location for the uses, and has little to no impact on any surrounding properties or to the citizens in nearby or surrounding areas. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

Respectfully submitted, this 1st day of April, 2021.

Devika Armogan - applicant representative

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**SPECIAL USE PERMIT APPLICANT'S CERTIFICATION**

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

*Devika Armogian*  
\_\_\_\_\_  
Signature of Applicant

*3/3/21*  
\_\_\_\_\_  
Date

*DEVIKA ARMOGIAN*  
\_\_\_\_\_  
Type or Print Name and Title

*Kishore Masand*  
\_\_\_\_\_  
Signature of Notary Public

*3/3/2021*  
\_\_\_\_\_  
Date



\_\_\_\_\_  
Notary Seal

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**SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION**

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

  
\_\_\_\_\_  
Signature of Property Owner

3/3/21  
\_\_\_\_\_  
Date

PRIYABRATA BARN, Secretary  
\_\_\_\_\_  
Type or Print Name and Title

Kishore Masand  
\_\_\_\_\_  
Signature of Notary Public

3/3/2021  
\_\_\_\_\_  
Date



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**SPECIAL USE PERMIT IN A  
RESIDENTIAL DISTRICT**

(Only submit with Special Use Permit Application for a use within a residence)

I, the undersigned applicant, understand and agree that the Special Use Permit, if approved, shall automatically terminate in the event that this property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued.

*Devika Armogán*

Signature of Applicant

DEVIKA ARMOGAN

Type or Print Name

3/3/21

Date

*Kishore Masand*

Signature of Notary Public

3/3/2021

Date



Notary Seal

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**CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT**

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Devika Armogad      3/3/21      DEVIKA ARMOGAD  
 SIGNATURE OF APPLICANT      DATE      TYPE OR PRINT NAME AND TITLE

\_\_\_\_\_  
 SIGNATURE OF APPLICANT'S      DATE      TYPE OR PRINT NAME AND TITLE  
 ATTORNEY OR REPRESENTATIVE

Kishore Masand      3/3/2021  
 SIGNATURE OF NOTARY PUBLIC      DATE



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES     NO    DEVIKA ARMOGAD  
 YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

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