

1 **STATE OF GEORGIA**
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3 **CITY OF COLLEGE PARK**
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6 **RESOLUTION NO. 2016-16**
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9 A RESOLUTION TO AUTHORIZE A CONDITIONAL HEIGHT PERMIT FOR
10 THE 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 conditional height permits for a hotel/retail building, of 75 feet and three stories in height,
25 on the subject property; and

26 **WHEREAS**, Article XI-A, “H” Hospitality District, Section 7, Height
27 Regulations, of the Zoning Ordinance of the City of College Park, Georgia, provides that

28 the maximum height allowed in the TSC Transit Station Commercial District is three
29 stories; and

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

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

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

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

44 **WHEREAS**, the Mayor and Council find that the proposed development meets
45 the Area Regulations contained within Section 8 of Article XI-A, "H" Hospitality District
46 Regulations; and

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

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

51 **Section 1.** That the conditional height permits to allow for construction of a 3-
52 story hotel over a retail podium, at a total height of 75 feet, upon the parcel of property
53 located at 1779 Harvard Avenue (PARCEL ID # 14-0160-0004-008-6), is hereby
54 approved pursuant to Section 2 of Article XX of the Zoning Ordinance of the City of
55 College Park, subject to the following conditions:

56 1. Federal Aviation Administration clearance for proposed building heights
57 is received by the City prior to construction.

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

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

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

71 (c) In the event that any phrase, clause, sentence, paragraph or section of this
72 Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or
73 otherwise unenforceable by the valid judgment or decree of any court of competent

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

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

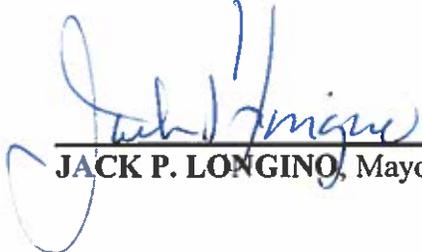
83 **Section 5.** Penalties in effect for violations of Chapter 1 of the Code of
84 Ordinances, City of College Park, Georgia at the time of the effective date of this
85 Resolution shall be and are hereby made applicable to this Resolution and shall remain in
86 full force and effect.

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

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

90 **CITY OF COLLEGE PARK, GEORGIA**

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JACK P. LONGINO, Mayor

ATTEST:



MELISSA BROOKS, City Clerk

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APPROVED AS TO FORM:



STEVEN FINCHER, City Attorney