

1 **STATE OF GEORGIA**

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3 **CITY OF COLLEGE PARK**

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**RESOLUTION NO. 2017-07**

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9 A RESOLUTION TO AUTHORIZE A CONDITIONAL USE FOR A PARCEL OF  
10 PROPERTY LOCATED AT 3891 MAIN STREET; TO PROVIDE SEVERABILITY;  
11 TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING  
12 ORDINANCES AND RESOLUTIONS; TO PROVIDE AN ADOPTION AND  
13 EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

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

16 **WHEREAS**, the governing body is authorized by its Charter to regulate zoning  
17 within the limits of the City; and

18 **WHEREAS**, the parcel of property located within the City limits at 3891 Main  
19 Street is zoned Downtown Business (“DB”); and

20 **WHEREAS**, the owner of such property desires to utilize the property as a  
21 vehicle leasing facility catering to the film and entertainment industry, and the owner of  
22 such property has requested rezoning to the Transportation (“T”) Overlay to allow such  
23 use of the property; and

24 **WHEREAS**, upon consideration of such T Overlay rezoning at the February 20,  
25 2017 council meeting, the governing authority determined that such rezoning was  
26 undesirable and instead decided that consideration of a conditional use permit would be  
27 more appropriate; and

28           **WHEREAS**, Article XIV-G, Sec. 5 (“Conditional uses”), of Appendix A of the  
29 Code of Ordinances, City of College Park, Georgia (“Zoning Code”) authorizes the  
30 governing body to consider and grant applications for conditional use permits that would  
31 permit uses which are not specifically listed as permitted or prohibited in the DB District;  
32 and

33           **WHEREAS**, the governing body may approve such conditional use if the  
34 proposed use would contribute to the revitalization of the DB District, that the use would  
35 not be incompatible with the district's character and that the proposed use is compatible  
36 with other uses allowable by right in the district; and

37           **WHEREAS**, Article XIV-G, (“DB’ Downtown Business District”), Section 3  
38 (“Permitted uses”), of the Zoning Code does not specifically permit the property owner’s  
39 proposed use of the property and Section 4 (“Prohibited uses”) does not prohibit the  
40 property owner’s proposed use of the property; and

41           **WHEREAS**, the governing body finds that the proposed use of the property  
42 would contribute to the revitalization of that area of the City; and

43           **WHEREAS**, the governing body finds that the use of said property would be  
44 compatible with the DB District’s character; and

45           **WHEREAS**, the governing body finds that the proposed use of said property is  
46 compatible with other uses allowable by right in the DB District; 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**  
50 **COUNCIL OF THE CITY OF COLLEGE PARK, GEORGIA**, and by the authority

51 thereof:

52 **Section 1.** That the use of the property located at 3891 Main Street for the  
53 establishment of a vehicle leasing facility catering to the film and entertainment industry  
54 is an approved conditional use in the Downtown Business District pursuant to Section 5  
55 of Article XIV-G of Appendix A of the Code of Ordinances, City of College Park,  
56 Georgia, subject to the following conditions:

57 1. Vehicles may only be rented to the film and entertainment industry. Property may  
58 not be used as a location for a traditional retail-based car rental facility.

59 2. The largest vehicle to be rented shall be a fifteen-passenger van.

60 **Section 2.** A graphic depiction (in the form of a map) of the location of the  
61 conditional use, entitled “‘Exhibit A’ Conditional Use Permit 3891 Main Street, March 6,  
62 2017”, is attached hereto and incorporated herein as Exhibit A.

63 **Section 3.** The preamble of this Resolution shall be considered to be and is  
64 hereby incorporated by reference as if fully set out herein.

65 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council  
66 that all sections, paragraphs, sentences, clauses and phrases of this Resolution are or  
67 were, upon their enactment, believed by the Mayor and Council to be fully valid,  
68 enforceable and constitutional.

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

74 sentence, clause or phrase of this Resolution is mutually dependent upon any other  
75 section, paragraph, sentence, clause or phrase of this Resolution.

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

86 **Section 5.** All resolutions and parts of resolutions in conflict herewith are hereby  
87 expressly repealed.

88 **Section 6.** Penalties in effect for violations of Chapter 1 of the Code of  
89 Ordinances, City of College Park, Georgia at the time of the effective date of this  
90 Resolution shall be and are hereby made applicable to this Resolution and shall remain in  
91 full force and effect.

92 **Section 7.** The effective date of this Resolution shall be the date of adoption  
93 unless otherwise specified herein.

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95 RESOLVED this 16<sup>th</sup> day of March, 2017.

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[SIGNATURES CONTINUED TO NEXT PAGE]

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**ATTEST:**

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**MELISSA BROOKS**, City Clerk

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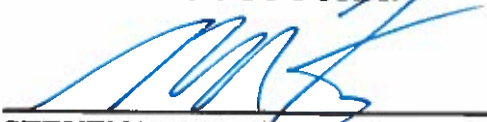
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**APPROVED AS TO FORM:**

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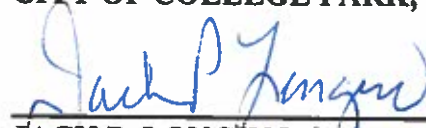
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**STEVEN FINCHER**, City Attorney

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**CITY OF COLLEGE PARK, GEORGIA**



**JACK P. LONGINO**, Mayor

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**EXHIBIT A**