

1 STATE OF GEORGIA

2
3 CITY OF COLLEGE PARK

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5
6 RESOLUTION NO. 2016-28

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9 A RESOLUTION TO AUTHORIZE CERTAIN CONDITIONAL USES FOR A
10 PARCEL OF PROPERTY LOCATED AT 0 ROOSEVELT HIGHWAY, PARCEL ID
11 13-0036-0001-0364, TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO
12 PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS;
13 TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR
14 OTHER LAWFUL PURPOSES.

15 WHEREAS, the governing body of the City of College Park, Georgia (“City”) is
16 the Mayor and Council thereof; and

17 WHEREAS, Article XIX, (“Conditional Use Regulations”), Section 2, (“Other
18 Conditional Uses”), of Appendix A of the Code of Ordinances of the City of College
19 Park, Georgia (“Zoning Code”) authorizes the governing body to permit uses which are
20 not listed as permitted or prohibited in all commercial zoning districts of the City; and

21 WHEREAS, the subject property is zoned C-1 (“Community Business District”);
22 and

23 WHEREAS, the property owner of property located within the city limits at 0
24 Roosevelt Highway, Parcel ID 13-0036-0001-0364, desires to utilize such property for a
25 bulk landscape material retail operation and the property owner or such owner's
26 representative has requested a Conditional Use Permit to allow such use of the property;
27 and

28 **WHEREAS**, Article XII, “C-1” Community Business District Regulations”),
29 Section 2 (“Use Regulations”) of the Zoning Code neither permits nor prohibits the
30 operation of a bulk landscape material operation in the C-1 District; and

31 **WHEREAS**, the Mayor and Council find that the proposed use of the property
32 would contribute to the revitalization of that area of the City; and

33 **WHEREAS**, the Mayor and Council find that the use of said property would be
34 compatible with the C-1 Community Business District’s character District; and

35 **WHEREAS**, the Mayor and Council find that the proposed use of said property is
36 compatible with other uses allowable by right in the C-1 Community Business District;
37 and

38 **WHEREAS**, the amendments contained herein would benefit the health, safety,
39 morals and welfare of the citizens of the City of College Park.

40 **BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the
41 City of College Park, Georgia, and by the authority thereof:

42 **Section 1.** That the development of a bulk landscape material retail operation
43 upon the parcel of property located at 0 Roosevelt Highway (Parcel ID13-0036-0001-
44 0364) is an approved conditional use in the C-1 Community Business District pursuant to
45 Section 2 of Article XIX of the Zoning Ordinance of the City of College Park, subject to
46 the following conditions:

47 1. The business must be screened from adjacent properties and from Herschel
48 Road with a combination of fencing and landscaping, to be approved by
49 Planning Commission staff; and

50 2. Vehicular access to the property shall be limited to the Roosevelt Highway

51 frontage.

52 **Section 2.** A graphic depiction (in the form of a map) of the location of the
53 conditional use is attached hereto and incorporated herein as Exhibit A.

54 **Section 3.** The preamble of this Resolution shall be considered to be and is
55 hereby incorporated by reference as if fully set out herein.

56 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council
57 that all sections, paragraphs, sentences, clauses and phrases of this Resolution are or
58 were, upon their enactment, believed by the Mayor and Council to be fully valid,
59 enforceable and constitutional.

60 (b) It is hereby declared to be the intention of the Mayor and Council that, to the
61 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
62 phrase of this Resolution is severable from every other section, paragraph, sentence,
63 clause or phrase of this Resolution. It is hereby further declared to be the intention of the
64 Mayor and Council that, to the greatest extent allowed by law, no section, paragraph,
65 sentence, clause or phrase of this Resolution is mutually dependent upon any other
66 section, paragraph, sentence, clause or phrase of this Resolution.

67 (c) In the event that any phrase, clause, sentence, paragraph or section of this
68 Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or
69 otherwise unenforceable by the valid judgment or decree of any court of competent
70 jurisdiction, it is the express intent of the Mayor and Council that such invalidity,
71 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
72 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,
73 clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest

74 extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections
75 of the Resolution shall remain valid, constitutional, enforceable, and of full force and
76 effect.

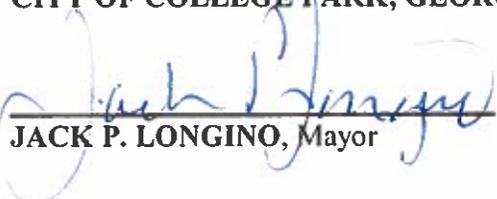
77 **Section 5.** All resolutions and parts of resolutions in conflict herewith are hereby
78 expressly repealed.

79 **Section 6.** Penalties in effect for violations of Chapter 1 of the Code of
80 Ordinances, City of College Park, Georgia at the time of the effective date of this
81 Resolution shall be and are hereby made applicable to this Resolution and shall remain in
82 full force and effect.

83 **Section 7.** The effective date of this Resolution shall be the date of adoption
84 unless otherwise specified herein.

85 **RESOLVED** this 19 day of September, 2016.

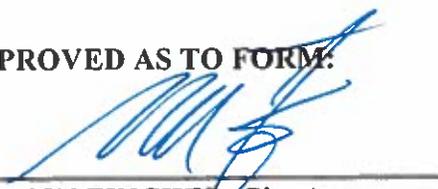
86 **CITY OF COLLEGE PARK, GEORGIA**

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90 **JACK P. LONGINO, Mayor**
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92 **ATTEST:**

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96 **MELISSA BROOKS, City Clerk**
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99 **APPROVED AS TO FORM:**

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104 **STEVEN FINCHER, City Attorney**
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EXHIBIT A

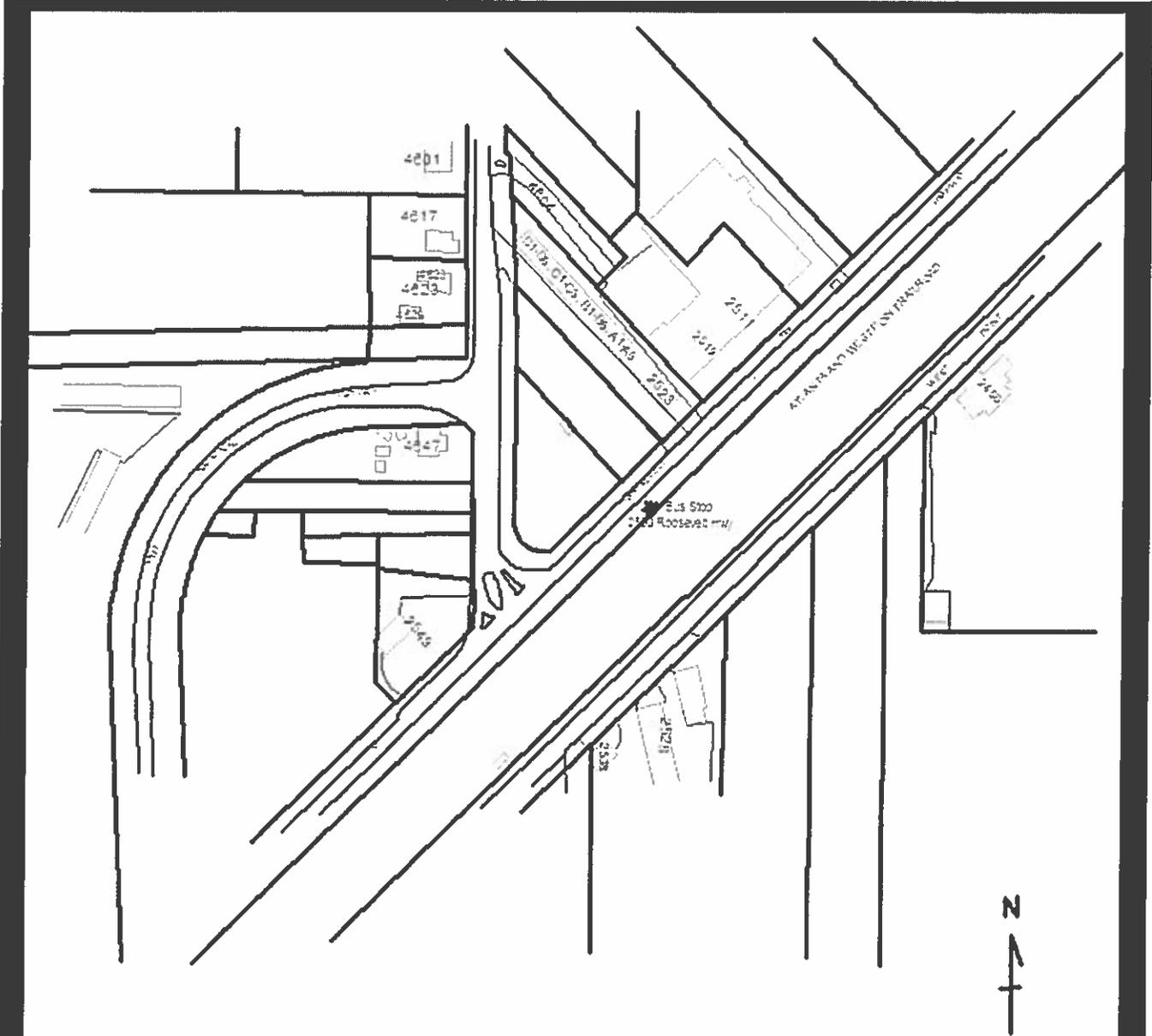


Exhibit "A"

Conditional Use Permit Resolution