

1 **STATE OF GEORGIA**

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3 **CITY OF COLLEGE PARK**

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6 **RESOLUTION NO. 2016-15**

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9 A RESOLUTION TO AUTHORIZE VARIANCES FOR THE
10 CONSTRUCTION OF A HOTEL/RETAIL BUILDING UPON A PARCEL OF
11 PROPERTY LOCATED AT 1779 HARVARD AVENUE; 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 “H” Hospitality District; and

23 **WHEREAS**, the property owner or such owner's representative has requested
24 variances for the construction of a hotel/retail building, with 136 rooms and 25,500
25 square feet of retail use on the ground floor, on the subject property; and

26 **WHEREAS**, the variances include requests for (1) a reduction in the hotel rooms
27 required by the Hospitality (“H”) District from 200 rooms to 136 rooms; (2) a reduction

28 in the setbacks required by the H District, including the front setback from 50 feet to 10
29 feet, the side setback from 20 feet to 0 feet, and the rear setback from 30 feet to 0 feet; (3)
30 to allow off-site parking for the proposed hotel/retail building; and (4) a reduction in the
31 required number of parking spaces, from 156 spaces to 102 spaces; and

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

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

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

42 **WHEREAS**, the Mayor and Council find that the extraordinary and exceptional
43 conditions are peculiar to the use or development proposed or to the particular piece of
44 property involved; and

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

48 **WHEREAS**, the Mayor and Council find that the relief, if granted, would not
49 impair an adequate supply of light and air to adjacent property, unreasonably increase the
50 congestion in public streets, increase the danger of fire or endanger the public safety,

51 unreasonably diminish or impair established property value within the surrounding area,
52 or in any other respect, impair the public health, safety, comfort, morals, or welfare of the
53 inhabitants of the City of College Park; and

54 **WHEREAS**, the Planning Commission met on November 30, 2015 and approved
55 such variances; and

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

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

60 **Section 1.** That the variances to (1) reduce the number of hotel rooms required by
61 the Hospitality (“H”) District from 200 rooms to 136 rooms; to (2) reduce setbacks
62 required by the H District, including a front setback from 50 feet to 10 feet, a side setback
63 from 20 feet to 0 feet and a rear setback from 30 feet to 0 feet; to (3) allow off-site
64 parking for the proposed hotel/retail building; and to (4) reduce the required number of
65 parking spaces from 156 spaces to 102 spaces, upon the parcel of property located at
66 1779 Harvard Avenue (PARCEL ID # 14-0160-0004-008-6), are hereby approved
67 pursuant to Section 2 of Article XXI of the Zoning Ordinance of the City of College
68 Park, Georgia.

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

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

74 enforceable and constitutional.

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

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

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

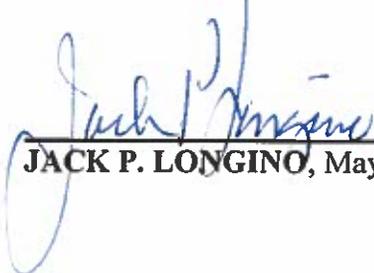
94 **Section 5.** Penalties in effect for violations of Chapter 1 of the Code of
95 Ordinances, City of College Park, Georgia at the time of the effective date of this
96 Resolution shall be and are hereby made applicable to this Resolution and shall remain in

97 full force and effect.

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

100 **RESOLVED** this 19th day of January, 2016.

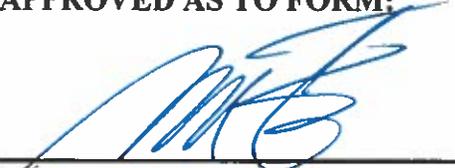
101 **CITY OF COLLEGE PARK, GEORGIA**

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108 **JACK P. LONGINO, Mayor**

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111 **ATTEST:**

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114 **MELISSA BROOKS, City Clerk**

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116 **APPROVED AS TO FORM:**

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119 **STEVEN FINCHER, City Attorney**
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