

1 **STATE OF GEORGIA**

2 **CITY OF COLLEGE PARK**

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4

RESOLUTION NO. 2016-24

5 A RESOLUTION TO AUTHORIZE CERTAIN CONDITIONAL USES FOR THE PARCEL
6 OF REAL PROPERTY BEARING FULTON COUNTY TAX PARCEL IDENTIFICATION
7 NUMBER 13-0062-LL0041; TO PROVIDE FOR SEVERABILITY; TO PROVIDE A
8 PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING RESOLUTIONS; TO
9 PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER
10 LAWFUL PURPOSES.

11 **WHEREAS**, the governing authority of the City of College Park, Georgia (the “City”) is
12 the Mayor and Council thereof;

13 **WHEREAS**, the parcel of real property located at an unnumbered address on Roosevelt
14 Highway and bearing Fulton County Tax Parcel Identification Number 13-0062-LL0041 (the
15 “Parcel”) is geographically contiguous to parcels of real property bearing Fulton County Tax
16 Parcel Identification Numbers 13-0035-0004-0198, 13-0062-LL0504, 13-0035-0004-0040, and
17 13-0035-0004-0263 (collectively, the “Contiguous Lots”);

18 **WHEREAS**, in Ordinance Number 2016-18, enacted June 20, 2016, the City annexed
19 the Parcel into its municipal limits and rezoned said tract to the zoning designation C-2;

20 **WHEREAS**, the Contiguous Lots were annexed into the City’s municipal limits in 2013
21 and were assigned the zoning designation R-2 Single Family Residential District;

22 **WHEREAS**, one prospective buyer intends to purchase both the Parcel and the
23 Contiguous Lots and to construct a distribution center with associated offices on said properties,

24 which would include two buildings on the Contiguous Lots and a related parking lot on the
25 Parcel; and

26 **WHEREAS**, upon request and in order to facilitate said development, the governing
27 authority has rezoned the Contiguous Lots from R-2 Single Family Residential District to M-1
28 Light Industrial District in Ordinance Number 2016 -20, which is enacted contemporaneously
29 with this Resolution; and

30 **WHEREAS**, Section 2(22) of Article XII and Section 3(a) of Article XIII of the Zoning
31 Ordinance of the City of College Park authorize the use of property zoned as C-2 Central
32 Business District as a parking lot where it is an accessory use servicing a principal permitted use
33 of such property and, thus, would prohibit the development of a parking lot on the Parcel where
34 such lot would only service activities on the Contiguous Lots; and

35 **WHEREAS**, pursuant to O.C.G.A. § 36-36-117, the City cannot change the zoning
36 designation of the Parcel for a period of one (1) year following the annexation of that tract; and

37 **WHEREAS**, Section 2 of Article XIX of the City's Code of Ordinances authorizes the
38 governing body to permit uses which are not listed as permitted or prohibited in all commercial
39 zoning districts of the City; and

40 **WHEREAS**, the owner of the Parcel and the prospective buyer have requested a
41 conditional use permit to allow the Parcel to be developed as a parking lot supporting the
42 planned distribution center and associated offices that will be located on the Contiguous Lots;

43 **WHEREAS**, the Mayor and Council find that the proposed use of the Parcel would
44 contribute to the revitalization of the City, that the proposed use would not be incompatible with
45 the C-2 Central Business District's character, and that the proposed use is compatible with other
46 uses allowable by right in said district; and

47 **WHEREAS**, for these reasons, the Mayor and Council desire to authorize certain
48 conditional uses upon the Parcel and find that the amendments contained herein will positively
49 impact the health, safety and welfare of the citizens of the City.

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

52 **Section 1.** That the development of a parking lot, upon a parcel of real property located
53 at an unnumbered address on Roosevelt Highway and bearing Fulton County Tax Parcel
54 Identification Number 13-0062-LL0041, is an approved conditional use in the C-2 Central
55 Business District pursuant to Section 2 of Article XIX of the Zoning Ordinance of the City of
56 College Park, subject to the following conditions:

- 57 1. The parking lot shall be no greater in area than that which is designated on the
58 plans submitted with the application for a conditional use permit. Such
59 conditional use permit is attached hereto and incorporated herein as Exhibit A.
- 60 2. The maximum number of spaces that the parking lot may contain for the parking
61 of motor vehicles shall be limited to sixty (60).
- 62 3. The entire surface of the parking lot, including any drives, shall be hard surfaced
63 with asphalt, concrete, bricks, or pavers and must be surrounded by a curb with a
64 height of six (6) inches.
- 65 4. Exterior lighting of the parking lot shall be provided with sufficient wattage to
66 provide adequate illumination to make clearly visible the presence of any person
67 on or about the premises during the hours of darkness and to provide a safe,
68 secure environment for all persons, property, and motor vehicles on-site.
- 69 5. The parking lot areas shall be maintained against tall grasses and weeds.

70 6. All activities in the parking lot must comply with the City’s noise ordinance.

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

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

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

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

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

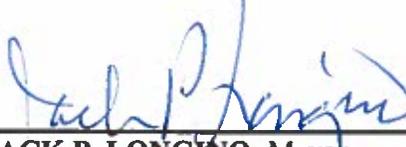
93 expressly repealed.

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

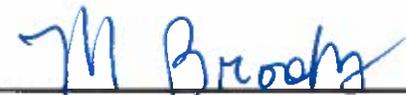
97 **Section 6.** The effective date of this Resolution shall be the date of adoption unless
98 otherwise specified herein.

99 **RESOLVED** this 18th day of July, 2016.

100 **CITY OF COLLEGE PARK, GEORGIA**

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105 JACK P. LONGINO, Mayor
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107 **ATTEST:**

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111 MELISSA BROOKS, City Clerk
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115 **APPROVED AS TO FORM:**

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118 STEVEN FINCHER, City Attorney
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EXHIBIT A

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122

CONDITIONAL USE PERMIT



Date Received _____

APPLICANT INFORMATION

APPLICANT NAME (PLEASE PRINT) ~~Melbourne Hardie~~ HARDIE REAL ESTATE GROUP LLC

ADDRESS 2870 PEACHTREE ROAD NW, SUITE 721, ATLANTA, GA 30305

PHONE 404 795 0202 CELL 678 427 2423 FAX _____

E-MAIL ADDRESS daniel@hardiereg.com

OWNER INFORMATION (If different from Applicant)

PROPERTY OWNER (PLEASE PRINT) Larry Key

ADDRESS 2223 Scotty Cir. Decatur GA. 30022

PHONE 404-405-4091 CELL _____ FAX _____

E-MAIL ADDRESS N/A

PROPERTY INFORMATION

ADDRESS YATES RD & ROOSEVELT HWY (PARCEL ID: 13 0062 L004)

CURRENT USE _____ CURRENT ZONING C-2/A61

PROPOSED USE C-2 SIZE OF PROPERTY 1.06 ACRES

APPLICANT AFFIDAVIT

Personally appeared before me _____ who on oath deposes and says
(Print applicant's name)
that the information on the application is true to the best of his/her knowledge and belief:

Notary Public

Signature of Applicant

Date

Print Name

Address

City, State, Zip

OWNER'S AFFIDAVIT

Personally appeared before me LARRY KEY who on oath
(Print owner's name)
agrees with the above request and states that the information on the application is true to the best of
his/her knowledge and belief.

Notary Public

Signature of Applicant

Date

Print Name

Signature of City Clerk

Address

Date

City, State, Zip



APPLICANT AFFIDAVIT

Personally appeared before me Eben Hardie who on oath deposes and says
(Print applicant's name)

that the information on the application is true to the best of his/her knowledge and belief:

[Signature]
Notary Public

[Signature]
Signature of Applicant

5/13/16
Date

Eben Hardie
Print Name



2870 Peachtree Road NW, Suite 721
Address

Atlanta, Ga. 30305
City, State, Zip

OWNER'S AFFIDAVIT

Personally appeared before me _____ who on oath
(Print owner's name)

agrees with the above request and states that the information on the application is true to the best of his/her knowledge and belief.

Notary Public

Signature of Applicant

Date

Print Name

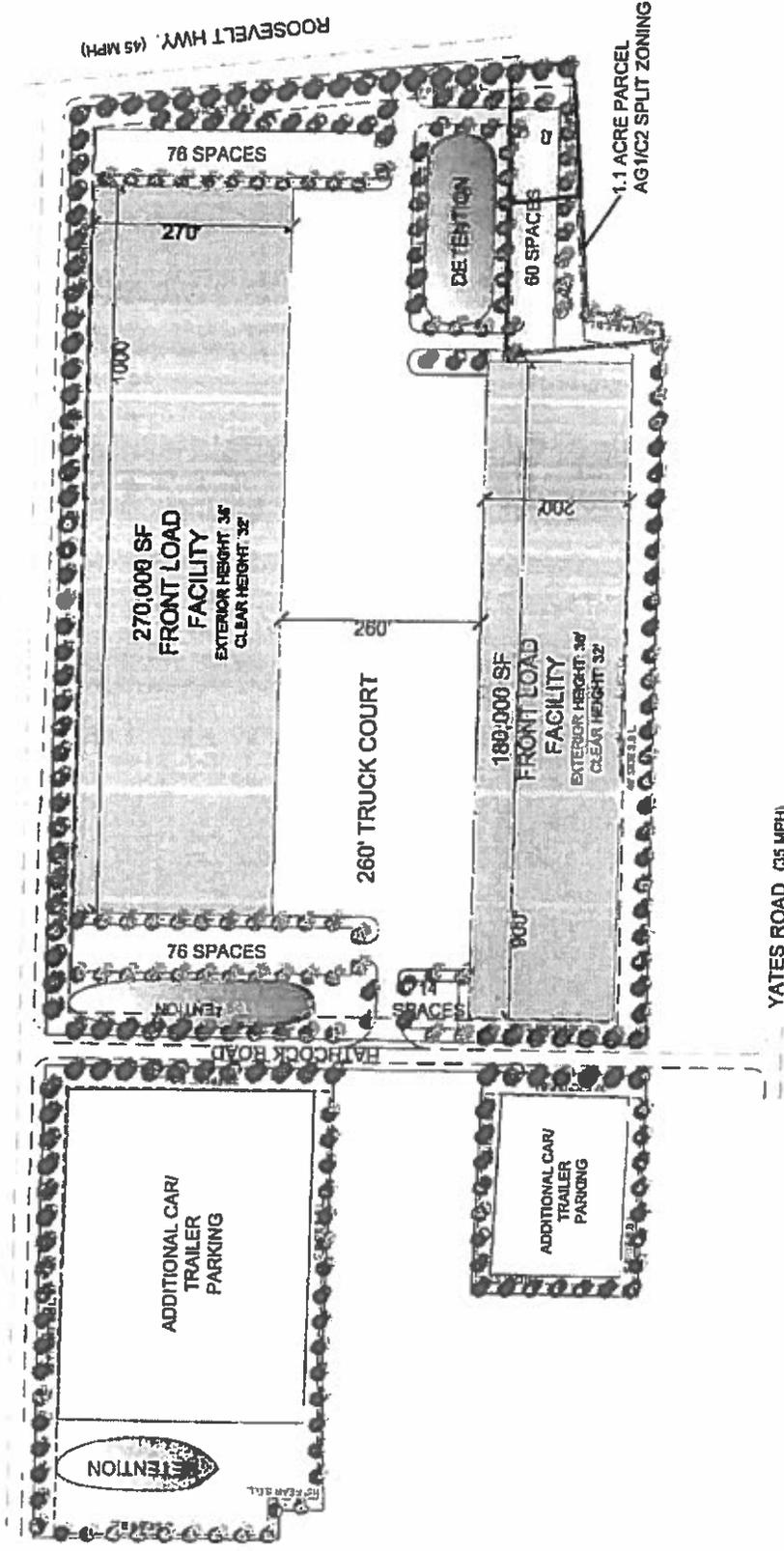
Signature of City Clerk

Address

Date

City, State, Zip

WHITE CITY ROAD (95 MPH)



TOTAL AREA = 30.84 ACRES
PARKING SPACES PROVIDED = 226

SCALE: 1" = 150'

