Municipal Clerk
Atlanta, Georgia

04- O -0641

UEZ-04-01

AN ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO CREATE THE "ADAMSVILLE PLACE APARTMENTS HOUSING ENTERPRISE ZONE", TO BE LOCATED AT 3845 ADAMSVILLE PLACE PARKWAY, S.W. (f.k.a. A PORTION OF 3726 (f.k.a. 3670, 3690, & 3704 (F.K.A. 3712)) MARTIN LUTHER KING, JR. DRIVE, S.W.; AND FOR OTHER PURPOSES.

NPU "H" **COUNCIL DISTRICT 10**

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 proposed "Adamsville Place Apartments 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 "Adamsville Place Apartments 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 "Adamsville Place Apartments 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 "Adamsville Place Apartments Housing Enterprise Zone" is hereby created for the subject property at 3845 Adamsville Place Parkway, SW (f.k.a. a portion of 3726 (f.k.a. 3670, 3690, & 3704 (f.k.a. 3712)) Martin Luther King, Jr. Drive, SW). The property contains 10.176 acres of land and includes the following tax parcel code numbers (PCNs): a portion of 14F0015-LL068-02 (f.k.a 14F0015-LL071, 14F0015-LL070, & 14F0015-LL068). The effective date of all exemptions established therein shall be January 1, 2006. The "Adamsville Place Apartments Housing Enterprise Zone" shall be abolished on December 31, 2015. The "Adamsville Place Apartments Housing Enterprise Zone" shall otherwise not be abolished except as provided in State law. A legal description and map of the "Adamsville Place Apartments Housing Enterprise Zone" is attached hereto as Exhibit "A", are made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3. The "Adamsville Place Apartments Housing Enterprise Zone" shall be developed as a residential development project, which shall consist of 168 apartments and 168 apartments. The project shall be developed in one phase and shall contain 198,543 total square feet of building space. In accordance with the requirements for housing enterprise zones, 73 percent (123 units) of the total 168 housing units would be designated as being "affordable" (for moderate-income residents), which would exceed the required minimum of 20 percent.

Section 4. The development of the "Adamsville Place Apartments Housing Enterprise Zone" shall meet or exceed the "housing affordability requirements" for urban enterprise zone designation that are defined in City Code Sections 146-52(2)a.1, 146-52(2)a.2, and 146-52(2)a.3 (per approved Ordinance #03-O-1695), which are provided below. The "Adamsville Place Apartments Housing Enterprise Zone" shall consist of 168 total units, of which 42 units shall be one-bedroom units (25%), 84 units shall be two-bedroom units (50%), and 42 units shall be three-bedroom units (25%). The "Adamsville Place Apartments Housing Enterprise Zone" shall designate 123 of the proposed 168 total units (73%) as being "affordable", which exceeds the required minimum housing affordability provision of 20 percent of the 168 total units (34 units). Compared to the minimum housing affordability requirement of 34 total units, to which the ratios of 25 percent for one-bedroom units (9 units), 50 percent for two-bedroom units (17 units), and 25 percent for three-bedroom units (9 units) are applied, the "Adamsville Place Apartments Housing Enterprise Zone" shall designate 28 one-bedroom units, 62 two-bedroom units, and 33 three-

bedroom units as being "affordable", which exceeds the housing affordability requirements by bedroom composition.

> City Code Section 146-52(2)a.1. Twenty percent of the total units to be provided shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall be within the ability to pay of those households whose annual income does not exceed 60 percent of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures.
>
> City Code Section 146-52(2)a.2. Twenty percent of the units for sale shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear purchase prices which do not exceed two and one-fifth times the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development.
>
> City Code Section 146-52(2)a.3. Twenty percent of the units for rent, if any, shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear monthly rents which do not exceed 30 percent of the low-income level defined in section 146-52(2)a.1 or, in the case of rental housing units that are being financed through federal low-income housing tax credits, said units shall bear monthly rents which do not exceed the maximum rents prescribed in Section 42, internal Revenue Service Code, based upon the low-income level defined in section 146-52(2)a.1.

Section 5: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the "Adamsville Place Apartments 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 6: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

U22-04-01

EXHIBIT "A"

LEGAL DESCRIPTION
ADAMSVILLE PLACE APARTMENTS
All that tract or parcel of land lying and being in Land Lot 15 of the 14th District FF, Fulton County, Georgia and being more particularly described as follows:

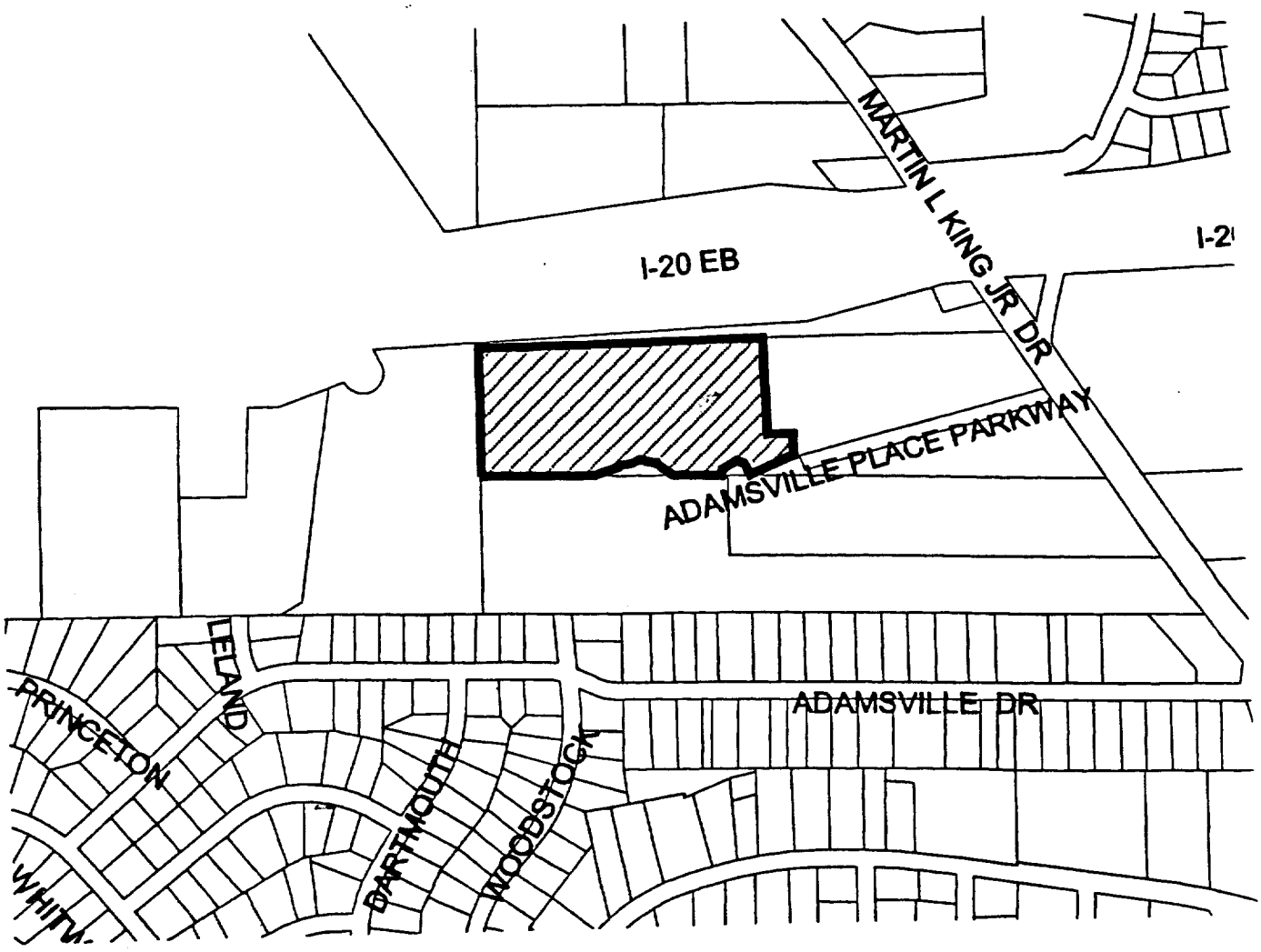
To reach the true point of beginning commence at a point being the intersection of the Land Lot Line common to Land Lots 14 and 15 and the southwesterly Right-of-Way of Martin Luther King, Jr. Drive (90' R/W); thence along said Right-of-Way along a curve to the right an arc distance of 135.75 feet (said curve having a radius of 3192.10 feet; a chord distance of 135.74 feet and a chord bearing of North 34° 00' 55" West) to a point; thence North 32° 47' 49" West a distance of 474.26 feet to a point; thence leaving said Right-of-Way of Martin Luther King, Jr. Drive and running South 57° 12' 11" West a distance of 245.55 feet to a point; thence North 87° 04' 48" West a distance of 332.78 feet to the TRUE POINT OF BEGINNING, from point thus established and running thence South 02° 55' 12" West a distance of 34.07 feet to a point; thence South 69° 29' 51" West a distance of 92.24 feet to a point; thence along a curve to the left an arc distance of 105.49 feet (said curve having a radius of 60.00 feet; a chord bearing of South 81° 10' 01" West and a chord distance of 92.42 feet) to a point; thence along a curve to the left an arc distance of 390.00 feet (said curve having a radius of 255.20 feet; a chord bearing of North 70° 12' 13" West and a chord distance of 353.14 feet) to a point; thence along a curve to the right an arc distance of 272.89 feet (said curve having a radius of 276.50 feet; a chord bearing of North 85° 42' 43" West and a chord distance of 261.96 feet) to a point; thence along a curve to the right an arc distance of 83.75 feet (said curve having a radius of 175.00 feet; a chord bearing of South 76° 33' 02" West and a chord distance of 82.95 feet) to a point; thence North 89° 44' 22" West a distance of 323.76 feet to a point; thence North 00° 00' 49" East a distance of 360.24 feet to a point; thence North 89° 56' 22" East a distance of 1121.35 feet to a point; thence South 00° 03' 38" East a distance of 399.43 feet to a point; thence South 87° 04' 48" East a distance of 55.60 feet to the true POINT OF BEGINNING. Said tract containing 9.788 acres.

RECEIVED
MAR 0 4 2004
BUREAU OF PLANNING

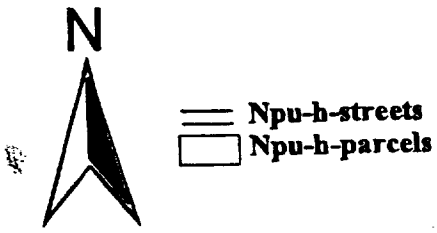
GEORGIA REGISTERED PROFESSIONAL No. 2107 LAND SURVEYOR WALTER Y. PREVATTE

ADAMSVILLE PLACE APARTMENTS
HOUSING ENTERPRISE ZONE

TO BE LOCATED AT
3845 ADAMSVILLE PLACE PARKWAY, DISTRICT 14F LAND LOT 15
COUNCIL DISTRICT 10 , NPU - "H".



UEZ - 04 -01



PROJECT CHECKLIST FOR UEZ-04-01:
Proposed "Adamsville Place Apartments Housing Enterprise Zone"
To be located at 3845 Adamsville Place Parkway, SW (f..k.a. a portion of 3726 [f.k.a. 3670, 3690, & 3704 (f.k.a. 3712)) Martin Luther King, Jr. Drive, S.W.

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
1. Eligibility Criteria:	**Must Meet 3 of the 4 Criteria:**		
a. Evidence of Pervasive Poverty	a. Poverty rate of ≥ 20% for the Census Block Group.	a. Poverty rate of 17.2% for Census Block Group 1, (f.k.a. 3) of Census tract 78.05 (f.k.a 78.03) (per the 2000 Census), which is less than the required minimum of 20%.	
b. Unemployment	b. Unemployment: (1) Census Tract having at least 10% higher than the State Average; OR (2) Significant Job Loss, to be documented by the applicant.	b. Unemployment: (1) Census Tract 78.05 (f.k.a. 78.03) has an unemployment rate of 8.8%, which is at least 10% higher than the 2002 annual State Average of 5.1%.	√
c. General Distress	c. General Distress: (1) Police Beat crime rate of ≥20% compared to the Police Zone; OR (2) 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.	c. General Distress: (1) Police beat does not meet the high crime requirement. (2) Applicant has submitted acceptable photographs which illustrated the former presence of abandoned/dilapidated structures on the property, which were cleared for the initiation of construction for the overall development site.	√
d.Underdevelopment	d. Underdevelopment: The NPU has ≤ 20% of the amount of Development Activity compared to the City as a whole for the proposed type of develop-	d. Underdevelopment: NPU "H" had 1% of development activity within the City for non-residential development, which meets the requirement of ≤ 20%.	√

	ment.		
CRITERION	**REQUIRED**	**PROPOSED**	**COMPLIANCE**
2. Acreage	None.	Contains 10.176 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Designated as "Medium-Density Residential." Allowed F.A.R.: 0.696. Property is located within the boundaries of the Southwest Atlanta Framework Plan. Project would be consistent with this Plan.	Proposed FAR: 0.448.	√
4. Zoning Compliance	Zoned "RG-3.".	Proposed uses are allowed within "RG-3." The development would have a residential FAR of 0.448.	√
5. Project Specificity	Project-Specific Zone or Areawide Zone.	Project-Specific.	√
6. Project Readiness	≥ 30% of housing units to be initiated in Year 1 of the UEZ.	Applicant certifies that construction of at least 30% of the total 168 units (50) would be initiated in Year 1.	√
7. Non-Displacement	Minimum Displacement	Applicant certifies that no residents currently occupy the site. The previous residents from a demolished housing development were relocated in accordance with the Uniform Relocation Act (URA) and all applicable regulations of the Urban Residential Finance Authority. A copy of the previous tenant relocation plan was submitted by the applicant.	√
8. Affordability	City Code Section 146-52(2)a.1. Twenty percent of the total units to be provided shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall be within the ability to pay of those households whose annual income does not exceed 60 percent of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. City Code Section 146-52(2)a.2. Twenty percent of the units for sale shall reflect the same ratio of hous-	Project would include the following breakdown of affordable housing units, which meets the requirements for urban enterprise zone designation: 168 total units, of which 123 units (73%) would be designated as being "affordable." The project would include 42 one-bedroom units, 82 two-bedroom units, and 42 three-bedroom units. The affordability breakdown by bedroom composition would be as follows: 28 one-bedroom units, 62 two-bedroom units, and 42 three-bedroom units, which exceed the requirements.	√

	ing type and bedroom composition that is proposed throughout the zone, and shall bear purchase prices which do not exceed two and one-fifth times the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development. City Code Section 146-52(2)a.3. Twenty percent of the units for rent, if any, shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear monthly rents which do not exceed 30 percent of the low-income level defined in section 146-52(2)a.1 or, in the case of rental housing units that are being financed through federal low-income housing tax credits, said units shall bear monthly rents which do not exceed the maximum rents prescribed in Section 42, internal Revenue Service Code, based upon the low-income level defined in section 146-52(2)a.1.		
CRITERION	**REQUIRED**	**PROPOSED**	**COMPLIANCE**
9. Provision for Atlanta Police officers and their families (for housing and mixed-use residential/ commercial enterprise zones)	Five percent of available units to be offered to Atlanta Police officers and their families at purchase prices or monthly rents which do not exceed the low-income level of affordability.	Applicant certifies compliance.	√
10. Job Creation	First Source Jobs Policy	Would not create any fulltime, permanent new jobs.	Not applicable.
11. 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 reasonable assumptions as certified.	To be determined by the Bureau of Financial Analysis.	To be determined.

UEZ-04-01

CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30335-0308
404-330-6145 – FAX: 404-658-7491
www.ci.atlanta.ga.us/citydir/dpdnc/planning.htm

SHIRLEY FRANKLIN
MAYOR

CHARLES C. GRAVES, III
Commissioner

BEVERLEY DOCKERAY-OJO
Director

Bureau of Planning

February 23, 2004

Mr. Bill McNeeley, Director of Housing
Atlanta Neighborhood Development Partnership
100 Peachtree Street, Suite 700
Atlanta, Georgia 30303

RE: Processing of Your Submitted Urban Enterprise Zone Application

Dear Mr. McNeeley:

This letter serves as notification of several matters pertaining to the urban enterprise zone application that you recently submitted to us as part of Cycle I, 2004.

Receipt of the UEZ Application. We received your Urban Enterprise Zone (UEZ) application for property that is located on a new parcel to be subdivided from the northern portion of 3726 (f..k.a. 3670, 3690, & 3704 (f.k.a. 3712)) Martin Luther King, Jr. Drive, SW. This includes the following tax parcel code numbers (PCNs): a portion of T14F0015-LL068-02 (f.k.a. 14F0015-LL071, 14F0015-LL070, & 14F0015-LL068). You have proposed the creation of the "Adamsville Place Apartments Housing Enterprise Zone" for the subject property, and have requested that the first year of the enterprise zone be 2007. Your application was assigned the case number of UEZ-04-01. We are reviewing it for completeness and accuracy, and will be contacting you soon (as well as throughout the application review process) by telephone or e-mail concerning any additional information or clarification that we need.

Required NPU Meeting. As part of the UEZ designation process, ***you are required to attend a Neighborhood Planning Unit (NPU) meeting.*** Your property is located in NPU "H", which holds monthly meetings at the Harriett Darnell Senior Multi-Purpose Center, which is located at 677 Fairburn Road, SW. ***Your UEZ case is scheduled to be heard by NPU "H" on March 4, 2004. Your attendance is required.*** The NPU "H" meeting will begin at 7:00 p.m. Please attend this meeting (or send a designee) and be prepared to make a presentation and answer any questions concerning your application. The NPU "H" members will vote on your application, with such vote serving as a recommendation to City Council. *Please note that it is possible that NPU "H" members may request that you also attend one or more neighborhood association meetings before or after the NPU "H" meeting. Please contact the NPU "H" Chairperson, Mrs.*

UEZ-04-01

R. R. Harris, immediately at (404) 699-5786 concerning this. Your non-attendance at such additional meetings likely would result in a deferral by NPU "H", thereby delaying the approval of your UEZ application.

Required Public Hearing & Optional Committee Meeting. The second required meeting is the UEZ public hearing, which is to be conducted by the City's Community Development/Human Resources (CD/HR) Committee. The public hearing will be held on a Monday night at the end of April or middle of May. We will notify you later of the exact date. Your attendance will be required, and you should be prepared to make a presentation about your UEZ application and to answer any questions. The CD/HR Committee will then vote on your case, most likely on the day after the public hearing. Its vote then becomes a recommendation to City Council.

Creation of the Urban Enterprise Zone. The full City Council will vote on your case after the UEZ public hearing has been held and the CD/HR Committee has made its recommendation. We will notify you later of the exact date of the City Council vote. (Please be aware that if a rezoning, other type of zoning action, subdivision, consolidation, or other action is required for your property, this could delay the review and approval of your application. You are encouraged to pursue these actions as soon as possible.) If the City Council votes to approve your UEZ, the Mayor then is allowed up to eight days in which to sign the ordinance for the creation of your proposed urban enterprise zone. Thereafter, the ordinance becomes law, with or without the Mayor's signature. The new urban enterprise zone would exist for ten years. *You are cautioned that no building construction or renovation activity may begin before the ordinance to create your proposed urban enterprise zone has been adopted by City Council and approved by the Mayor.* However, pre-construction activities, such as demolition, clearance, and infrastructure installation, are allowed before then.

UEZ Tax Abatements. If the urban enterprise zone is approved, tax abatements would be "effective" on your property on January 1 of the year that you requested the enterprise zone to begin. The tax abatements would apply to the new or rehabilitated improvements only (not the land), with some restrictions. *The condition for the receipt of this tax abatement, you may recall, is that the construction or renovation of at least 30 percent of all proposed housing units on the property must be underway by December 31 of the first year for which you requested the enterprise zone to begin.* In general, tax abatements are made on the new improvements or new renovations only, at 100 percent for the first five years. Thereafter, the tax abatements are 80 percent for Years 6 & 7, 60 percent for Year 8, 40 percent for Year 9, and 20 percent for Year 10.

Thank you for participating in the Urban Enterprise Zone Program. If you have questions regarding any of these matters, please contact me at (404) 330-6637. For further information concerning the NPU meeting, you may contact the NPU/Citizen Participation Coordinator, Wendy Scruggs-Murray, at (404) 330-6899.

UEZ-04-01

CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30335-0308
404-330-6145 – FAX: 404-658-7491
www.ci.atlanta.ga.us/citydir/dpdnc/planning.htm

SHIRLEY FRANKLIN
MAYOR

CHARLES C. GRAVES, III
Commissioner

BEVERLEY DOCKERAY-OJO
Director

Bureau of Planning

February 26, 2004

Mr. Bill McNeeley, Director of Housing
Atlanta Neighborhood Development Partnership
100 Peachtree St, Suite 700
Atlanta, GA 30303

RE: Required Public Hearing for Your Submitted Urban Enterprise Zone Application

Dear Mr. McNeeley:

As a follow-up to our February 23, 2004 letter to you, we want to inform you of the date for the required public hearing for your submitted urban enterprise zone application, in which you proposed the creation of the "Adamsville Place Apartments Housing Enterprise Zone" at a new parcel to be subdivided from the southern portion of 3726 (f.k.a. 3670, 3690& 3704 (f.k.a. 3712)) Martin Luther King, Jr. Drive, SW. (UEZ-04-01). The public hearing is scheduled for *Monday, May 10, 2004,* beginning at 6:00 p.m. in the Council Chambers on the Second Floor of City Hall (located at 55 Trinity Avenue). It will be conducted by the Community Development/Human Resources (CD/HR) Committee of City Council. Please be prepared make a presentation about your UEZ application and to answer any questions at the public hearing. No vote will be taken at the public hearing.

We also encourage you to attend the CD/HR Committee meeting to be held on the following day, Tuesday, May 11, 2004, where the CD/HR Committee will vote on your application and make a recommendation to the full City Council. That meeting will be held in Committee Room #2 on the Second Floor of City Hall, beginning at 1:00 p.m. The committee meeting is not required, but is recommended. Please be aware that if a rezoning, other type of zoning action, subdivision, consolidation, or other action is required for your property, this could delay the review and approval of your application. You are encouraged to pursue these actions as soon as possible.

If the CD/HR Committee votes to approve your case on May 11, 2004, then the full City Council would vote on it on May 17, 2004. The Mayor would then be allowed up to eight days in which to sign the ordinance for the creation of your proposed urban enterprise zone. Thereafter, the ordinance becomes law, with or without the Mayor's signature.

Thank you for participating in the Urban Enterprise Zone Program. If you have questions regarding any of these matters, please contact me at (404) 330-6637.

Sincerely,

Linda M. Logan, AICP
Principal Planner
Bureau of Planning

/lml/

xc: Charles C. Graves, Commissioner
Beverley Dockeray-Ojo, Director
Sara Wade Hicks, Assistant Director