Municipal Clerk
Atlanta, Georgia

AN ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

UEZ-04-06

04-O-0646

AN ORDINANCE TO CREATE THE "DOGWOOD APARTMENTS HOUSING ENTERPRISE ZONE", TO BE LOCATED AT 1000, 1011, & 1021 HARWELL ROAD, N.W.; AND FOR OTHER PURPOSES.

NPU "I" **COUNCIL DISTRICT 9**

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 "Dogwood 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 "Dogwood 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 "Dogwood 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 "Dogwood Apartments Housing Enterprise Zone" is hereby created for the subject property at 1000, 1011, & 1021 Harwell Road, NW. The property contains 30 acres of land and includes the following tax Parcel Code Numbers (PCNs) 17-0260-LL075, 17-0260-LL076, & 17-0260-LL077. The effective date of all exemptions established therein shall be January 1, 2005. The "Dogwood Apartments Housing Enterprise Zone" shall be abolished on December 31, 2014. The "Dogwood Apartments Housing Enterprise Zone" shall otherwise not be abolished except as provided in State law. A legal description and map of the "Dogwood Apartments Housing Enterprise Zone" are 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 "Dogwood Apartments Housing Enterprise Zone" shall be developed as a residential development project, which shall consist of 414 apartment units. The project shall be developed in one phase and shall contain 418,558 total square feet of building space. In accordance with the requirements for housing enterprise zones, 414 (100 percent) of the total 414 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 "Dogwood 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 "Dogwood Apartments Housing Enterprise Zone" shall consist of 414 total units, of which 43 units shall be one-bedroom units (10%), 363 units shall be two-bedroom units (88%), and 8 units shall be three-bedroom units (2%). The "Dogwood Apartments Housing Enterprise Zone" shall designate 414 of the proposed 414 total units (100%) as being "affordable", which exceeds the required minimum housing affordability provision of 20 percent of the 414 total units (83 units). Compared to the minimum housing affordability requirement of 83 total units, to which the ratios of 10 percent for one-bedroom units (8 units), 88 percent for two-bedroom units (73 units), and 2 percent for three-bedroom units (2 units) are applied, the "Dogwood Apartments Housing Enterprise Zone" shall designate 43 one-bedroom units, 363 two-bedroom units, and 8 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 "Dogwood 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.

UE2-04-06

EXHIBIT "A"

Tract 1
All that tract or parcel of land lying and being in Land Lot 260 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point being the intersection of the southeasterly right of way of Harwell Road (50' R/W) and the southwesterly right of way of Skipper Place (50' R/W); thence along said right of way of Skipper Place the following bearings and distances: South 44° 33' 40" East a distance of 373.97 feet to a point; thence along a curve to the right an arc distance of 97.61 feet, (said curve having a radius of 384.26 feet, a chord distance of 97.35 feet, and a chord bearing of South 37° 17' 02" East) to a point; thence South 30° 00' 25" East a distance of 447.79 feet to a nail found in drive; thence leaving said right of way of Skipper Place and running North 89° 13' 25" West a distance of 593.80 feet to a 1"open top pipe found; thence North 89° 19' 09" West a distance of 491.97 feet to a point on the southeasterly right of way of aforementioned Harwell Road; thence along said right of way the following bearings and distances: North 00° 09' 56" East a distance of 46.64 feet to a point; thence along a curve to the right an arc distance of 264.93 feet, (said curve having a radius of 335.16 feet, a chord distance of 258.08 feet and an chord bearing of North 22° 48' 36" East) to a point; thence North 45° 27' 16" East a distance of 617.62 feet to the POINT OF BEGINNING. Said property contains 10.725 acres.

Tract 2
All that tract or parcel of land lying and being in Land Lots 260 and 268 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point being the intersection of the westerly right of way of Harwell Road (50' R/W) and the Land Lot Line common to Land Lots 240 and 260; thence along said Land Lot Line and running thence North 89° 19' 09" West a distance of 184.89 feet to a Right of Way Monument found on the easterly right of way of Interstate Highway 285 (Variable R/W); thence along said right of way the following bearings and distances: North 00° 01' 43" East a distance of 204.14 feet to a Right of Way Monument found; thence along a curve to the right an arc distance of 933.37 feet, (said curve having a radius of 2714.79 feet, a chord distance of 928.78 feet and a chord bearing of North 10° 27' 58" East) to a 1"crimp top pipe found; thence leaving said right of way of Interstate Highway 285 and running South 64° 49' 08" East a distance of 343.79 feet to an 1\2"rebar found; thence North 81° 27' 07" East a distance of 538.69 feet to a point on the westerly right of way of aforementioned Harwell Road thence along said right of way the following bearings and distances: along a curve to the right an arc distance of 164.84 feet, (said curve having a radius of 668.86 feet, a chord distance of 164.42 feet and a chord bearing of South 38° 23' 38" West) to a point; thence South 45° 27' 16" West a distance of 852.48 feet to a point; thence along a curve to the left an arc distance of 312.35 feet, (said curve having a radius of 395.16 feet, a chord distance of 304.28 feet and chord bearing of South 22° 48' 36" West) to a point; thence South 00° 09' 56" West a distance of 46.10 feet to the POINT OF BEGINNING. Said property contains 11.322 acres.

GEORGIA REGISTERED ~~PROFESSIONAL~~ NO. 2107 LAND SURVEYOR WALTER Y. PREVATTE

(CONTINUED)

EXHIBIT "A", CONTINUED

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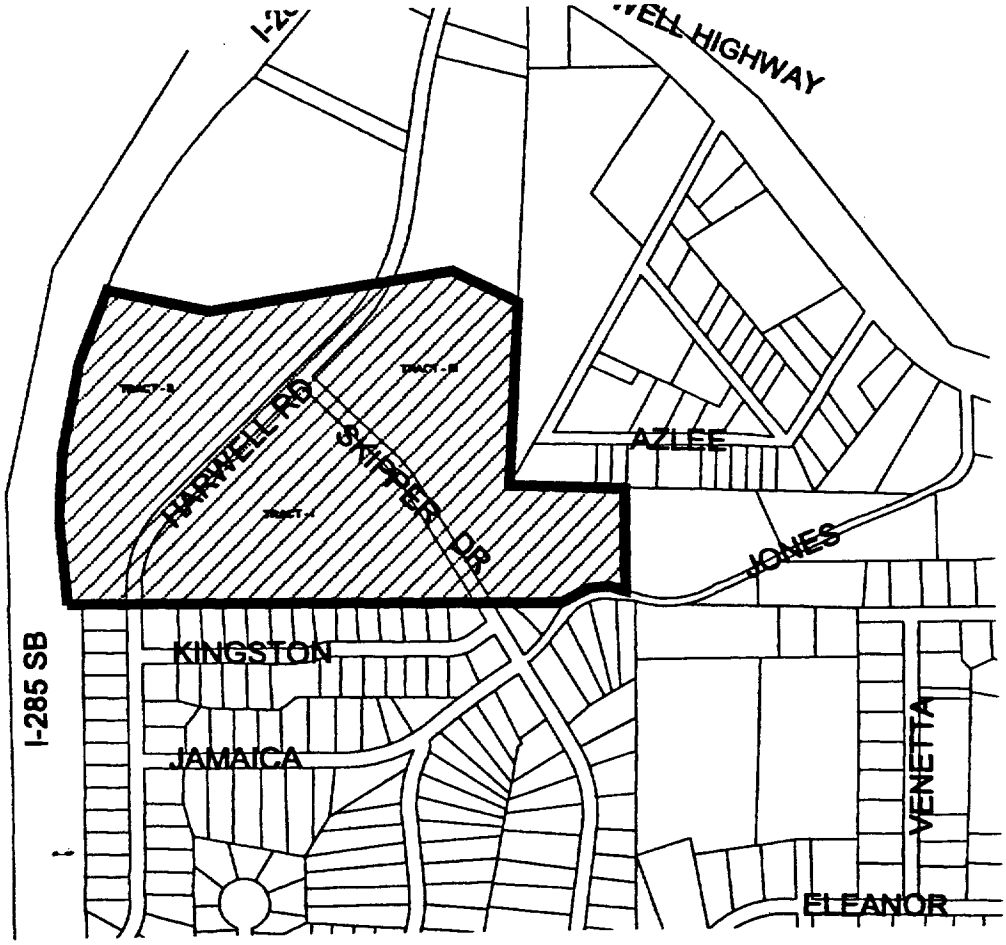
Tract 3
All that tract or parcel of land lying and being in Land Lot 260 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point being the intersection of the northeasterly right of way of Skipper Place (50' R/W) and the southeasterly right of way of Harwell Road (50' R/W) thence along said right of way of Harwell Road the following bearings and distances: North 45° 27' 16" East a distance of 184.86 feet to a point; thence along a curve to the left an arc distance of 228.43 feet, (said curve having a radius of 728.86 feet, a chord distance of 227.50 feet and a chord bearing of North 36° 28' 32" East) to a point; thence leaving said right of way of Harwell Road and running North 81° 27' 07" East a distance of 189.00 feet to a point; thence South 66° 32' 19" East a distance of 268.20 feet to a 1" crimp top pipe found; thence South 00° 15' 38" West a distance of 609.21 feet to an 1/2" rebar found; thence South 86° 35' 50" East a distance of 270.38 feet to an 1" open top pipe found; thence South 13° 28' 08" East a distance of 347.04 feet to a point on the northerly right of way of Jones Road (50' R/W); thence along said right of way of Jones Road the following bearings and distances: North 80° 35' 14" West a distance of 69.64 feet to a point; thence along a curve to the left an arc distance of 185.93 feet, (said curve having a radius of 196.41 feet, a chord distance of 179.07 feet and a chord bearing of South 72° 37' 42" West) to an 1/2" rebar found; thence leaving said right of way of Jones Road and running North 89° 11' 35" West a distance of 240.45 feet to a point on the northeasterly right of way of Skipper Place; thence along said right of way the following bearings and distances: North 30° 00' 25" West a distance of 477.54 feet to a point; thence along a curve to the left an arc distance of 110.31 feet, (said curve having a radius of 434.26 feet, a chord distance of 110.02 feet and a chord bearing of North 37° 17' 02" West) to a point; thence North 44° 33' 40" West a distance of 373.95 feet to the POINT OF BEGINNING. Said property contains 13.057 acres.

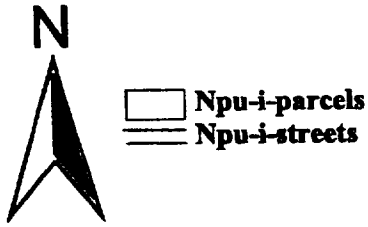
GEORGIA REGISTERED ~~PROFESSIONAL~~ NO. 2107 LAND SURVEYOR WALTER Y. PREVATTE

DOGWOOD APARTMENTS
HOUSING ENTERPRISE ZONE

TO BE LOCATED AT 1000, 1011 & 1021
HARWELL RD, NW. DISTRICT 17 LAND LOT 260. COUNCIL DISTRICT 9, NPU "T".



UEZ - 04 - 06



PROJECT CHECKLIST FOR UEZ-04-06:
Proposed "Dogwood Apartments Housing Enterprise Zone"
To be Located at 1000, 1011, & 1021 Harwell Road, NW

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 24.1% for Census Block Group 1 of Census Tract 82.01(per the 2000 Census), which is more 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 82.01 has an unemployment rate of 6.2%, which is more than 10% higher than the 2002 annual State Average of 5.1%. (2) Data from the Atlanta Regional Commission	√
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 exist ing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	c. General Distress: (1) Police beat 109 has a crime rate of –23% of the crime rate of police zone 1, thus the high crime requirement is not met. (2)	
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 development.	d. Underdevelopment: NPU "I" had -3% of development activity within the City for non-residential development, which meets the requirement of ≤ 20%.	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
2. Acreage	None.	Contains 30 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Designated as "Medium-Density Residential." Allowed F.A.R.: 0.696. Determined by the zoning district in which the property is located.	Proposed FAR: 0.251. This would comply with the existing zoning of the property, thus it would be consistent with the CDP.	√
4. Zoning Compliance	Zoned "RG-3."	Proposed uses are allowed within "RG-3." The development would have a residential FAR of 0.251.	√
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% (124 units) of the 414 total units would be initiated in Year 1.	√
7. Non-Displacement	Minimum Displacement	Applicant certifies current residents will be relocated in accordance with the Uniform Relocation Act (URA) and all applicable regulations of the Urban Residential Finance Authority. A tenant relocation plan will be submitted.	√
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 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	Project would include the following breakdown of affordable housing units, which meets the requirements for urban enterprise zone designation: 414 total units, of which 414 units (100%) would be designated as being "affordable." The project would include 43 one-bedroom units, 363 two-bedroom units, and 8 three-bedroom units. The affordability breakdown by bedroom composition would be as follows: 43 one-bedroom units, 363 two-bedroom units, and 8 three-bedroom units, which exceed the requirements.	√

	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.		
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-04-06

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 24, 2004

Mr. Colin Edelstein, Vice President
Capitol Development Group
241 Peachtree Street, Suite 300
Atlanta, Georgia 30303

RE: Processing of Your Submitted Urban Enterprise Zone Application

Dear Mr. Edelstein:

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 at 1000, 1011, & 1021 Harwell Road, NW. This includes the following tax parcel code numbers (PCNs): 17-0260-LL075, 17-0260-LL076, & 17-0260-LL077. You have proposed the creation of the "Dogwood Apartments Housing Enterprise Zone" for the subject property, and have requested that the first year of the enterprise zone be 2005. Your application was assigned the case number of *UEZ-04-06.* 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 "I", which holds monthly meetings at the Adamsville Natatorium. ***Your UEZ case is scheduled to be heard by NPU "I" on March 17, 2004. Your attendance is required.*** The NPU "I" 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 "I" members will vote on your application, with such vote serving as a recommendation to City Council. *Please note that it is possible that NPU "I" members may request that you also attend one or more neighborhood association meetings before or after the NPU "I" meeting. Please contact the NPU "I" Chairperson, Andrew Fellers, immediately at (404) 696-6017 concerning this. Your non-attendance at such additional meetings likely would result in a deferral by NPU "I", thereby delaying the approval of your UEZ application.*

UEZ-04-06

Mr. Colin Edelstein
Capitol Development Group
February 24, 2004

Required Public Hearing & Optional Committee Meeting. ***The second required meeting is the UEZ public hearing to be conducted by the City's Community Development/Human Resources (CD/HR) Committee on Monday, May 10, 2004.*** The public hearing will be held in the City Hall Council Chambers on the Second Floor of City Hall at 55 Trinity Avenue, beginning at 6:00 p.m. Please be prepared make a presentation about your UEZ application and to answer any questions at the public hearing. *We encourage you to also attend the CD/HR Committee meeting to be held the following day, on 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 at 55 Trinity Avenue, beginning at 1:00 p.m.

Creation of the Urban Enterprise Zone. The full City Council is scheduled to vote on your case on May 17, 2004, after the UEZ public hearing has been held and the CD/HR Committee has made its recommendation. (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.

Mr. Colin Edelstein
Capitol Development Group
February 24, 2004

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