

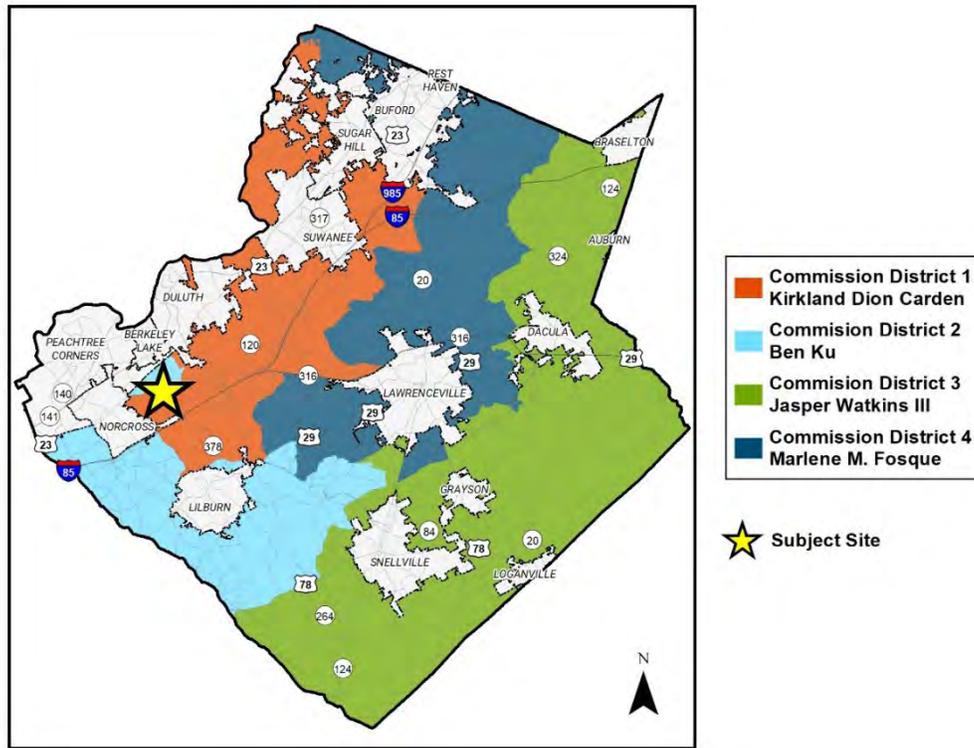


## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** SUP2022-00063  
**Current Zoning:** R-75 (Single-Family Residence District)  
**Request:** Special Use Permit  
**Addresses:** 4616 Old Norcross Road  
**Map Numbers:** R6239 026  
**Site Area:** 1.50 acres  
**Square Footage:** 3,145  
**Proposed Development:** Place of Worship  
**Commission District:** District 1 – Carden  
**Character Area:** Vibrant Communities

**Staff Recommendation:** DENIAL

**Planning Commission Recommendation:** DENIAL WITHOUT PREJUDICE



**Planning Commission Advertised Public Hearing Date: 11/2/2022**  
**Board of Commissioners Advertised Public Hearing Date: 11/15/2022**

**Applicant:** Litao Li  
c/o Andersen, Tate, and Carr, P.C.  
1960 Satellite Boulevard, Suite 4000  
Duluth, GA 30097

**Owners:** Litao Li  
4616 Old Norcross Rd  
Duluth, GA 30096

**Contact:** Anre D. Washington

**Contact Phone:** 770.822.0900

## Zoning History

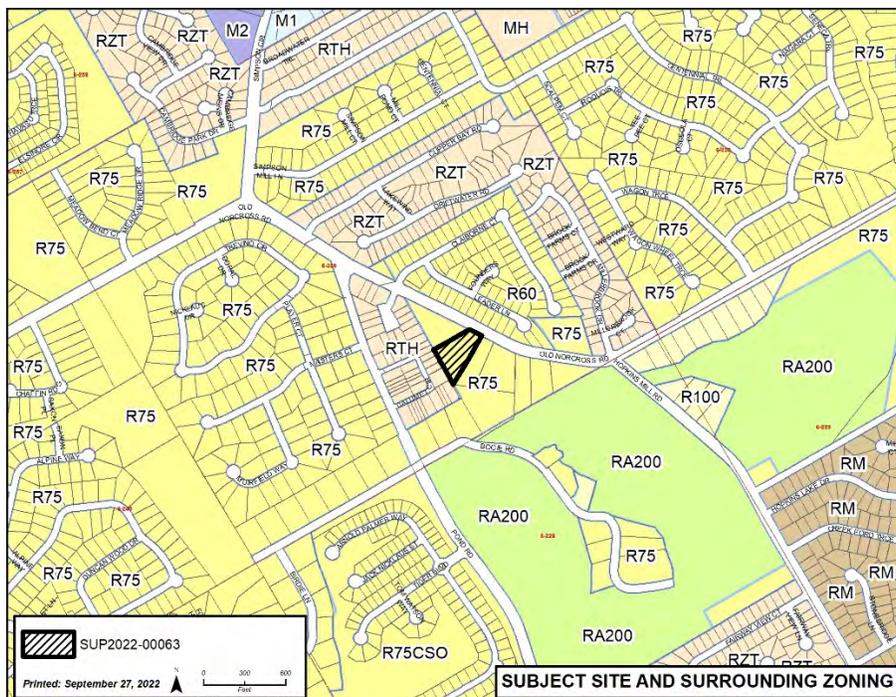
The subject property is zoned R-75 (Single-Family Residence District). No other zoning requests are on record for this property.

## Existing Site Condition

The subject site is a 1.50-acre parcel located on Old Norcross Road east of its intersection with Pond Road. The parcel is currently developed with a 3,145 square foot single-family residence, built in 1983. The front yard of the property has been partially cleared. The rear of the property remains undeveloped and heavily vegetated. The site slopes down approximately 22 feet from the road frontage to the rear of the property. Access to the property is from a single driveway on Old Norcross Road. No sidewalks are present on the subject property's frontage along Old Norcross Road. The nearest Gwinnett County Transit stop is approximately 1.2 miles from the subject site.

## Surrounding Use and Zoning

The subject site is surrounded by single-family residences on large lots and within subdivisions. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Place of Worship	R-75	N/A
North	Single-Family Residential	R-60	3.89 units per acre
East	Single-Family Residential	R-75	0.96 units per acre
South	Single-Family Residential	R-75	0.68 units per acre
West	Single-Family Residential	R-TH	1.77 units per acre

## Project Summary

The applicant requests a special use permit on a 1.50-acre parcel zoned R-75 for a place of worship, including:

- Use of the existing 3,145 square foot single-family residence as a place of worship without any proposed interior modifications.
- Expansion of the existing concrete driveway for five parking spaces and a turnaround area, resulting in a total of eight parking spaces.
- One existing full access driveway to remain in its current condition.
- No stormwater management facilities are indicated on the submitted site plan.
- A 20-foot-wide buffer adjacent to the neighboring residential properties per the Supplemental Use Standards for places of worship.
- Hours of operation Monday through Saturday from 10:00 am to 2:00 pm and Sunday from 10:00 am to 4:00 pm.
- Three current members and a proposed limit of eight members.

## Zoning and Development Standards

The applicant is requesting a Special Use Permit for a place of worship in the R-75, Single-Family Residence District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	<35'	YES
Front Yard Setback	Minimum 50'	>50'	YES
Side Yard Setback	Minimum 10'	>30'	YES
Rear Yard Setback	Minimum 30'	>30'	YES
Off-Street Parking	Minimum 5 spaces Maximum 10 spaces	8 spaces	YES
Landscape Strip	10'	10'	YES
Zoning Buffer	20'	20'	YES
Minimum Lot Size	Minimum 5 acres	1.5 acres	NO*

\*Since the property does not meet the minimum site size for a place of worship, a special use permit is required.

## Internal and External Agency Review

In addition to these 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 transportation, stormwater, water, and sewer utilities. 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 will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The subject site is surrounded by residences on large lots and single-family subdivisions. One larger, established place of worship is located approximately 0.4 miles from the site. However, that place of worship is located at an intersection and on a lot much larger than the subject parcel. The special use permit request is the result of the proposed development being unable to comply with Section 230-130.3 II (1.A), which requires all places of worship in residential zoning districts to be on parcels at least 5 acres in size. Places of worship are permitted within the R-75 zoning district, but are required to obtain a special use permit if they are unable to comply with the Supplemental Use Standards for places of worship. The proposed place of worship complies with all other requirements of Section 230-130.3 II, including building and parking setbacks, buffers from adjacent residential properties, and minimum road frontage. Considering the residential nature of the surrounding community and the size of the parcel, the proposed special use permit would not be suitable given the surrounding use and development.

**B. Whether a proposed special use permit will adversely affect the existing use or usability of adjacent or nearby property.**

The proposed development would adversely affect the existing use or usability of adjacent or nearby properties. The proposed place of worship is located mid-block of a residential road with single-family homes adjacent on three sides. The relatively small size of the parcel does not lend itself to the proposed use.

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

The property has a reasonable economic use as currently zoned.

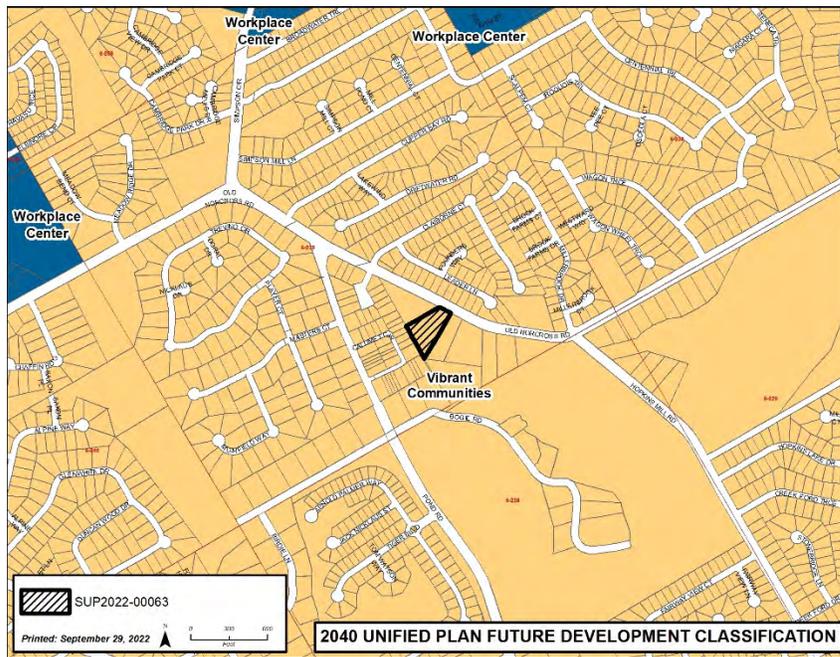
**D. Whether the proposed special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

A minimal impact on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development regulations, and planning. No impact is anticipated on school enrollment.

Agency review comments related to any potential improvements concerning this special use permit request is attached (Exhibit D).

**E. Whether the proposed special use permit is in conformity with the policy and intent of the Unified Plan and Future Development Map.**

The 2040 Unified Plan and Future Development Map indicates that the subject property lies within the Vibrant Communities Character Area. This Character Area is intended to serve as a transition between neighborhood nodes and mixed-use activity centers and surrounding, established single-family residential areas. While institutional uses may be integrated into Vibrant Communities, the placement and design context should be complimentary to nearby development patterns. Therefore, the proposed place of worship is not in conformity with the Unified Plan.



**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.**

The proposed development is surrounded primarily by residences on large lots and single-family subdivisions. Growth in this area is anticipated to be limited to further single-family detached residences. The letter of intent states that the applicant will continue to live in the residence which is not permitted in the R-75 zoning district. While the letter of intent states that the number of members using the facility will range from three to eight, allowing the use could lead to further expansions. These conditions give supporting grounds for disapproval of the special use permit request. Therefore, granting special use approval for a place of worship is unnecessary when the proposed activities may be conducted under the current zoning.

## Staff Recommendation

Based on the staff's evaluation of the request and the standards governing exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the special use permit request.

## Staff Recommended Conditions

NOTE: The following conditions are provided as a guide should the Board of Commissioners choose to approve this petition.

Approval of a Special Use Permit for a Place of Worship, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan received September 1, 2022, with revisions required by conditions of approval and the Unified Development Ordinance as reviewed and approved by the Department of Planning and Development.
2. The place of worship and customary accessory uses shall be contained within the existing structures on the site.
3. Parking areas shall be limited to the parking shown on Exhibit B: Site Plan and shall be screened with landscaping from the neighboring properties subject to review and approval of the Department of Planning and Development.
4. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site, except within 60 days of grand opening and during special events which shall occur no more than twice per calendar year, and last no longer than seven days each.
5. In the event of construction/development of the proposed site, the developer shall: (1) Upgrade driveways to Driveway Detail 2.B per UDO Section 900-40.2, and (2) Construct a minimum 5-foot-wide sidewalk along the entire property frontage.

## Planning Commission Recommendation

Based on staff's evaluation of the request, 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 recommends **DENIAL WITHOUT PREJUDICE** of the special use permit request.

**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
- F. Application and Disclosure of Campaign Contributions

**Exhibit A: Site Visit Photos**



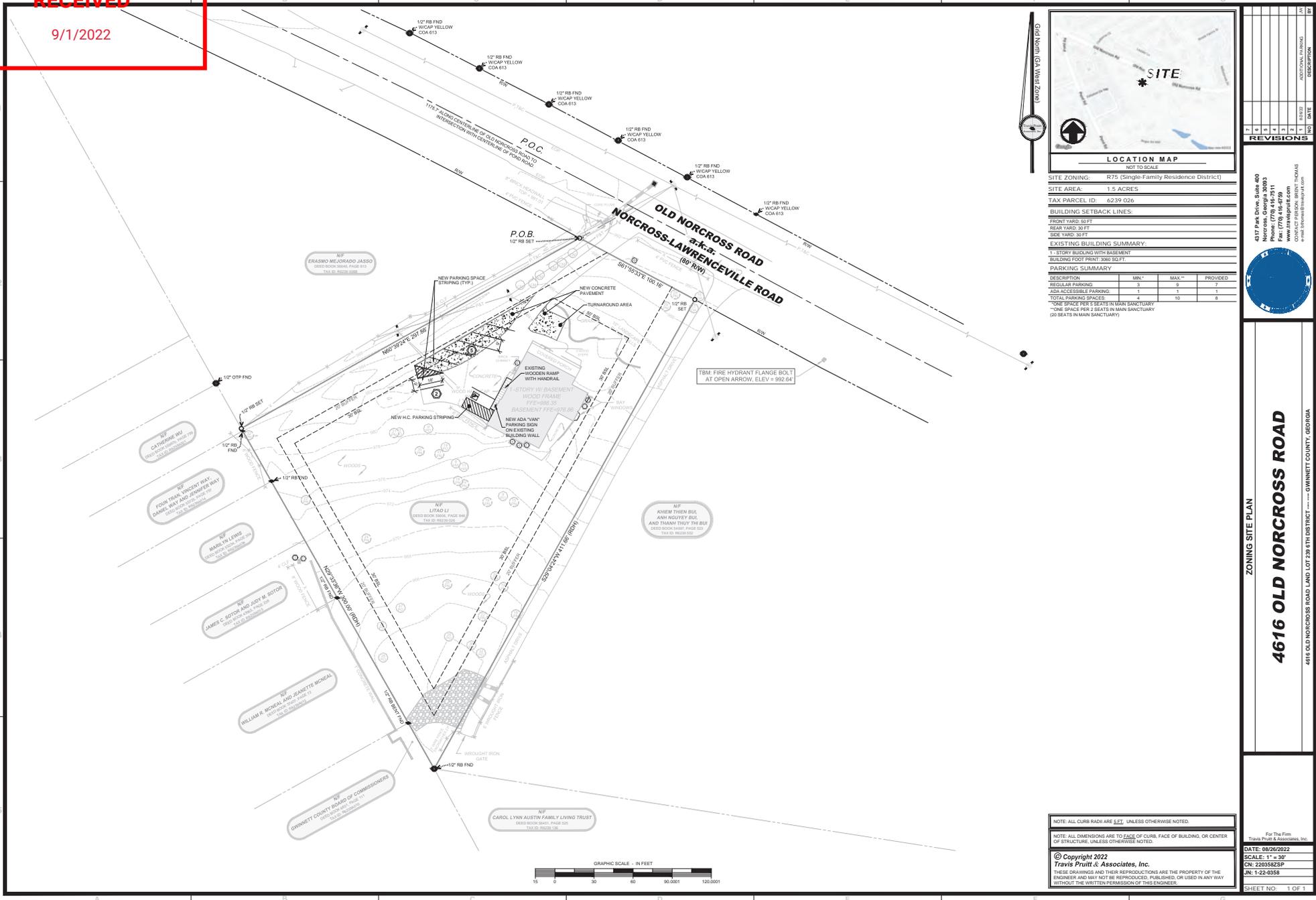
**View of residence from Old Norcross Road**

**Exhibit B: Site Plan**

**[attached]**

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**LOCATION MAP**  
NOT TO SCALE

SITE ZONING: R75 (Single-Family Residence District)

SITE AREA: 1.5 ACRES

TAX PARCEL ID: 6239 026

**BUILDING SETBACK LINES:**

FRONT YARD: 5 FT  
REAR YARD: 3 FT  
SIDE YARD: 5 FT

**EXISTING BUILDING SUMMARY:**

1-STORY BUILDING WITH BASEMENT  
BUILDING FOOT PRINT: 3060 SQ. FT.

**PARKING SUMMARY**

DESCRIPTION	MIN.	MAX.	PROVIDED
REGULAR PARKING	3	9	7
ADA ACCESSIBLE PARKING	1	1	1
TOTAL PARKING SPACES	4	10	8

\*ONE SPACE PER 3 SEATS IN MAIN SANCTUARY  
\*\*ONE SPACE PER 2 SEATS IN MAIN SANCTUARY  
(20 SEATS IN MAIN SANCTUARY)

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		



ZONING SITE PLAN

**4616 OLD NORCROSS ROAD**

4616 OLD NORCROSS ROAD LAND LOT 238 6TH DISTRICT

GWINNETT COUNTY, GEORGIA

NOTE: ALL CURB RADI ARE 5:11, UNLESS OTHERWISE NOTED.

NOTE: ALL DIMENSIONS ARE TO FACE OF CURB, FACE OF BUILDING, OR CENTER OF STRUCTURE, UNLESS OTHERWISE NOTED.

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Travis Pruitt & Associates, Inc.

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DATE: 08/26/2022  
SCALE: 1" = 30'  
CN: 20032829  
JN: 1-22-0358  
SHEET NO: 1 OF 1

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

**[attached]**

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9/1/2022

## INTRODUCTION

Mr. Litao Li, the Property Owner and Applicant, (the “Applicant”) submits this Special Use Permit Request (the “Application”) for a single 1.50-acre parcel located in Land Lot 239 of the 6<sup>th</sup> District of Gwinnett County, Georgia, Duluth, and identified as 4616 Old Norcross Road (the “Property”). The Property is an irregularly shaped quadrilateral tract situated alongside Norcross-Lawrenceville Road. The Applicant has attached a July 26, 2022, survey by Travis Pruitt & Associates to this Application. The Property’s Tax Parcel ID number is R6239-026 and is further identified below from the Gwinnett County Tax Assessor’s Website:



The Property is zoned R-75 (Single-Family Residence District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant has filed an application seeking approval for a Special Use Permit to use this home as a place of worship and meditation for a limited number of people. The Applicant is not seeking to make any modifications to the building structure.<sup>1</sup> However, the Applicant will add additional parking spots at the site to accommodate additional guests.

The Applicant submits this document as the Letter of Intent, Response to Standards Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

## II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is an irregularly shaped rectangle tract fronting Old Norcross Road. The Property sits within Vibrant Communities Character Area and is surrounded by properties that

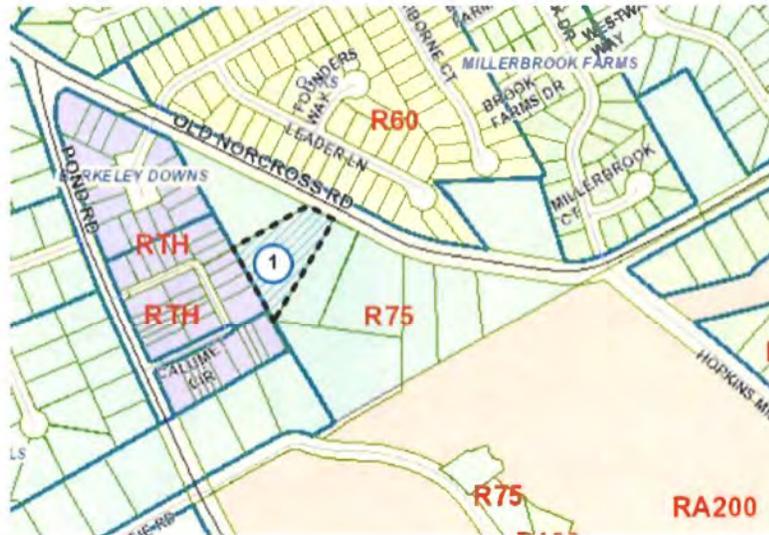
<sup>1</sup> The Applicant is requesting a concurrent variance from compliance with Architectural Design Category 1, Commercial and Non-Residential Buildings as there is no plan to modify or alter the existing home. The Applicant recognizes that if any modifications are made to the structure, compliance with all applicable County codes and regulations would be required.

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9/1/2022 are zoned R-75 (single-family residence), R-60 (single-family residence), and R-TH (single-family residence).

The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Vibrant Communities Character Area” of the Gwinnett County Future Development Map. The Vibrant Communities Character Area is intended to serve as a transition between neighborhood nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from the primary intersections where the various types of activity centers and nodes are located. Corner/neighborhood serving non-residential or institutional developments/uses may be integrated into Vibrant Communities. These communities will function as a buffer between neighborhood nodes/mixed-use areas and the larger, established residential areas.

Below is a map of the surrounding uses and zoning classifications:



### III. PROJECT SUMMARY

The Applicant is seeking an SUP for the Property in order to permit an intimate group of eight or fewer worshipers and meditation practitioners to gather in the Applicant’s home. As shown in the attached August 26, 2022, site plan prepared by Travis Pruitt & Associates, Inc. (the “Site Plan”), the Applicant’s only significant change would be an additional four parking spaces to bring the Property in compliance with the Gwinnett County UDO and Federal Americans with Disabilities Act (“ADA”) which requires a designated handicap space. The Applicant is proposing to offer community members a safe environment to participate in the Chinese Buddhism Practice Center. Potential members would access the Property through a single asphalt drive from Old Norcross Road. The hours of operation would be Monday through Saturday from 10:00 a.m. to 2:00 p.m. and Sunday from 10:00 a.m. to 4:00 p.m. The Applicant represents a small community that only has (3) three members and would limit services to no more than (8) eight members. Important to note that this is not a relocation, and there are no plans for activities to be conducted outside the home. As previously indicated, the

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Applicant recognizes that any changes, modifications, or expansion to the existing structure or the requested special use would require an additional application and approval by the Board of Commission.

#### IV. SITE IMPACT ANALYSIS

Pursuant to UDO § 270-20.6, entitled "Impact Analysis," the Applicant submits its written impact analysis which shows that the SUP request satisfies UDO § 270-20.5, entitled "Standards Governing Exercise of the Zoning Power," as follows:

(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, approval of the proposed SUP will permit a suitable use in view of the use and development of the adjacent and nearby Property. The Property is located on Old Norcross Road within the Vibrant Communities Character Area.

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

No, the proposed SUP Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed use is compatible with existing commercial uses of adjacent and nearby properties. Instead, the proposed development would represent a nonintrusive and rich cultural addition to an existing neighborhood.

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

The Property will continue with its current use as a single-family home. This request permits a home owner to conduct non profit faith based activities within the confines of their home and UDO.

(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 SUP application will not result in excessive or burdensome use of the infrastructure systems. The Property has convenient access to Old Norcross Road. Additionally, due to the limited number of members, the Applicant contends there will be a de minimis or nonexistent impact on existing streets, transportation facilities, utilities, and schools.

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

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9/1/2022 The proposed SUP application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The Future Development Map of the Gwinnett County 2040 Unified Plan (the "2040 Plan") classifies this Property as within the "Vibrant Communities Character Character Area," of the Gwinnett County Future Development Map. Corner/neighborhood serving non-residential or institutional developments/uses may be integrated into Vibrant Communities. These communities will function as a buffer between neighborhood nodes/mixed-use areas and the larger, established residential areas. The proposed development would be compatible with and successfully co-exist with the surrounding uses.

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

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 SUP application. In addition, the Applicant submits that the Property's location, size, and dimensions, as well as its location, further support for approval of the proposed SUP application.

**V. JUSTIFICATION FOR SPECIAL USE PERMIT**

The Applicant respectfully submits that "The Unified Development Ordinance of Gwinnett County, Georgia" (the "Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district or restricts the use in such a way that would preclude approval of a Special Use Permit for a place of worship is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning, or use restrictions, of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications and use restrictions, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Gwinnett County Board of Commissioners to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification, use restrictions, and any other zoning of the Property save for what has been requested as established in the Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications and use restrictions between the existing zoning and the zoning and SUP requested hereunder would constitute and arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification and use restrictions constitutes, and all zoning and plan

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classifications intervening between the existing inconsistent zoning classification, use restrictions, and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested SUP would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the Gwinnett County Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

## VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this SUP Application to allow for a Place of Worship be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 1<sup>st</sup> day of September, 2022.

ANDERSEN, TATE & CARR, P.C.

Anne D. Washington

Anne D. Washington, Esq.

Enclosures  
ADW/dwb

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

**[attached]**



**Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE**

<b>TRC Meeting Date:</b>		10.7.2022	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		<a href="mailto:Brent.Hodges@gwinnettcounty.com">Brent.Hodges@gwinnettcounty.com</a>	
Case Number:		SUP2022-00063	
Case Address:		4616 Old Norcross Road	
<b>Comments:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1	Old Norcross Road is a minor arterial. ADT = 15,128.		
2	1.2 miles to nearest transit facility (#2334873) Buford Highway and Simpson Circle.		
3			
4			
5			
6			
7			
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1			
2			
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5			
6			
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**Note:** Attach additional pages, if needed

Revised 7/26/2021

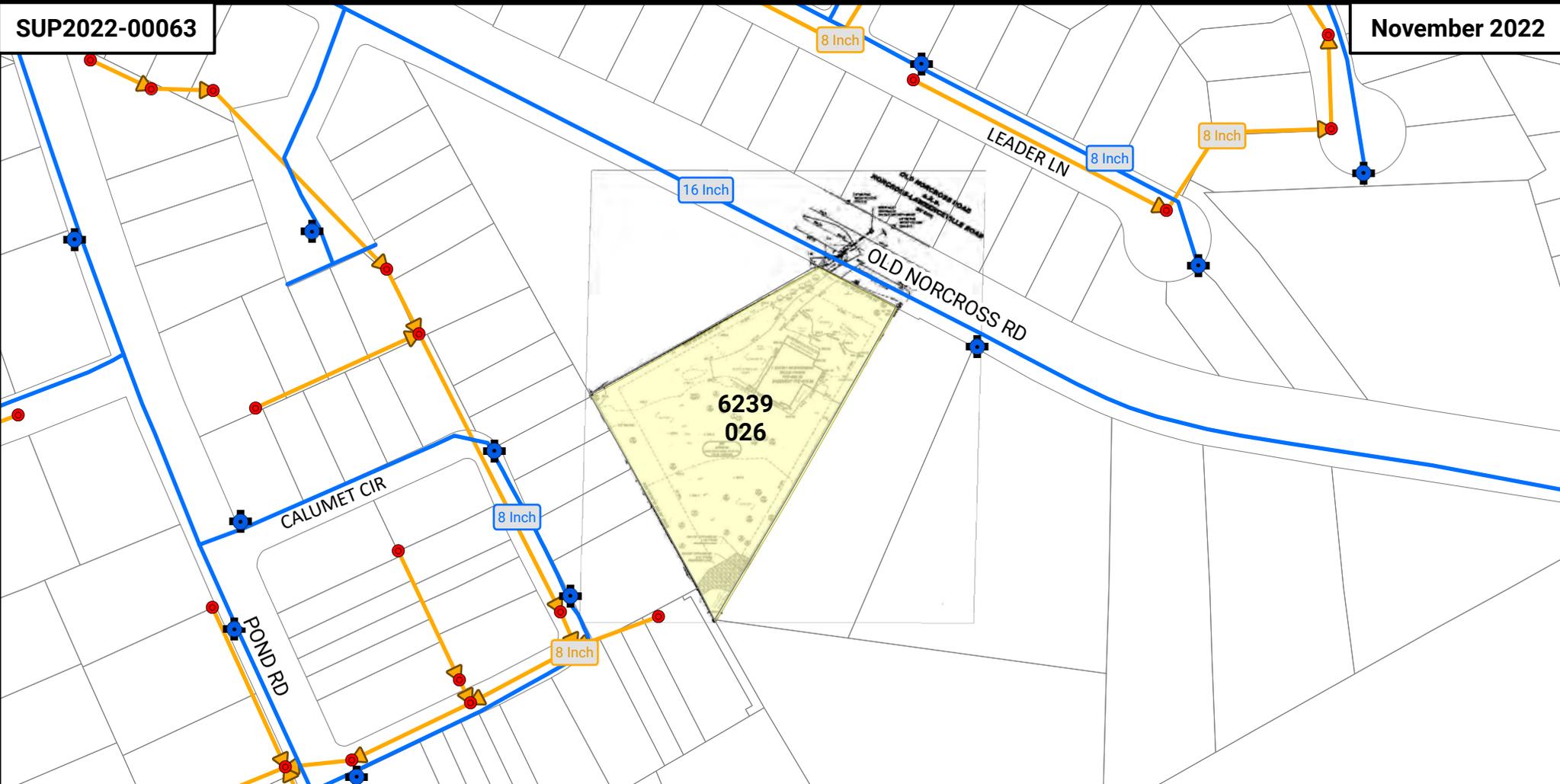


**Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE**

<b>TRC Meeting Date:</b>		November Cases		
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		<a href="mailto:Michael.pappas@gwinnettcounty.com">Michael.pappas@gwinnettcounty.com</a>		
Case Number:		SUP2022-00063		
Case Address:		4616 Old Norcross Road		
<b>Comments:</b>		<input type="checkbox"/>	<b>YES</b>	<input checked="" type="checkbox"/>
<b>1</b>	Water: There are no DWR comments for this case, the existing building is already connected to water.			
<b>2</b>	Sewer: There are no DWR comments for this case, the building is to remain on septic.			
<b>3</b>				
<b>4</b>				
<b>5</b>				
<b>6</b>				
<b>7</b>				
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/>	<b>YES</b>	<input checked="" type="checkbox"/>
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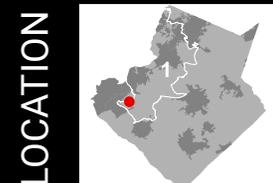
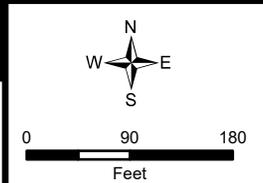
**Note:** Attach additional pages, if needed

*Revised 7/26/2021*



	Flow Management		Hydrant		Sewer Force Main
	Pump Station		City		Effluent Outfall
	Regional		Water Main		Sewer Collector
	Manhole		Reuse Main		Sewer Interceptor

**4616 Old Norcross Road**  
 R-75  
**Water & Sewer**  
**Utility Map**



**Water Comments:** There are no DWR comments for this case, the existing building is already connected to water.

**Sewer Comments:** There are no DWR comments for this case, the building is to remain on septic.

**Water Availability:** Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

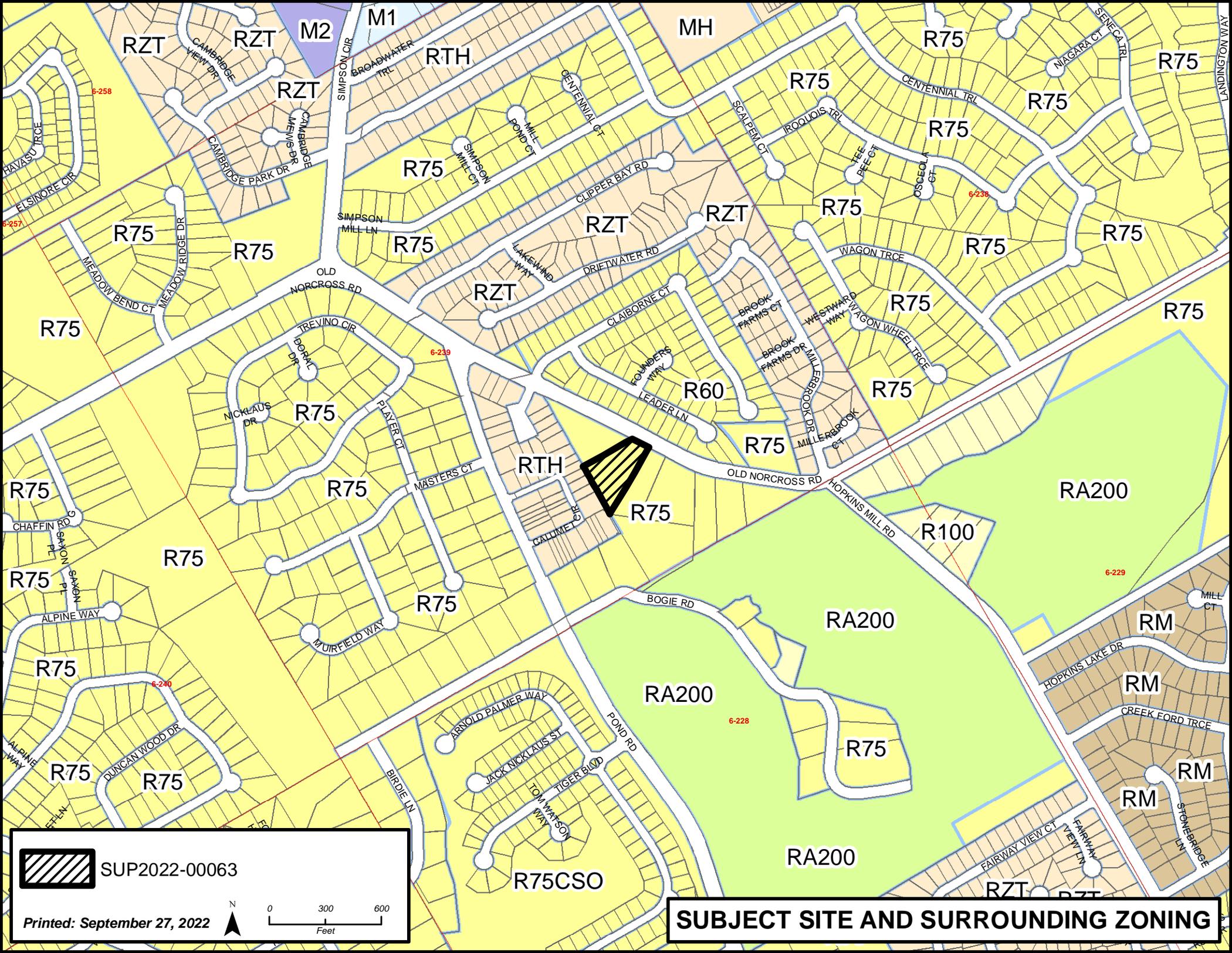
**Sewer Availability:** A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

**Water and Sewer Design and Construction Requirements:** Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

**Private Road Developments:** Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

**Exhibit E: Maps**

**[attached]**

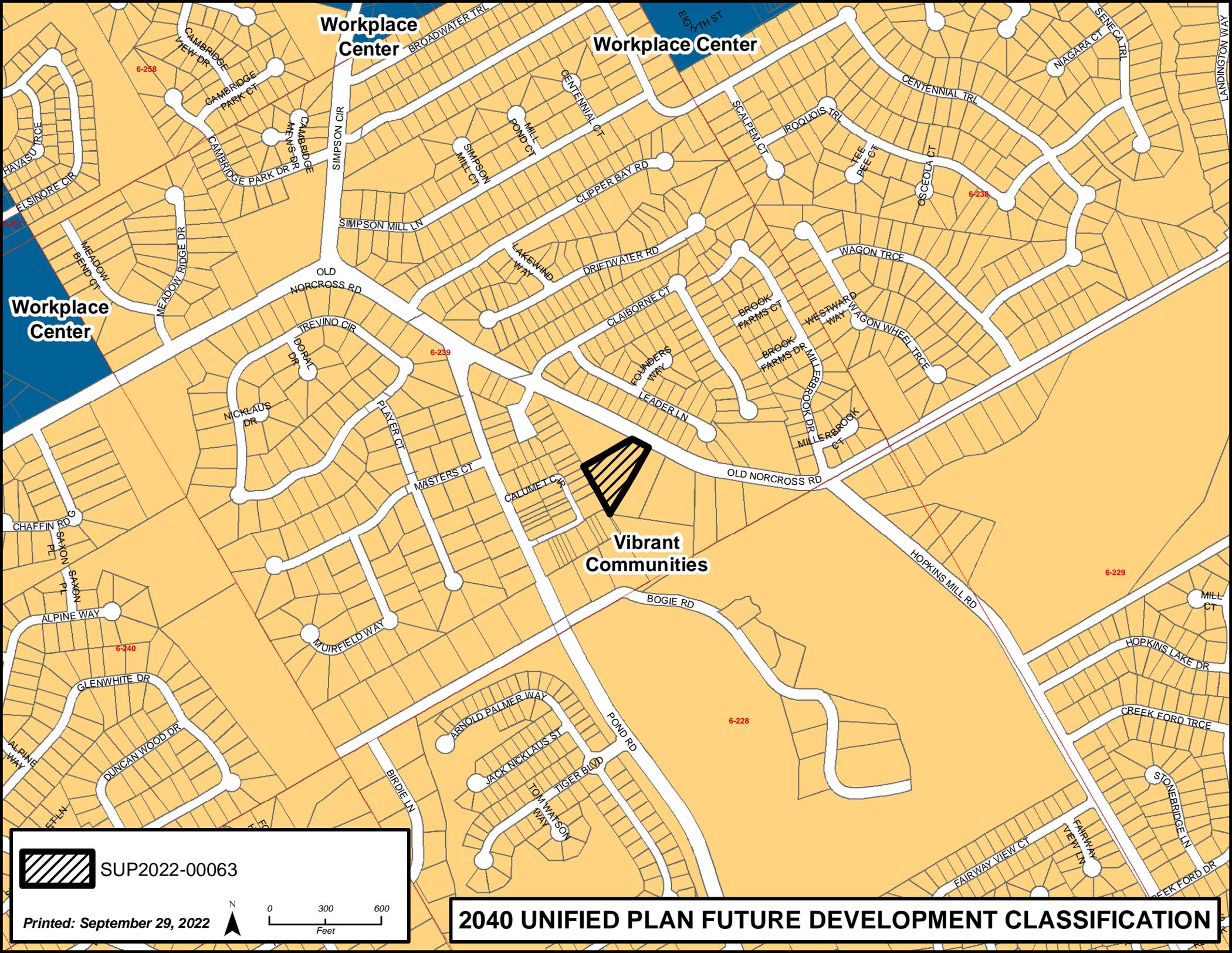


 SUP2022-00063



Printed: September 27, 2022

**SUBJECT SITE AND SURROUNDING ZONING**



**Workplace Center**

**Workplace Center**

**Workplace Center**

**Vibrant Communities**

 SUP2022-00063

Printed: September 29, 2022



**2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION**

CLAIBORNE CT

OLD NORCROSS RD

LEADER LN

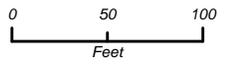
CALUMET CIR

POND



SUP2022-00063

Printed: September 27, 2022



**Exhibit F: Application and Disclosure of Campaign Contribution**

**[attached]**

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9/1/2022

**SPECIAL USE PERMIT APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Litao Li c/o Andersen Tate & Carr	NAME: Litao Li
ADDRESS: 1960 Satellite Blvd S-4000	ADDRESS: 4616 Old Norcross Road
CITY: Duluth	CITY: Duluth
STATE: GA ZIP: 30097	STATE: GA ZIP: 30096
PHONE: 770-822-0900	PHONE: 646-525-9686
EMAIL: awashington@atclawfirm.com	EMAIL: benlin@kw.com
CONTACT PERSON: Anre D. Washington PHONE: 770-822-0900	
CONTACT'S E-MAIL: awashington@atclawfirm.com	

\*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 type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
EXISTING/PROPOSED ZONING: R-75 BUILDING/LEASED SQUARE FEET: 3,145 SF	
PARCEL NUMBER(S): R6239 026 ACREAGE: 1.50 acre	
ADDRESS OF PROPERTY: 4616 Old Norcross Road, Duluth, GA 30096	
SPECIAL USE REQUESTED: Place of worship	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**

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Gwinnett County Planning Division  
Special Use Permit Application  
Last Updated 10/2021

**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.

*Li*

08/30/2022

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

LITAO LI

\_\_\_\_\_  
Type or Print Name and Title

DU XIAOXIAO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01DU6329494  
Qualified in New York County  
My Commission Expires August 24, 2023

*Xiaoxiao Du*

08/30/2022

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date

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

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Gwinnett County Planning Division  
Special Use Permit Application  
Last Updated 10/2021

**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.

*[Handwritten Signature]*  
\_\_\_\_\_  
Signature of Property Owner

08/30/2022

\_\_\_\_\_  
Date

LITAO LI  
\_\_\_\_\_  
Type or Print Name and Title

DU XIAOXIAO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01DU6329494  
Qualified in New York County  
My Commission Expires August 24, 2023

*[Handwritten Signature]*  
\_\_\_\_\_  
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08/30/2022  
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Special Use Permit Application  
Last Updated 10/2021

**SPECIAL USE PERMIT IN A  
RESIDENTIAL DISTRICT**

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

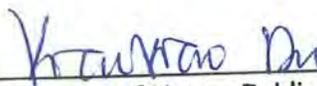
I, the undersigned applicant, understand and agree that the Special Use Permit, if approved, shall automatically terminate in the event that this property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed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

  
\_\_\_\_\_  
Signature of Applicant

LITAO LI  
\_\_\_\_\_  
Type or Print Name

08/30/2022  
\_\_\_\_\_  
Date

DU XIAOXIAO  
NOTARY PUBLIC-STATE OF NEW YORK  
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Date

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

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9/1/2022

Gwinnett County Planning Division  
Special Use Permit Application  
Last Updated 10/2021

**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.

*[Signature]*                      08/30/2022                      LITAO LI owner  
SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

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

*[Signature]*                      08/30/2022                      DU XIAOXIAO  
SIGNATURE OF NOTARY PUBLIC                      DATE                      NOTARY PUBLIC-STATE OF NEW YORK  
No. 01DU6329494  
Qualified in New York County  
Commission Expires August 24, 2023  
NOTARY SEAL

**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    LITAO LI  
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.

**RECEIVED**

9/1/2022

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\_\_\_\_\_  
SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

*Melody A. Glouton*

Melody A. Glouton, Attorney for Applicant

\_\_\_\_\_  
SIGNATURE OF APPLICANT'S                      DATE                      TYPE OR PRINT NAME AND TITLE  
ATTORNEY OR REPRESENTATIVE                      9/1/22

*Daphne Wilson Boyd*

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC                      DATE



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YES                       NO

Melody A. Glouton

\_\_\_\_\_  
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)
Nicole Love Hendrickson	\$1,000	09/30/2020
Kirkland Carden	\$2,800	11/16/2021
Commissioner Ben Ku	\$1,000	03/25/2022
Kirkland Carden	\$500	05/05/2022
Marlene Fosque	\$1,500	06/08/2022

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



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STATE: GA ZIP: 30097	STATE: GA ZIP: 30096
PHONE: 770-822-0900	PHONE: 646-525-9686
EMAIL: awashington@atclawfirm.com	EMAIL: benlin@kw.com
CONTACT PERSON: Anre D. Washington PHONE: 770-822-0900	
CONTACT'S E-MAIL: awashington@atclawfirm.com	

\*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).

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<input type="checkbox"/> CONTRACT PURCHASER	
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PARCEL NUMBER(S): R6239 026 ACREAGE: 1.50 acre	
ADDRESS OF PROPERTY: 4616 Old Norcross Road, Duluth, GA 30096	
SPECIAL USE REQUESTED: Place of worship	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**

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4616 Old Norcross Road, Duluth, Georgia 30096

All that tract or parcel of land lying and being in Land Lot 239 of the 6th District, Gwinnett County, Georgia and being more particularly described as follows:

**COMMENCING** at the intersection of the centerline of Old Norcross Road and the centerline of Pond Road proceed in a south-easterly direction along the centerline of Old Norcross Road 1175.7' to point, **THENCE** South 60 degrees 39 minutes 24 seconds West a distance of 47.53 feet to a 1/2" rebar set on the southerly right-of-way of Old Norcross Road, said rebar being the **POINT OF BEGINNING**.

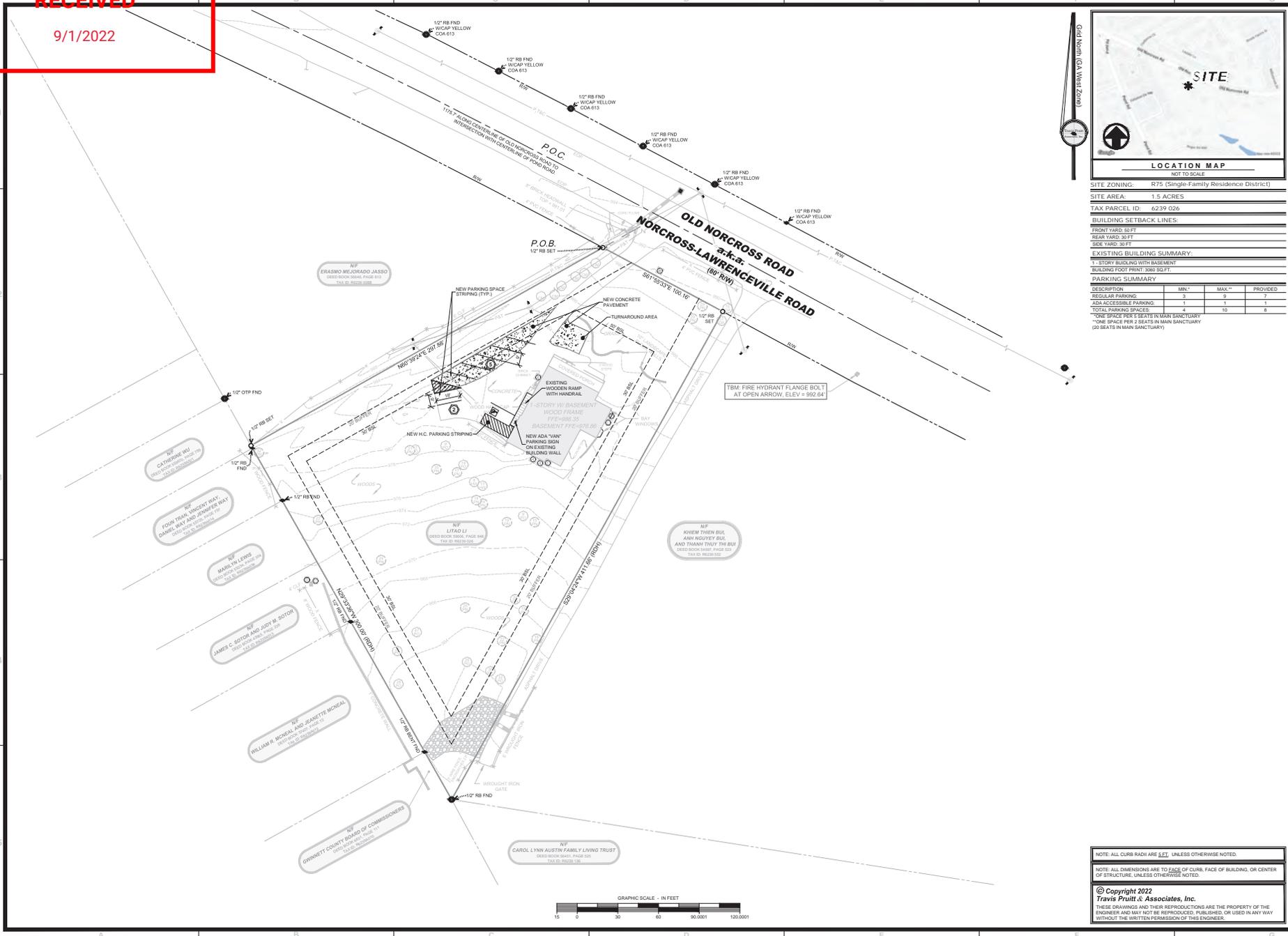
**THENCE** from said **POINT OF BEGINNING** proceed along the southerly right-of-way of Old Norcross Road South 61 degrees 55 minutes 33 seconds East a distance of 100.16 feet to a 1/2" rebar set; **THENCE** leaving said right-of-way South 29 degrees 04 minutes 24 seconds West a distance of 411.66 feet to a 1/2" rebar found; **THENCE** North 29 degrees 33 minutes 36 seconds West a distance of 300.00 feet to a 1/2" rebar set; **THENCE** North 60 degrees 39 minutes 24 seconds East a distance of 297.88 feet to a 1/2" rebar set, said rebar being the **POINT OF BEGINNING**.

Said tract contains 65295 square feet or 1.50 acres.



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SITE ZONING: R75 (Single-Family Residence District)

SITE AREA: 1.5 ACRES

TAX PARCEL ID: 6239 026

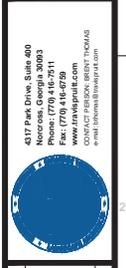
BUILDING SETBACK LINES:  
FRONT YARD: 50 FT  
REAR YARD: 35 FT  
SIDE YARD: 5 FT

EXISTING BUILDING SUMMARY:  
1-STORY BUILDING WITH BASEMENT  
BUILDING FOOT PRINT: 3060 SQ. FT.

DESCRIPTION	MIN.	MAX.	PROVIDED
REGULAR PARKING	3	9	7
ADA ACCESSIBLE PARKING	1	1	1
TOTAL PARKING SPACES	4	10	8

\*ONE SPACE PER 3 SEATS IN MAIN SANCTUARY  
\*\*ONE SPACE PER 5 SEATS IN MAIN SANCTUARY  
(20 SEATS IN MAIN SANCTUARY)

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		



ZONING SITE PLAN  
**4616 OLD NORCROSS ROAD**  
 4616 OLD NORCROSS ROAD LAND LOT 238 6TH DISTRICT  
 GWINNETT COUNTY, GEORGIA

NOTE: ALL CURB RADI ARE 5:11, UNLESS OTHERWISE NOTED.

NOTE: ALL DIMENSIONS ARE TO FACE OF CURB, FACE OF BUILDING, OR CENTER OF STRUCTURE, UNLESS OTHERWISE NOTED.

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**Travis Pruitt & Associates, Inc.**  
 THESE DRAWINGS AND THEIR REPRODUCTIONS ARE THE PROPERTY OF THE ENGINEER AND MAY NOT BE REPRODUCED, PUBLISHED, OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

For The Firm:  
 Travis Pruitt & Associates, Inc.  
 DATE: 08/26/2022  
 SCALE: 1" = 30'  
 CN: 200338259  
 JN: 1-22-0358  
 SHEET NO: 1 OF 1

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9/1/2022

September 1, 2022

**LETTER OF INTENT AND JUSTIFICATION FOR SPECIAL USE PERMIT**

**Special Use Permit Application  
Gwinnett County, Georgia**

**Applicant:**  
Litao Li

**Property:**  
Tax Parcel ID R6239-026  
±1.50 Acres of Land  
Located at 4616 Old Norcross Road, Duluth, Georgia 30096  
**Special Use Permit Application**

**Submitted for Applicant by:**  
Anre' D. Washington, Esq.  
ANDERSEN TATE & CARR, P.C.  
One Sugarloaf Centre  
1960 Satellite Blvd.  
Suite 4000  
Duluth, Georgia 30097  
770.822.0900  
[awashington@atclawfirm.com](mailto:awashington@atclawfirm.com)

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9/1/2022

## INTRODUCTION

Mr. Litao Li, the Property Owner and Applicant, (the “Applicant”) submits this Special Use Permit Request (the “Application”) for a single 1.50-acre parcel located in Land Lot 239 of the 6<sup>th</sup> District of Gwinnett County, Georgia, Duluth, and identified as 4616 Old Norcross Road (the “Property”). The Property is an irregularly shaped quadrilateral tract situated alongside Norcross-Lawrenceville Road. The Applicant has attached a July 26, 2022, survey by Travis Pruitt & Associates to this Application. The Property’s Tax Parcel ID number is R6239-026 and is further identified below from the Gwinnett County Tax Assessor’s Website:



The Property is zoned R-75 (Single-Family Residence District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant has filed an application seeking approval for a Special Use Permit to use this home as a place of worship and meditation for a limited number of people. The Applicant is not seeking to make any modifications to the building structure.<sup>1</sup> However, the Applicant will add additional parking spots at the site to accommodate additional guests.

The Applicant submits this document as the Letter of Intent, Response to Standards Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

## II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is an irregularly shaped rectangle tract fronting Old Norcross Road. The Property sits within Vibrant Communities Character Area and is surrounded by properties that

<sup>1</sup> The Applicant is requesting a concurrent variance from compliance with Architectural Design Category 1, Commercial and Non-Residential Buildings as there is no plan to modify or alter the existing home. The Applicant recognizes that if any modifications are made to the structure, compliance with all applicable County codes and regulations would be required.

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9/1/2022 are zoned R-75 (single-family residence), R-60 (single-family residence), and R-TH (single-family residence).

The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Vibrant Communities Character Area” of the Gwinnett County Future Development Map. The Vibrant Communities Character Area is intended to serve as a transition between neighborhood nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from the primary intersections where the various types of activity centers and nodes are located. Corner/neighborhood serving non-residential or institutional developments/uses may be integrated into Vibrant Communities. These communities will function as a buffer between neighborhood nodes/mixed-use areas and the larger, established residential areas.

Below is a map of the surrounding uses and zoning classifications:



### III. PROJECT SUMMARY

The Applicant is seeking an SUP for the Property in order to permit an intimate group of eight or fewer worshipers and meditation practitioners to gather in the Applicant’s home. As shown in the attached August 26, 2022, site plan prepared by Travis Pruitt & Associates, Inc. (the “Site Plan”), the Applicant’s only significant change would be an additional four parking spaces to bring the Property in compliance with the Gwinnett County UDO and Federal Americans with Disabilities Act (“ADA”) which requires a designated handicap space. The Applicant is proposing to offer community members a safe environment to participate in the Chinese Buddhism Practice Center. Potential members would access the Property through a single asphalt drive from Old Norcross Road. The hours of operation would be Monday through Saturday from 10:00 a.m. to 2:00 p.m. and Sunday from 10:00 a.m. to 4:00 p.m. The Applicant represents a small community that only has (3) three members and would limit services to no more than (8) eight members. Important to note that this is not a relocation, and there are no plans for activities to be conducted outside the home. As previously indicated, the

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9/1/2022

Applicant recognizes that any changes, modifications, or expansion to the existing structure or the requested special use would require an additional application and approval by the Board of Commission.

#### **IV. SITE IMPACT ANALYSIS**

Pursuant to UDO § 270-20.6, entitled "Impact Analysis," the Applicant submits its written impact analysis which shows that the SUP request satisfies UDO § 270-20.5, entitled "Standards Governing Exercise of the Zoning Power," as follows:

**(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, approval of the proposed SUP will permit a suitable use in view of the use and development of the adjacent and nearby Property. The Property is located on Old Norcross Road within the Vibrant Communities Character Area.

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

No, the proposed SUP Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed use is compatible with existing commercial uses of adjacent and nearby properties. Instead, the proposed development would represent a nonintrusive and rich cultural addition to an existing neighborhood.

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

The Property will continue with its current use as a single-family home. This request permits a home owner to conduct non profit faith based activities within the confines of their home and UDO.

**(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 SUP application will not result in excessive or burdensome use of the infrastructure systems. The Property has convenient access to Old Norcross Road. Additionally, due to the limited number of members, the Applicant contends there will be a de minimis or nonexistent impact on existing streets, transportation facilities, utilities, and schools.

**(E) WHETHER THE PROPOSED SUP IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:**

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9/1/2022 The proposed SUP application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The Future Development Map of the Gwinnett County 2040 Unified Plan (the "2040 Plan") classifies this Property as within the "Vibrant Communities Character Area," of the Gwinnett County Future Development Map. Corner/neighborhood serving non-residential or institutional developments/uses may be integrated into Vibrant Communities. These communities will function as a buffer between neighborhood nodes/mixed-use areas and the larger, established residential areas. The proposed development would be compatible with and successfully co-exist with the surrounding uses.

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

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 SUP application. In addition, the Applicant submits that the Property's location, size, and dimensions, as well as its location, further support for approval of the proposed SUP application.

**V. JUSTIFICATION FOR SPECIAL USE PERMIT**

The Applicant respectfully submits that "The Unified Development Ordinance of Gwinnett County, Georgia" (the "Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district or restricts the use in such a way that would preclude approval of a Special Use Permit for a place of worship is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning, or use restrictions, of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications and use restrictions, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Gwinnett County Board of Commissioners to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification, use restrictions, and any other zoning of the Property save for what has been requested as established in the Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications and use restrictions between the existing zoning and the zoning and SUP requested hereunder would constitute and arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification and use restrictions constitutes, and all zoning and plan

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9/17/2022

classifications intervening between the existing inconsistent zoning classification, use restrictions, and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested SUP would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the Gwinnett County Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

## VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this SUP Application to allow for a Place of Worship be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 1<sup>st</sup> day of September, 2022.

ANDERSEN, TATE & CARR, P.C.

*Anne D. Washington*

Anne D. Washington, Esq.

Enclosures  
ADW/dwb

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Gwinnett County Planning Division  
Special Use Permit Application  
Last Updated 10/2021

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*Li*

08/30/2022

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

LITAO LI

\_\_\_\_\_  
Type or Print Name and Title

DU XIAOXIAO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01DU6329494  
Qualified in New York County  
My Commission Expires August 24, 2023

*Xiaoxiao Du*  
\_\_\_\_\_  
Signature of Notary Public

08/30/2022  
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Date

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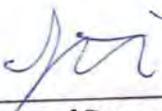
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Special Use Permit Application  
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**SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION**

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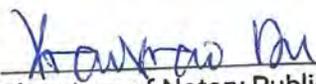
  
\_\_\_\_\_  
Signature of Property Owner

08/30/2022

\_\_\_\_\_  
Date

LITAO LI  
\_\_\_\_\_  
Type or Print Name and Title

DU XIAOXIAO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01DU6329494  
Qualified in New York County  
My Commission Expires August 24, 2023

  
\_\_\_\_\_  
Signature of Notary Public

08/30/2022  
\_\_\_\_\_  
Date

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

**RECEIVED**

9/1/2022

Gwinnett County Planning Division  
Special Use Permit Application  
Last Updated 10/2021

**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.

Signature of Applicant

LITAO LI

Type or Print Name

08/30/2022

Date

DU XIAOXIAO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01DU6329494  
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Signature of Notary Public

08/30/2022

Date

Notary Seal

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9/1/2022

Gwinnett County Planning Division  
Special Use Permit Application  
Last Updated 10/2021

**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.

[Signature]                      08/30/2022                      LITAO LI owner  
SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

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

[Signature]                      08/30/2022  
SIGNATURE OF NOTARY PUBLIC                      DATE

DU XIAOXIAO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01DU6329494  
Qualified in New York County  
Commission Expires August 24, 2023  
NOTARY SEAL

**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    LITAO LI  
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.

**RECEIVED**

9/1/2022

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SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

*Melody A. Glouton*

Melody A. Glouton, Attorney for Applicant

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

*[Signature]*

9/1/22



SIGNATURE OF NOTARY PUBLIC                      DATE

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YES       NO

Melody A. Glouton

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)
Nicole Love Hendrickson	\$1,000	09/30/2020
Kirkland Carden	\$2,800	11/16/2021
Commissioner Ben Ku	\$1,000	03/25/2022
Kirkland Carden	\$500	05/05/2022
Marlene Fosque	\$1,500	06/08/2022

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

