

1 **STATE OF GEORGIA**

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3 **CITY OF COLLEGE PARK**

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6 **RESOLUTION NO. 2016-13**

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9 A RESOLUTION TO AUTHORIZE A CONDITIONAL USE PERMIT FOR A
10 PARCEL OF PROPERTY LOCATED AT 3668 WASHINGTON STREET, TO
11 PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR
12 REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE
13 AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER
14 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 the Zoning Ordinance of the City of College Park, Georgia,
19 authorizes the governing body to permit uses which are not listed as permitted or
20 prohibited in all commercial zoning districts of the City; and

21 **WHEREAS**, the subject property is zoned TSC Transit Station Commercial
22 District; and

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

26 **WHEREAS**, Article XIV-F, “TSC” Transit Station Commercial District
27 Regulations, Section 3(b)(1)(b), Uses Permitted Only Upon Approval of Mayor and

28 Council, of the Zoning Ordinance of the City of College Park, Georgia, provides that
29 commercial and/or public parking lots and garages must be approved by the governing
30 body; 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 TSC Transit Station Commercial District's character; 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 TSC Transit Station Commercial
37 District; 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 five-level, 400-space parking deck, upon a
43 parcel of property located at 3668 Washington Street (PARCEL ID # 14-0160-0001-054-
44 3), is an approved conditional use in the TSC Transit Station Commercial District
45 pursuant to Section 2 of Article XIX of the Zoning Ordinance of the City of College
46 Park, subject to the following conditions:

- 47 1. Security cameras must be installed, subject to the approval of the Chief
48 Building Inspector.
- 49 2. Limited access must be provided for residents of the multi-family building
50 with roll-up and roll-down doors, subject to the approval of the Chief Building

51 Inspector.

52 3. The exterior of the parking deck should reflect public preference as received
53 during the visual preference survey conducted as part of the 2016-2036
54 Comprehensive Plan process. The results of such survey shall be maintained
55 on file in the planning and zoning department and are available for inspection
56 during normal business hours.

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

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

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

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

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

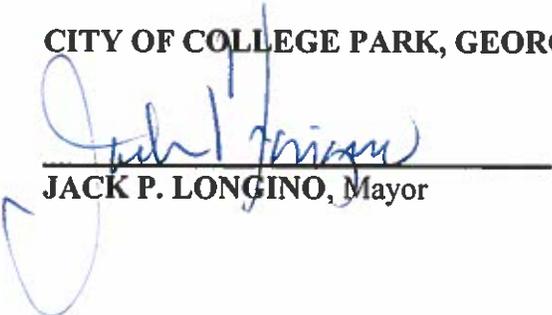
80 **Section 4.** All resolutions and parts of resolutions in conflict herewith are hereby
81 expressly repealed.

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

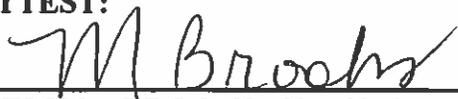
86 **Section 6.** The effective date of this Resolution shall be the date of adoption
87 unless otherwise specified herein.

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

89 **CITY OF COLLEGE PARK, GEORGIA**

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98 **JACK P. LONGINO, Mayor**

95 **ATTEST:**

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98 **MELISSA BROOKS, City Clerk**

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101 **APPROVED AS TO FORM:**

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STEVEN FINCHER, City Attorney