**STATE OF GEORGIA**

**CITY OF COLLEGE PARK**

**RESOLUTION NO. 2016-05**

A RESOLUTION TO AUTHORIZE VARIANCES FOR THE CONSTRUCTION OF A MIXED-USE DEVELOPMENT UPON PARCELS OF PROPERTY LOCATED AT 1761 PRINCETON AVENUE, 1769 PRINCETON AVENUE, 1775 PRINCETON AVENUE, 1783 PRINCETON AVENUE, 1793 PRINCETON AVENUE, PARCEL ID # 14-0160-0001-051-9, 3657 JEFFERSON STREET, 3665 JEFFERSON STREET, 3668 WASHINGTON STREET, 1770 TEMPLE AVENUE, 1776 TEMPLE AVENUE, 1784 TEMPLE AVENUE, 1792 TEMPLE AVENUE, 1762 TEMPLE AVENUE, AND 3661 JEFFERSON STREET; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

**WHEREAS**, the governing body of the City of College Park, Georgia ("City") is the Mayor and Council thereof; and

**WHEREAS**, the subject properties are zoned "TSC" Transit Station Commercial District; and

**WHEREAS**, the property owner or such owner's representative has requested variances for the construction of a mixed-use development with a multi-family residential building (150-185 units), five (5) level parking deck with four hundred (400) spaces and

28 six thousand (6,000) square feet of retail space, an additional nine thousand (9,000)
29 square feet of retail space, twelve thousand (12,000) square feet of restaurant space,
30 twelve thousand five hundred (12,500) square feet of park space, and an additional
31 twenty-nine (29) surface parking spaces adjacent to the parking deck, on the subject
32 property; and

33 **WHEREAS**, the owner or owner's representative seeks a variance from Section
34 4, Parking and Loading Requirements, of Article XIV-F, Transit Station Commercial
35 District Regulations, of Appendix A, Zoning, to reduce by two hundred thirty-three (233)
36 parking spaces the required number of parking spaces for the proposed development, due
37 to its close proximity to Metro Atlanta Regional Transit Authority ("MARTA") service;
38 and

39 **WHEREAS**, Article XXI, Zoning Appeals, Section 2, Powers and Duties, of the
40 Zoning Ordinance of the City of College Park, Georgia, provides that variances may be
41 granted in individual cases of great practical difficulties or unnecessary hardship only
42 upon a specific finding that each of the several enumerated conditions exist; and

43 **WHEREAS**, the Mayor and Council find that there are extraordinary and
44 exceptional conditions pertaining to the proposed development because of its size, shape,
45 topography or other condition; and

46 **WHEREAS**, the Mayor and Council find that the application of the ordinance to
47 the proposed development would create great practical difficulties or an unnecessary
48 hardship; and

49 **WHEREAS**, the Mayor and Council find that the extraordinary and exceptional
50 conditions are peculiar to the use or development proposed or to the particular piece of

property involved; and

**WHEREAS**, the Mayor and Council find that the relief, if granted, would not cause substantial detriment to other property owners or tenants, or to the public good, nor would it impair the purpose and intent of the ordinance; and

**WHEREAS**, the Mayor and Council find that the relief, if granted, would not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, increase the danger of fire or endanger the public safety, unreasonably diminish or impair established property value within the surrounding area, or in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City; and

**WHEREAS**, the Planning Commission met on February 4, 2016 and approved such variances; and

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

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

**Section 1.** That the variance to reduce the required number of parking spaces by two hundred thirty-three (233) spaces, upon the parcels of property located at 1761 Princeton Avenue (Parcel ID # 14-0160-0001-039-4), 1769 Princeton Avenue (Parcel ID # 14-0160-0001-040-2), 1775 Princeton Avenue (Parcel ID # 14-0160-0001-041-0), 1783 Princeton Avenue (Parcel ID # 14-0160-0001-042-8), 1793 Princeton Avenue (Parcel ID # 14-0160-0001-055-0), Parcel ID # 14-0160-0001-051-9, 3657 Jefferson Street (Parcel ID # 14-0160-0001-036-0), 3665 Jefferson Street (Parcel ID # 14-0160-0001-038-6),

3668 Washington Street (Parcel ID # 14-0160-0001-054-3), 1770 Temple Avenue (Parcel ID # 14-0160-0001-034-5), 1776 Temple Avenue (Parcel ID # 14-0160-0001-033-7), 1784 Temple Avenue (Parcel ID # 14-0160-0001-050-1), 1792 Temple Avenue (Parcel ID # 14-0160-0001-048-5), 1762 Temple Avenue (Parcel ID # 14-0160-0001-035-2), and 3661 Jefferson Street (Parcel ID # 14-0160-0001-037-8), is hereby approved pursuant to Section 2 of Article XXI of the Zoning Ordinance of the City of College Park, Georgia.

**Section 2.** The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity,

unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** All resolutions and parts of resolutions in conflict herewith are hereby expressly repealed.

**Section 5.** Penalties in effect for violations of Chapter 1 of the Code of Ordinances, City of College Park, Georgia at the time of the effective date of this Resolution shall be and are hereby made applicable to this Resolution and shall remain in full force and effect.

**Section 6.** The effective date of this Resolution shall be the date of adoption unless otherwise specified herein.

**RESOLVED** this 15th day of February, 2016.

**CITY OF COLLEGE PARK, GEORGIA**

**JACK P. LONGINO**, Mayor

**ATTEST:**

**MELISSA BROOKS**, City Clerk

**APPROVED AS TO FORM:**

**STEVEN FINCHER,** City Attorney