Municipal Clerk
Atlanta, Georgia

02- O -1538

AN ORDINANCE **UEZ-02-04**
BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO CREATE "THE CARLYLE PARK HOUSING ENTERPRISE ZONE", TO BE LOCATED AT 225 WESLEY AVENUE, N.E. (a.k.a. 1565 LA FRANCE STREET, N.E.), AND FOR OTHER PURPOSES.

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS the designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the "Carlyle Park Housing Enterprise Zone";

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Carlyle Park Housing Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Carlyle Park Housing Enterprise Zone", are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The "Carlyle Park Housing Enterprise Zone" is hereby created for the subject property. The effective date of all exemptions established therein shall be January 1, 2003. The Carlyle Park Housing Enterprise Zone shall be abolished on December 31, 2012. The Carlyle Park Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of the Carlyle Park Housing Enterprise Zone is attached hereto as Exhibit "A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the Carlyle Park Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

Section 4: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed

UEZ-02-04

Z-01-21

RECEIVED
JUN 25 2002
BUREAU OF PLANNING

RECEIVED
MAR 13 2001
BUREAU OF PLANNING

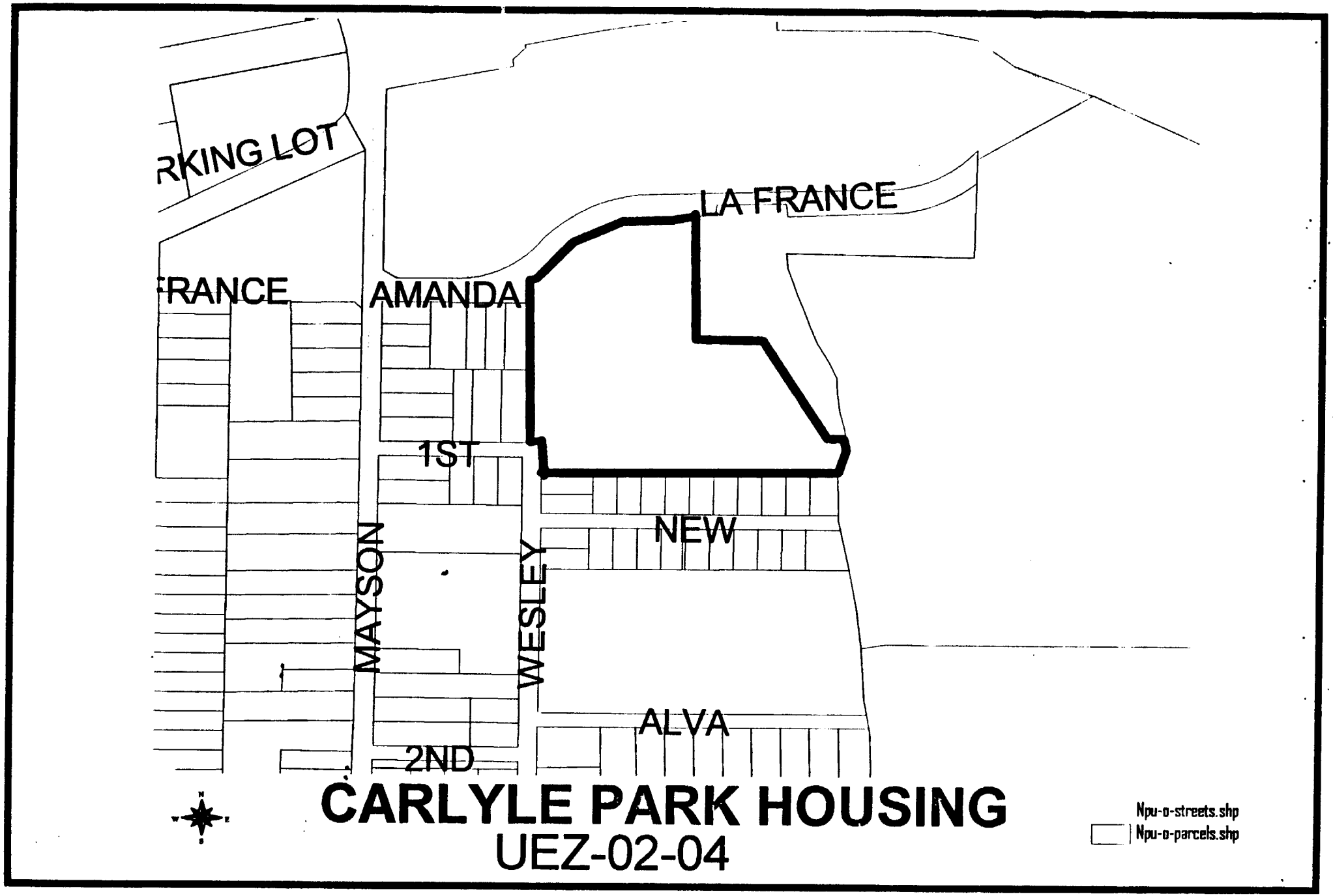
Z-01-21

Exhibit "A"
Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 210 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

COMMENCE at a ½- inch iron pin placed at the intersection of the eastern right-of-way line of Wesley Avenue (a 40-foot right-of-way) and the northern right-of-way line of First Street (a 30 foot right-of-way); thence North 87 degrees 01 minutes 34 seconds West along said northern right-of-way line of First Street a distance of 27.91 feet to a ¾-inch open top pipe found; thence leaving said right-of-way line and running North 01 degrees 05 minutes 41 seconds East a distance of 149.53 feet to a ¾ inch open top pipe found; thence North 00 degrees 38 minutes 51 seconds East a distance of 190.98 feet to a P.K. nail found on the southeastern right-of-way line of LaFrance Street (a 50 foot right-of-way); thence in a generally northeasterly and easterly direction along said southeastern and southern right-of-way line of LaFrance Street the following courses and distances: along the arc of a 311.50 foot radius curve an arc distance of 47.31 feet to a point (said arc being subtended by a chord bearing North 53 degrees 41 minutes 01 seconds East a distance of 47.26 feet); thence North 49 degrees 20 minutes 22 seconds East a distance of 44.48 feet to a point; thence along the arc of a 261.50 foot radius curve an arc distance of 179.85 feet to a point (said arc being subtended by a chord bearing North 69 degrees 02 minutes 35 seconds East a distance of 176.33 feet to a point); and thence, North 88 degrees 41 minutes 39 seconds East a distance of 145.44 feet to a ½ inch iron pin found; thence leaving said right-of-way line and running South 01 degrees 18 minutes 59 seconds West a distance of 270 .21 feet to a ½ inch iron pin found; thence south 88 degrees 53 minutes 10 seconds East a distance of 150.05 feet to a ½ inch iron pin found; thence South 36 degrees 57 minutes 55 seconds East a distance of 171.56 feet to a point; thence North 82 degrees 59 minutes 58 seconds East a distance of 22.77 feet to a point located in the centerline of a creek (said centerline being the property line); thence in a generally southeasterly, southwesterly and southeasterly direction along said centerline the following courses and distance: South 14 degrees 06 minutes 53 seconds East a distance of 13.32 feet; thence South 13 degrees 46 minutes 30 seconds West a distance of 40.54 feet; thence South 08 degrees 01 minutes 00 seconds East a distance of 39.18 feet; and thence South 07 degrees 59 minutes 36 seconds East a distance of 40.43 feet; thence leaving the centerline of said creek and running North 89 degrees 11 minutes 42 seconds West a distance of 636.82 feet to a ½ inch iron pin place on the eastern right-of-way line of Wesley Avenue; thence North 03 degrees 02 minutes 15 seconds East along the easterly right-of-way of Wesley Ave. to a ½ inch iron pin place and the point of beginning.

The above described property contains 5.77 acres, more or less and is shown as tract V & VI on, and described according to, that certain plat of survey prepared for LaFrance Partners, LLC and Stewart Title Guaranty Company by Survey Systems & Associates, Inc., E.G. Davis, Georgia Registered Land Surveyor No. 2363, dated January 30, 2001, which plat is incorporated herein and by this reference and made a part hereof.


RKING LOT
LA FRANCE
FRANCE
AMANDA
1ST
NEW
MAYSON
WESLEY
ALVA
2ND
CARLYLE PARK HOUSING
UEZ-02-04
Npu-o-streets.shp
Npu-o-parcels.shp

EVALUATION OF THE PROPOSED "CARLYLE PARK HOUSING ENTERPRISE ZONE"			
CRITERION	**REQUIRED**	**PROPOSED**	**COMPLIANCE**
1. Eligibility Criteria: a. Evidence of Pervasive Poverty b. Unemployment c. General Distress d. Underdevelopment	Must meet 3 of the 4 Criteria: a. Poverty rate of ≥ 20% for the Census Block Group. b. Unemployment: • Census Tract having at least 10% higher than the State Average; OR • Significant Job Loss, to be documented by the applicant. c. General Distress: • High Crime within the police beat/zone; OR • Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure. d. Underdevelopment: The NPU has ≤ 20% of the amount of Development Activity compared to the City as a whole.	a. Poverty rate of ≥ 30% for Block Group 1 of Census Tract 206. Meets this criterion. b. Unemployment rate of 13.9% for Census Tract 206. Meets this criterion. c. Crime rate of only –3% for Police Beat/Zone 603. The applicant did not submit documentation regarding the presence of vacant and/or dilapidated structures, or of deteriorated infrastructure, within the vicinity. Does not meet this criterion. d. Development activity of –13% for NPU "O", compared to the City overall.	Meets 3 of the 4 required criteria: Meets Criteria #a, #b, & #d. √
2. Acreage	None.	5.7748 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Medium-Density Residential. Allowed F.A.R.: 0.696.	Proposed F.A.R.: 0.411. Consistent with the CDP.	√
4. Zoning Compliance	Zoned "PDH," conditioned on the site plan per Z-01-21. An administrative site plan amendment was approved on December 2, 2001.	Complies with the administrative site plan.	√
5. Project Specificity	Project-Specific Zone or ≥ 50% of an Areawide Zone.	Project-Specific.	√
6. Non-Displacement	Minimum Displacement	None.	√
7. Job Creation	First Source Jobs Policy	Not Applicable.	√
8. Financial Feasibility	Chief Financial Officer's Statement of Fiscal Impact: a. Negative cash flow; OR b. Debt coverage ratio <1.20; OR c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon	To be determined.	To be determined.

	reasonable assumptions as certified.		

UE2-02-04

CITY OF ATLANTA

DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION
68 MITCHELL STREET, S.W. SUITE 3350 • ATLANTA, GEORGIA 30335-0308
404-330-6145 • FAX: 404-658-7491

SHIRLEY FRANKLIN
MAYOR

Commissioner
TIM POLK
Acting Commissioner

Director
Bureau of Planning

July 16, 2002

Dillon Baynes
LaFrancePartners, LLC
276 Ninth Street, N.E.
Atlanta, Ga. 30309

Dear Mr Baynes:

We have received your application for designation of the Carlyle Park housing enterprise zone. Our staff is currently reviewing the application with regard to the City's criteria for urban enterprise zone designation.

We have scheduled your presentation of the application to Neighborhood Planning Unit (NPU) O on Tuesday, July 23, 2002 at 7:30 p.m. at the Dekalb/Atlanta Human Service Center, located at 30 Warren Street. The chair of NPU – O is Shunalee Garvin-Campbell, who can be reached at (404) 524-5911. Please be present at the NPU – O meeting to briefly present your proposal and to answer any questions regarding your application.

Additionally, the Community Development and Human Resources Committee of the Atlanta City Council will hold a public hearing on your application on Monday, September 23, 2002 at 6:00 p.m. in the Council Chambers at City Hall. Please be present at the hearing to briefly present your proposal and to answer any questions regarding this application.

Should you require any further information, please contact Linda Logan at (404) 330-6637 or Sara Wade Hicks at (404) 330-6728.

Sincerely,

Beverly Dockeray-Ojo
Acting Director

cc: Tim Polk
Sara Wade Hicks
Linda Logan

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon/Wanda McCoy
(For review & distribution to Executive Management)

Commissioner Signature Philip Smith Director Signature
Department of Planning Bureau of Planning

From: Originating Dept. Department of Planning and Community Development Contact (name): Sara Wade Hicks, Assistant Director—Ext. 6728

Committee of Purview Community Development /Human Resources

Committee Meeting Dates: 9/10/02 CD; 9/23/02 public hearing; 10/01/02 CD. **Committee Deadline:** 10/26/02
City Council Meeting Date: 10/07/02

CAPTION:

AN ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO CREATE THE **"CARLYLE PARK HOUSING ENTERPRISE ZONE"**, TO BE LOCATED AT 225 WESLEY AVENUE, N.E. (a.k.a. 1565 LA FRANCE STREET, S.E.), AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

Applicant/developer La France Partners, LLC proposes to construct 72 new for-sale residential units with garages (plus a clubhouse with a pool and fitness center), including 40 single-family attached units and 32 townhome units, which would comprise 103,400 square feet of building space on 5.7748 acres of land. In accordance with the requirements for housing enterprise zones, 20 percent of the new housing units would be designated as "affordable" (for moderate-income residents). The subject property is located in NPU "O", Council District 5, within Land Lot 210 of District 15. If the proposed development project is constructed, it would further the City's policy of promoting new housing development. The estimated total project development cost is $11,300,000. Financing would be provided by South Trust Bank.

FINANCIAL IMPACT (if any):

The Department of Finance is conducting a fiscal impact analysis for the proposed zone.

Mayor's Staff Only

Received by Mayor's Office: 8/29/02 (Date) Reviewed: (Initials) (Date)

Submitted to Council: _____ (Date)

Action by Committee: ___Approved ___Adversed ___Held ___Amended
___Substitute ___Referred ___Other