

1 STATE OF GEORGIA

2  
3 CITY OF COLLEGE PARK

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5  
6 RESOLUTION NO. 2016-17  
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9 A RESOLUTION TO AUTHORIZE VARIANCES FOR THE  
10 CONSTRUCTION OF A MIXED-USE DEVELOPMENT UPON PARCELS OF  
11 PROPERTY LOCATED AT 1761 PRINCETON AVENUE, 1769 PRINCETON  
12 AVENUE, 1775 PRINCETON AVENUE, 1783 PRINCETON AVENUE, 1793  
13 PRINCETON AVENUE, PARCEL ID # 14-0160-0001-051-9, 3657 JEFFERSON  
14 STREET, 3665 JEFFERSON STREET, 3668 WASHINGTON STREET, 1770 TEMPLE  
15 AVENUE, 1776 TEMPLE AVENUE, 1784 TEMPLE AVENUE, 1792 TEMPLE  
16 AVENUE, 1762 TEMPLE AVENUE, AND 3661 JEFFERSON STREET; TO  
17 PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR  
18 REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE  
19 AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER  
20 LAWFUL PURPOSES.

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

23 WHEREAS, the subject properties are zoned “TSC” Transit Station Commercial  
24 District; and

25 WHEREAS, the property owner or such owner's representative has requested  
26 variances for the construction of a mixed-use development with a multi-family residential  
27 building (150-185 units), five (5) level parking deck with four hundred (400) spaces and

28 six thousand (6,000) square feet of retail space, an additional nine thousand (9,000)  
29 square feet of retail space, twelve thousand (12,000) square feet of restaurant space,  
30 twelve thousand five hundred (12,500) square feet of park space, and an additional  
31 twenty-nine (29) surface parking spaces adjacent to the parking deck, on the subject  
32 property; and

33 **WHEREAS**, the owner or owner’s representative seeks a variance from Section  
34 4, Parking and Loading Requirements, of Article XIV-F, Transit Station Commercial  
35 District Regulations, of Appendix A, Zoning, to reduce by two hundred thirty-three (233)  
36 parking spaces the required number of parking spaces for the proposed development, due  
37 to its close proximity to Metro Atlanta Regional Transit Authority (“MARTA”) service;  
38 and

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

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

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

49 **WHEREAS**, the Mayor and Council find that the extraordinary and exceptional  
50 conditions are peculiar to the use or development proposed or to the particular piece of

51 property involved; and

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

55 **WHEREAS**, the Mayor and Council find that the relief, if granted, would not  
56 impair an adequate supply of light and air to adjacent property, unreasonably increase the  
57 congestion in public streets, increase the danger of fire or endanger the public safety,  
58 unreasonably diminish or impair established property value within the surrounding area,  
59 or in any other respect, impair the public health, safety, comfort, morals, or welfare of the  
60 inhabitants of the City; and

61 **WHEREAS**, the Planning Commission met on February 4, 2016 and approved  
62 such variances; and

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

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

67 **Section 1.** That the variance to reduce the required number of parking spaces by  
68 two hundred thirty-three (233) spaces, upon the parcels of property located at 1761  
69 Princeton Avenue (Parcel ID # 14-0160-0001-039-4), 1769 Princeton Avenue (Parcel ID  
70 # 14-0160-0001-040-2), 1775 Princeton Avenue (Parcel ID # 14-0160-0001-041-0), 1783  
71 Princeton Avenue (Parcel ID # 14-0160-0001-042-8), 1793 Princeton Avenue (Parcel ID  
72 # 14-0160-0001-055-0), Parcel ID # 14-0160-0001-051-9, 3657 Jefferson Street (Parcel  
73 ID # 14-0160-0001-036-0), 3665 Jefferson Street (Parcel ID # 14-0160-0001-038-6),

74 3668 Washington Street (Parcel ID # 14-0160-0001-054-3), 1770 Temple Avenue (Parcel  
75 ID # 14-0160-0001-034-5), 1776 Temple Avenue (Parcel ID # 14-0160-0001-033-7),  
76 1784 Temple Avenue (Parcel ID # 14-0160-0001-050-1), 1792 Temple Avenue (Parcel  
77 ID # 14-0160-0001-048-5), 1762 Temple Avenue (Parcel ID # 14-0160-0001-035-2), and  
78 3661 Jefferson Street (Parcel ID # 14-0160-0001-037-8), is hereby approved pursuant to  
79 Section 2 of Article XXI of the Zoning Ordinance of the City of College Park, Georgia.

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

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

86 (b) It is hereby declared to be the intention of the Mayor and Council that, to the  
87 greatest extent allowed by law, each and every section, paragraph, sentence, clause or  
88 phrase of this Resolution is severable from every other section, paragraph, sentence,  
89 clause or phrase of this Resolution. It is hereby further declared to be the intention of the  
90 Mayor and Council that, to the greatest extent allowed by law, no section, paragraph,  
91 sentence, clause or phrase of this Resolution is mutually dependent upon any other  
92 section, paragraph, sentence, clause or phrase of this Resolution.

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

97 unconstitutional or unenforceability shall, to the greatest extent allowed by law, not  
98 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,  
99 clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest  
100 extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections  
101 of the Resolution shall remain valid, constitutional, enforceable, and of full force and  
102 effect.

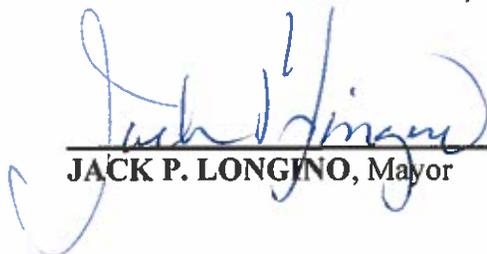
103 **Section 4.** All resolutions and parts of resolutions in conflict herewith are hereby  
104 expressly repealed.

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

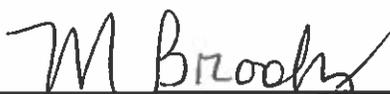
109 **Section 6.** The effective date of this Resolution shall be the date of adoption  
110 unless otherwise specified herein.

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

112 **CITY OF COLLEGE PARK, GEORGIA**

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117 **JACK P. LONGINO, Mayor**

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119 **ATTEST:**

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124 **MELISSA BROOKS, City Clerk**

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127 **APPROVED AS TO FORM:**

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**STEVEN FINCHER**, City Attorney