STATE OF GEORGIA

CITY OF COLLEGE PARK

RESOLUTION NO. 2016-06

A RESOLUTION TO AUTHORIZE CERTAIN CONDITIONAL USES FOR 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, AND 3665 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, Article XIX, Conditional Use Regulations, Section 2, Other Conditional Uses, of the Zoning Ordinance of the City of College Park, Georgia, authorizes the governing body to permit uses which are not listed as permitted or prohibited in all commercial zoning districts of the City; and

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

WHEREAS, the property owner or such owner's representative has requested a Conditional Use Permit to allow for construction of a 5-level, 400-space public parking deck at the subject property; and

28 **WHEREAS**, Article XIV-F, "TSC" Transit Station Commercial District
29 Regulations, Section 3(b)(1)(b), Uses Permitted Only Upon Approval of Mayor and
30 Council, of the Zoning Ordinance of the City of College Park, Georgia, provides that
31 commercial and/or public parking lots and garages must be approved by the governing
32 body; and

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

35 **WHEREAS**, the Mayor and Council find that the use of said property would be
36 compatible with the TSC Transit Station Commercial District's character; and

37 **WHEREAS**, the Mayor and Council find that the proposed use of said property is
38 compatible with other uses allowable by right in the TSC Transit Station Commercial
39 District; and

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

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

44 **Section 1.** That the development of a five-level, 400-space parking deck, upon
45 parcels of property located at 1761 Princeton Avenue (PARCEL ID # 14-0160-0001-039-
46 4), 1769 Princeton Avenue (PARCEL ID # 14-0160-0001-040-2), 1775 Princeton
47 Avenue (PARCEL ID # 14-0160-0001-041-0), 1783 Princeton Avenue (PARCEL ID #
48 14-0160-0001-042-8), 1793 Princeton Avenue (PARCEL ID # 14-0160-0001-055-0),
49 PARCEL ID # 14-0160-0001-051-9, 3657 Jefferson Street (PARCEL ID # 14-0160-
50 0001-036-0), and 3665 Jefferson Street (PARCEL ID # 14-0160-0001-038-6), is an

51 approved conditional use in the TSC Transit Station Commercial District pursuant to
52 Section 2 of Article XIX of the Zoning Ordinance of the City of College Park, subject to
53 the following conditions:

54 1. Security cameras must be installed, subject to the approval of the Chief
55 Building Inspector.
56 2. Limited access must be provided for residents of the multi-family building
57 with roll-up and roll-down doors, subject to the approval of the Chief Building
58 Inspector.
59 3. The exterior of the parking deck should reflect public preference as received
60 during the visual preference survey conducted as part of the 2016-2036
61 Comprehensive Plan process. The results of such survey shall be maintained on
62 file in the planning and zoning department and are available for inspection during
63 normal business hours.

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

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

70 (b) It is hereby declared to be the intention of the Mayor and Council that, to the
71 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
72 phrase of this Resolution is severable from every other section, paragraph, sentence,
73 clause or phrase of this Resolution. It is hereby further declared to be the intention of the
74 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. Fangine

JACK P. LONGINO, Mayor

ATTEST:

MELISSA BROOKS, City Clerk

APPROVED AS TO FORM:

STEVEN FINCHER, City Attorney