Municipal Clerk
Atlanta, Georgia

AN ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

UEZ-04-11
04- O -0651

AN ORDINANCE TO CREATE THE "MURPHY AVENUE SENIOR APARTMENTS HOUSING ENTERPRISE ZONE", TO BE LOCATED AT 1358 & 1374 MURPHY AVENUE, S.W. AND 1080 DILL AVENUE, S.W.; AND FOR OTHER PURPOSES.

NPU "X" **COUNCIL DISTRICT 12**

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 "Murphy Avenue Senior 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 "Murphy Avenue Senior 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 "Murphy Avenue Senior 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 "Murphy Avenue Senior Apartments Housing Enterprise Zone" is hereby created for the subject property at 1358 & 1374 Murphy Avenue, SW and 1080 Dill Avenue, SW. The property contains 3.073 acres of land and includes the following tax Parcel Code Numbers (PCNs) 14-0120-0004-022, 14-0120-0004-017 & 14-0120-0004-021. The effective date of all exemptions established therein shall be January 1, 2006. The "Murphy Avenue Senior Apartments Housing Enterprise Zone" shall be abolished on December 31, 2015. The "Murphy Avenue Senior Apartments Housing Enterprise Zone" shall otherwise not be abolished except as provided in State law. A legal description and map of the "Murphy Avenue Senior 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 "Murphy Avenue Senior Apartments Housing Enterprise Zone" shall be developed as a residential development project, which shall consist of 160 apartment residential units. The project shall be developed in one phase and shall contain 130,000.00 total square feet of building space. In accordance with the requirements for housing enterprise zones, 128 (80 percent) of the total 160 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 "Murphy Avenue Senior 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 "Murphy Avenue Housing Enterprise Zone" shall consist of 160 total units, of which 100 units shall be one-bedroom units (63%), 60 units shall be two-bedroom units (38%), and 0 units shall be three-bedroom units (0%). The "Murphy Avenue Senior Apartments Housing Enterprise Zone" shall designate 128 of the proposed 160 total units (80%) as being "affordable", which exceeds the required minimum housing affordability provision of 20 percent of the 160 total units (32 units). Compared to the minimum housing affordability requirement of 32 total units, to which the ratios of 63 percent for one-bedroom units (20 units), 38 percent for two-bedroom units (12 units), and 0 percent for three-bedroom units (0 units) are applied, the "Murphy Avenue Senior Housing Enterprise Zone" shall designate 80 one-bedroom units, 48 two-bedroom units, and 0 three-bedroom units as being "affordable", which exceed the housing affordability requirements by bedroom composition.

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 "Murphy Avenue Senior 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.

UEZ-04-11

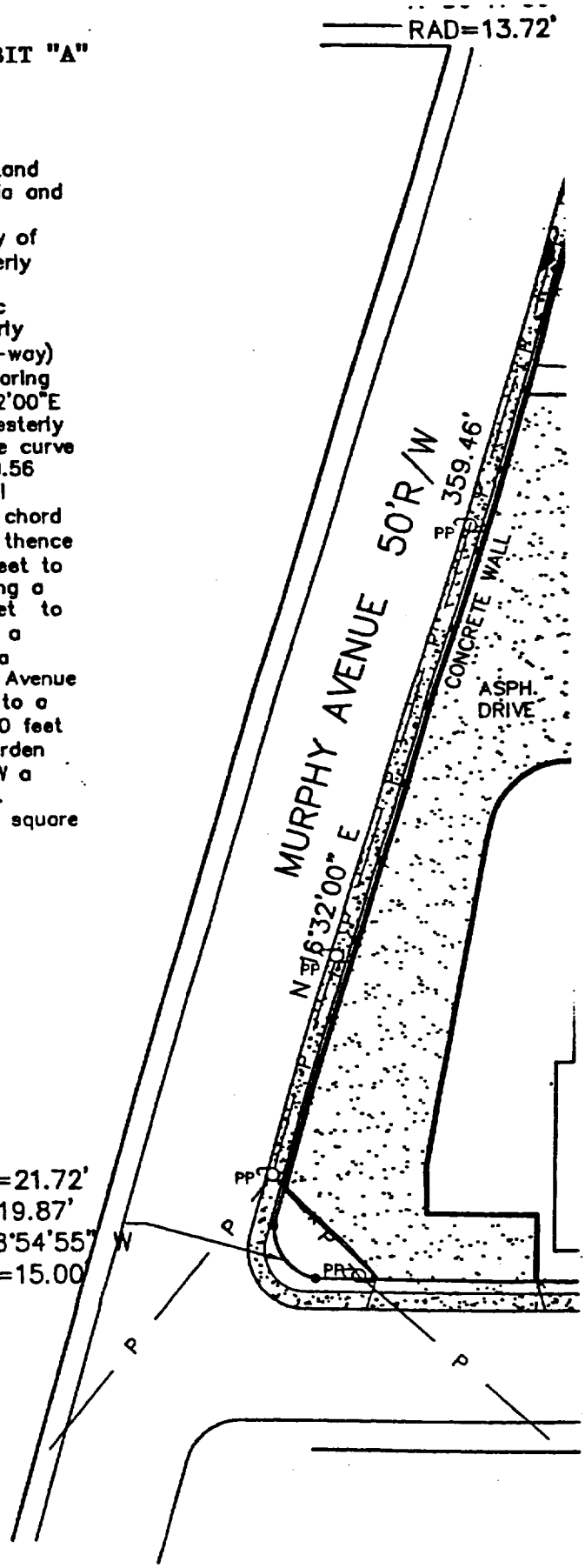
EXHIBIT "A"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 120 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point on the northerly right-of-way of Arden Avenue (a 50 foot right-of-way) at the easterly end of a right-of-way arc; thence proceed along a clockwise curve having a radius of 15.00 feet, an arc distance of 21.72 feet to a point on the southeasterly right-of-way of Murphy Avenue (a 50 foot right-of-way) (said arc has a chord of 19.87 feet and a chord bearing of N38°54'55"W); thence along Murphy Avenue N16°32'00"E a distance of 359.46 feet to a point at the southwesterly end of a right-of-way arc; thence along a clockwise curve having a radius of 13.72 feet, an arc distance of 19.56 feet to a point on the southerly right-of-way of Dill Avenue (a 50 foot right-of-way) (said curve has a chord of 17.95 feet and a chord bearing of N56°47'00"E); thence along Dill Avenue S89°06'08"E a distance of 69.77 feet to a point; thence along a counterclockwise curve having a radius of 820.72 feet, an arc distance of 175.20 feet to a point (said curve has a chord of 174.87 feet and a chord bearing of N84°50'32"E); thence N77°09'52"E a distance of 49.46 feet to a point; thence leave Dill Avenue and proceed S01°29'26"W a distance of 187.92 feet to a 1/2" rebar; thence S01°29'26"W a distance of 215.90 feet to a 1/2" rebar on the northerly right-of-way of Arden Avenue; thence along said right-of-way N88°47'19"W a distance of 386.56 feet to the POINT OF BEGINNING.

This tract or parcel contains 3.073 acres (133,860 square feet) of land.



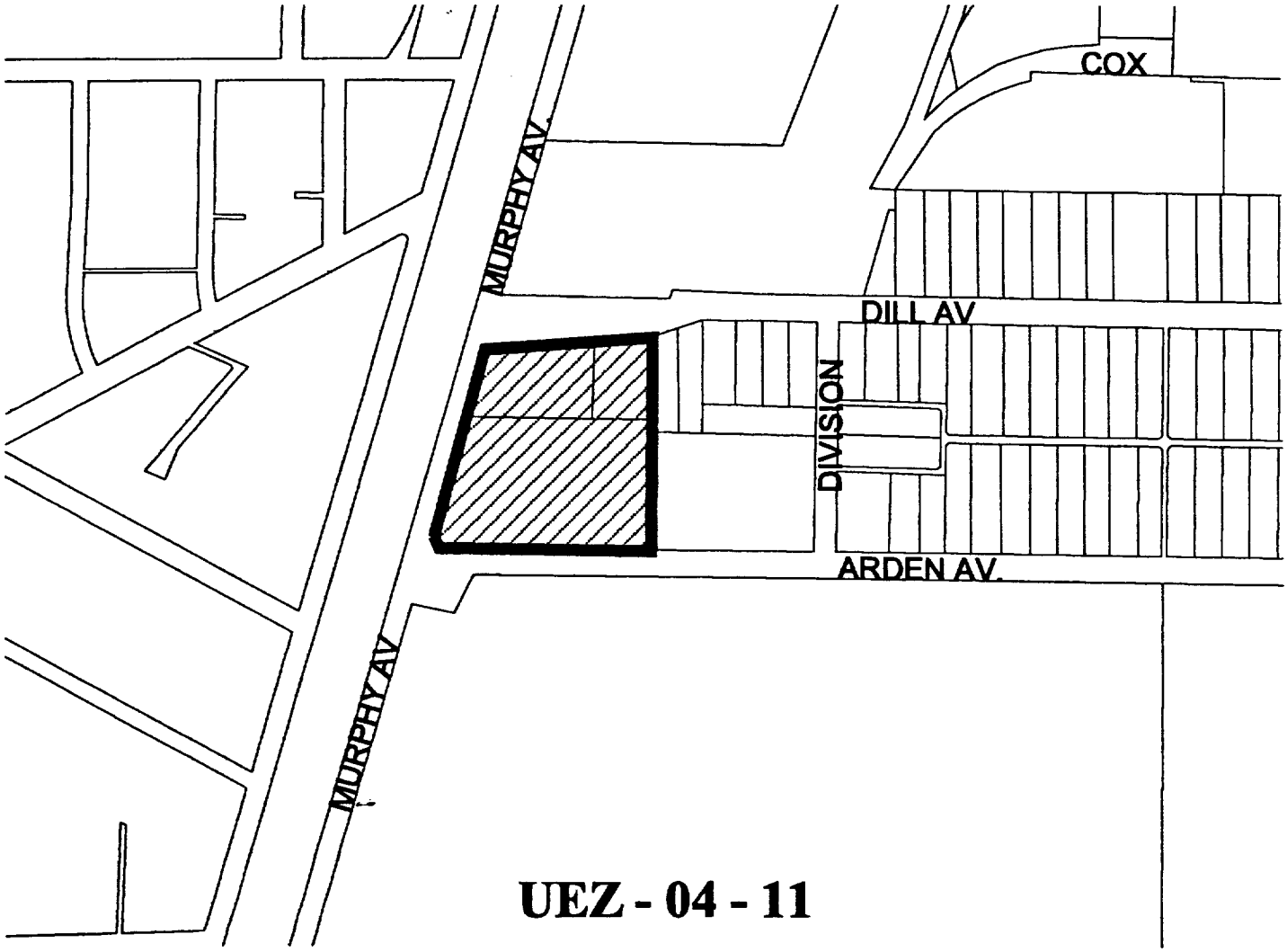
GEORGIA REGISTERED No. LS002878 3/23/04 LAND SURVEYOR JOHN A. STEERMAN

RECEIVED MAR 25 2004 BUREAU OF PLANNING

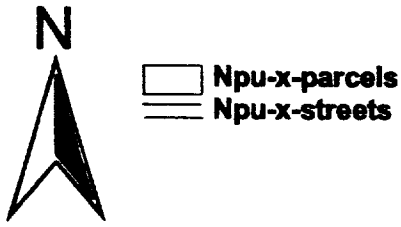
REFERENCE SURVEY:
SURVEY FOR NCNB NATIONAL BANK
OF NORTH CAROLINA PERFORMED
BY VENABLE & ASSOC. DATED 11/20/1984

MURPHY AV. SENIOR APARTMENTS HOUSING ENTERPRISE ZONE

TO BE LOCATED AT 1358 & 1374 MURPHY AV.,
SW AND 1080 DILL AV.,SW. DISTRICT
14, LAND LOT 120. COUNCIL DISTRICT 12,
NPU - "X".



UEZ - 04 - 11



PROJECT CHECKLIST FOR UEZ-04-11:
Proposed "Murphy Avenue Senior Apartments Housing Enterprise Zone"
To be Located at 1358 & 1374 Murphy Avenue, SW and 1080 Dill Avenue, SW

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 25.7% for Census Block Group 1 of Census Tract 66.01 (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 66.01 has an unemployment rate of 10.5%, which is more than10% higher than the State Average of 5.1%. (2)	√
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 304 has a crime rate of 22% of the crime rate of police zone 3, thus the high crime requirement is 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 "X" had -20% of development activity within the City for residential development, which meets the requirement of ≤ 20%.	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
2. Acreage	None.	Contains 3.073 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Designated as "Industrial Use". Allowed F.A.R.: Established by zoning district resolutions. Determined by the zoning district in which the property is located.	Proposed FAR: 0.97. The proposed uses would not comply with the existing zoning of the property, and they would not be consistent with the CDP. A CDP land use amendment is required. Applicant applied for this on January 13, 2004 as part of a rezoning application (Z-04-06).	Pending rezoning and CDP land use amendment cases. No CDP case number has been assigned yet.
4. Zoning Compliance	Zoned "I-2"	Proposed uses are not allowed within "I-2." The development would have a residential FAR of 0.97. A rezoning of part of the property is required. Applicant submitted a rezoning application on January 13, 2004 (Z-04-06) to request a rezoning from I-2 to MR-4A.	Pending rezoning case.
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 160 units (48) would be initiated in Year 1.	√
7. Non-Displacement	Minimum Displacement	Applicant certifies that no residents currently occupy the site. A tenant relocation plan is not required.	√
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	Project would include the following breakdown of affordable housing units, which meets the requirements for urban enterprise zone designation: 160 total units, of which 128 units (80%) would be designated as being "affordable." The project would include 100 one-bedroom units, 60 two-bedroom units, and 0 three-bedroom units. The affordability breakdown by bedroom composition would be as follows: 80 one-bedroom units, 48 two-bedroom units, and 0 three-bedroom units, which exceed the requirements.	√

	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.

person, Joyce Sheperd, immediately at (404) 758-1194 concerning this. Your non-attendance at such additional meetings likely would result in a deferral by NPU "X", 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.

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

UEZ-04-11

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

HIRLEY FRANKLIN
MAYOR

CHARLES C. GRAVES, III
Commissioner

BEVERLEY DOCKERAY-OJO
Director

Bureau of Planning

February 26, 2004

Mr. Colin Edelstein, Vice President
Murphy Avenue Senior, LP
C/o Capitol Development Group
241 Peachtree Street, Suite 300
Atlanta, GA 30303

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

Dear Mr. Edelstein:

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 "Murphy Avenue Senior Apartments Housing Enterprise Zone" at 1358 & 1374 Murphy Avenue, SW. (UEZ-04-11). 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.

Mr. Colin Edelstein
Murphy Avenue Senior, LP
C/o Capitol Development Group
February 26, 2004

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