

1 **STATE OF GEORGIA**

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3 **CITY OF COLLEGE PARK**

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6 **RESOLUTION NO. 2016-14**

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9 A RESOLUTION TO AUTHORIZE A CONDITIONAL HEIGHT PERMIT FOR
10 THE CONSTRUCTION OF A PUBLIC PARKING DECK UPON A PARCEL OF
11 PROPERTY LOCATED AT 3668 WASHINGTON STREET; TO PROVIDE
12 SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF
13 CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN
14 ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL
15 PURPOSES.

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

18 **WHEREAS**, Article XX, Exceptions and Modifications, Section 2(b), Height
19 Regulations, of the Zoning Ordinance of the City of College Park, Georgia, authorizes the
20 governing body to issue conditional height permits which increase the limits of a building
21 on a plot in any zoning district; and

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

24 **WHEREAS**, the property owner or such owner’s representative has requested a
25 conditional height permit for a 5-level parking deck with a proposed height of 55 feet on
26 the subject property; and

27 **WHEREAS**, Article XIV-F, “TSC” Transit Station Commercial District

28 Regulations, Section 5, Height Regulations, of the Zoning Ordinance of the City of
29 College Park, Georgia, provides that the maximum height allowed in the TSC District is
30 35 feet and 3 stories; and

31 **WHEREAS**, the property owner or such owner’s representative, concurrent with
32 applying for the conditional height permit, has submitted plans and information to
33 identify the type of development proposed, its maximum proposed height, and details of
34 the proposed development which guarantee maintenance of accessibility for firefighting
35 equipment throughout the period of construction and thereafter, including
36 noncombustible stairs and standpipe with water under pressure to every floor; and

37 **WHEREAS**, the Mayor and Council find that the proposed development is in
38 harmony with the City’s comprehensive development plans, and the proposed
39 development is of such character as to be an asset to the immediate neighborhood; and

40 **WHEREAS**, the Mayor and Council find that the proposed development will not
41 unduly restrict the light and air to surrounding properties or present an undue hazard to
42 aircraft; and

43 **WHEREAS**, the Mayor and Council find that the proposed development meets
44 all requirements of the zoning district other than height limit restrictions; and

45 **WHEREAS**, the Mayor and Council find that the proposed development meets
46 the Area Regulations contained within Section 6 of Article XIV-F, “TSC” Transit Station
47 Commercial District Regulations; and

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

50 **BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the

51 City of College Park, Georgia, and by the authority thereof:

52 **Section 1.** That the conditional height permits to allow for development of a 5-
53 level, 400-space parking deck (55 feet) upon a parcel of property located at 3668
54 Washington Street (PARCEL ID # 14-0160-0001-054-3) is hereby approved pursuant to
55 Section 2 of Article XX of the Zoning Ordinance of the City of College Park, subject to
56 the following conditions:

57 1. Federal Aviation Administration clearance for proposed building heights is
58 received by the City prior to construction. Once obtained, such clearance
59 shall be maintained on file with the instant resolution in the Office of the City
60 Clerk.

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

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

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

74 (c) In the event that any phrase, clause, sentence, paragraph or section of this
75 Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or
76 otherwise unenforceable by the valid judgment or decree of any court of competent
77 jurisdiction, it is the express intent of the Mayor and Council that such invalidity,
78 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
79 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,
80 clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest
81 extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections
82 of the Resolution shall remain valid, constitutional, enforceable, and of full force and
83 effect.

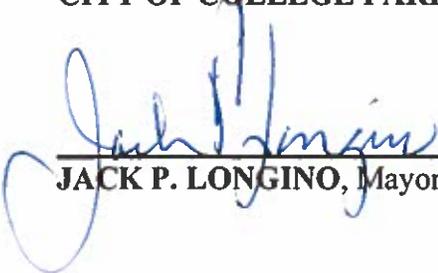
84 **Section 4.** All resolutions and parts of resolutions in conflict herewith are hereby
85 expressly repealed.

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

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

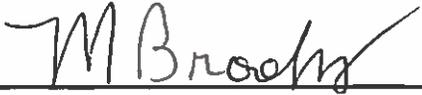
92 **RESOLVED** this 15th day of February, 2016.

93 **CITY OF COLLEGE PARK, GEORGIA**

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99 **JACK P. LONGINO, Mayor**

100 **ATTEST:**

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MELISSA BROOKS, City Clerk

APPROVED AS TO FORM:



STEVEN FINCHER, City Attorney