AN ORDINANCE

01-O-1341

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO CREATE THE CASTLEBERRY INN & THE LEGACY AT CASTLEBERRY HILL MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE; AND FOR OTHER PURPOSES.

WHEREAS, an amendment to the Constitution of the Sate 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 authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS, designation of a Mixed-Use Residential/Commercial 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 exempted by the City; and

WHEREAS, 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 housing construction and job creation purposes; and

WHEREAS, the conditions and qualifications of the Atlanta Urban Enterprise Zone Act, as amended, have been met relative to the creation of The Castleberry Inn & The Legacy at Castleberry Hill Mixed-Use Residential/ Commercial 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 Northside Drive area, location of the Castleberry Inn & The Legacy at Castleberry Hill Mixed-Use Residential/Commercial 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 Northside Drive area are characterized by 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 Castleberry Inn & The Legacy at Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone is hereby created. The effective date of all exemptions established therein shall be January 1, 2002. The Castleberry Inn & The Legacy at Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone shall be expired on December 31, 2011. The Castleberry Inn & The Legacy at Castleberry Hill Mixed-Use Residential/ Commercial Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of The Castleberry Inn & The Legacy at Castleberry Hill Mixed-Use Residential/Commercial 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: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) 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. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

Section 4: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of The Castleberry Inn & The Legacy at Castleberry Hill Mixed-Use Residential/Commercial 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 approval by the Mayor of the City of Atlanta.

Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Exhibit A

Proposed Castleberry Inn & The Legacy at
Castleberry Hill Mixed-Use
Residential/Commercial Enterprise Zone

Legal Description

All that tract of land lying and being in Land Lot 84 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at pk nail found at the intersection of the northwesterly right-of-way of Walker Street (Variable R/W) and the northerly right-of-way of Fair Street (50' R/W); Running thence along said right-of-way of Fair Street North 83 Degrees 14 Minutes 16 Seconds West a distance of 81.49 feet to ½" rebar found; Running thence North 82 Degrees 49 Minutes 44 Seconds West a distance of 63.78 feet to a ½" open top found and being **The True Point of Beginning**; Thence continuing along said right-of-way North 83 Degrees 24 Minutes 15 Seconds West a distance of 95.87 feet to a ½" open top found; Running thence North 83 Degrees 33 Minutes 07 Seconds West a distance of 44.96 feet to a ¾" crimp top found; Running thence North 83 Degrees 55 Minutes 50 Seconds West a distance of 45.24 feet to a ½" crimp top found; Running thence North 83 Degrees 01 Minutes 42 Seconds West a distance of 209.92 feet to a ½" open top found; Thence leaving said right-of-way North 25 Degrees 53 Minutes 58 Seconds East a distance of 81.90 feet to a ½" open top found; Running thence North 83 Degrees 25 Minutes 42 Seconds West a distance of 34.80 feet to a point located on the southeasterly right-of-way of Northside Drive (Variable R/W); Running thence along said right-of-way North 28 Degrees 09 Minutes 39 Seconds East a distance of 75.31 feet to a point; Thence leaving said right-of-way South 61 Degrees 52 Minutes 20 Seconds East a distance of 113.27 feet to a point; Running thence North 64 Degrees 09 Minutes 04 Seconds East a distance of 28.45 feet to a point; Running thence North 26 Degrees 21 Minutes 06 Seconds East a distance of 65.35 feet to a point; Running thence North 52 Degrees 11 Minutes 02 Seconds East a distance of 58.99 feet to a point; Running thence North 06 Degrees 38 Minutes 03 Seconds East a distance of 15.12 feet to a point; Running thence South 83 Degrees 21 Minutes 57 Seconds East a distance of 107.75 feet to a point; Running thence North 06 Degrees 38 Minutes 03 Seconds East a distance of 16.50 feet to a point; Running thence South 83 Degrees 21 Minutes 57 Seconds East a distance of 52.81 feet to a point; Running thence South 07 Degrees 31 Minutes 30 Seconds West a distance of 98.56 feet to a point; Running thence South 82 Degrees 28 Minutes 53 Seconds East a distance of 51.97 feet to a point; Running thence South 14 Degrees 16 Minutes 44 Seconds West a distance of 56.57 feet to a ½" rebar found; Running thence South 18 Degrees 21 Minutes 04 Seconds West a distance of 102.86 feet to a ½" open top found and **The True Point of Beginning.**

Said parcel being Tract 1 containing 1.7163 Acres as shown on a Boundary Survey for Castleberry Inn Development, LLC by Travis Pruitt & Assoc., Inc., dated July 22, 2000. Last revised May 1, 2001(Fn: 116-C-1986)

(f:\admin\leg01\00420.doc)

Castleberry Inn / The Legacy at Castleberry Hill

Legal Description

All that tract of land lying and being in Land Lot 84 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at pk nail found at the intersection of the northwesterly right-of-way of Walker Street (Variable R/W) and the northerly right-of-way of Fair Street (50' R/W); Running thence along said right-of-way of Fair Street North 83 Degrees 14 Minutes 36 Seconds West a distance of 81.49 feet to ½" rebar found; Running thence North 82 Degrees 49 Minutes 44 Seconds West a distance of 63.78 feet to a ½" open top found; Thence continuing along said right-of-way North 83 Degrees 24 Minutes 15 Seconds West a distance of 95.87 feet to a ½" open top found; Running thence North 83 Degrees 33 Minutes 07 Seconds West a distance of 44.96 feet to a ¾" crimp top found; Running thence North 83 Degrees 55 Minutes 50 Seconds West a distance of 45.24 feet to a ½" crimp top found; Running thence North 83 Degrees 01 Minutes 42 Seconds West a distance of 209.92 feet to a ½" open top found; Thence leaving said right-of-way North 25 Degrees 53 Minutes 58 Seconds East a distance of 81.90 feet to a ½" open top found; Running thence North 83 Degrees 25 Minutes 42 Seconds West a distance of 34.80 feet to a point located on the southeasterly right-of-way of Northside Drive (Variable R/W); Running thence along said right-of-way North 28 Degrees 09 Minutes 39 Seconds East a distance of 75.31 feet to **The True Point of Beginning**; Thence continuing along said right-of-way North 28 Degrees 09 Minutes 39 Seconds East a distance of 178.62 feet to the intersection the southeasterly right-of-way of Northside Drive (Variable R/W) and the southerly right-of-way of Stonewall Street (40' R/W); Running thence along said right-of-way of Stonewall Street South 83 Degrees 43 Minutes 54 Seconds East a distance of 87.49 feet to an "X" in conc. found; Running thence South 83 Degrees 21 Minutes 57 Seconds East a distance of 151.82 feet to a 1" open top found; Running thence South 84 Degrees 11 Minutes 01 Seconds East a distance of 50.18 feet to a ½" rebar found; Thence leaving said right-of-way South 07 Degrees 31 Minutes 30 Seconds West a distance of 59.23 feet to a point; Running thence North 83 Degrees 21 Minutes 57 Seconds West a distance of 52.81 feet to a point; Running thence South 06 Degrees 38 Minutes 03 Seconds West a distance of 16.50 feet to a point; Running thence North 83 Degrees 21 Minutes 57 Seconds West a distance of 107.75 feet to a point; Running thence South 06 Degrees 38 Minutes 03 Seconds West a distance of 15.12 feet to a point; Running thence South 52 Degrees 11 Minutes 02 Seconds West a distance of 58.99 feet to a point; Running thence South 26 Degrees 21 Minutes 06 Seconds West a distance of 65.35 feet to a point; Running thence South 64 Degrees 09 Minutes 04 Seconds West a distance of 28.45 feet to a point; Running thence North 61 Degrees 52 Minutes 20 Seconds West a distance of 113.27 feet to **The True Point of Beginning.**

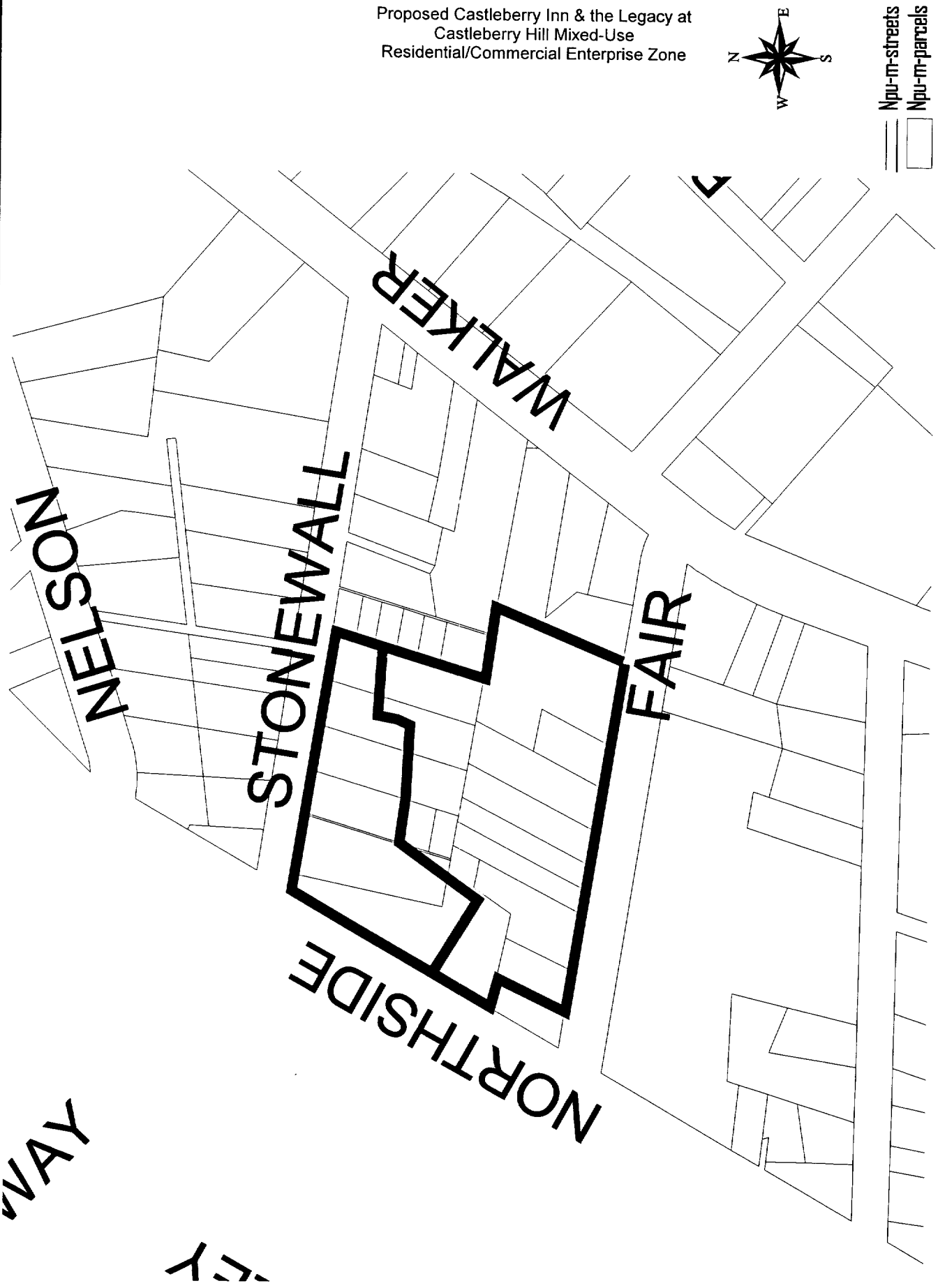
Said parcel being Tract 2 containing 0.8844 Acres as shown on a Boundary Survey for Castleberry Inn Development, LLC by Travis Pruitt & Assoc., Inc., dated July 22, 2000. Last revised May 1, 2001(Fn: 116-C-1986)

Proposed Castleberry Inn & the Legacy at Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone

Exhibit A

Exhibit B
Project Location Map

Proposed Castleberry Inn & the Legacy at
Castleberry Hill Mixed-Use
Residential/Commercial Enterprise Zone



THE LEGACY AT CASTLEBERRY HILL

Exhibit C
Acknowledgement Letter

Proposed Castleberry Inn & the Legacy at Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone

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

BILL CAMPBELL
MAYOR

MICHAEL A. DOBBINS
Commissioner

TIM POLK
Deputy Commissioner

ROBERT C. GRAY
Director

Bureau of Planning

July 3, 2001

Kimberly Cameron, Vice President
Russell New Urban Development, LLC
Castleberry Inn Development, LLC
504 Fair Street, SW
Atlanta, GA 30313

RE: NPU Meeting Correction

Dear Ms. Cameron:

We have received your application for designation of Castleberry Inn/The Legacy at Castleberry Hill as a Mixed-Use Residential and Commercial Enterprise Zone. Our staff is currently reviewing the application with regard to the City's criteria for urban enterprise zone designation.

We have scheduled a presentation of the application to Neighborhood Planning Unit M on **Monday, July 23 at 6:30 p.m. at the M.L. King, Jr. Visitor's Center, located at 450 Auburn Ave., NE. The chair of NPU – M is Mr. David Patton and he can be reached at (404) 522-2596.** Please be present at the NPU – M 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 Tuesday, September 25, 2001 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 Sara Wade Hicks at (404) 330-6728 or Valerie Bell-Smith at (404) 330-6899.

Sincerely,

Robert Gray

Robert Gray

cc: Michael A. Dobbins, Commissioner
Tim Polk, Deputy Commissioner
Sara Wade Hicks, Assistant Director
Enrique Bascunana, NPU – M Planner

RG/vbs

EVALUATION OF PROPOSED CASTLEBERRY INN & THE LEGACY AT CASTLEBERRY HILL MIXED-USE RESIDENTIAL & COMMERCIAL ENTERPRISE ZONE

Criterion	Required	Proposed	Compliance
a. Eligibility Criteria a. Evidence of Pervasive Poverty b. Unemployment c. General Distress (High Crime or Vacant/Abandoned Buildings d. Underdevelopment	Area must meet 3 out of 4 Criteria a. Poverty rate of ≥ 20% b. Census tract job loss ≥ 10% of state average 4.0 c. High Crime or Vacant/Abandoned Buildings d. Lack of development activity < 20% for NPU as compared to the city as a whole	a. Poverty rate of > 30 % for CT 36 BG 3 b. 4.6% d. 14% Non-Residential Building Permits for NPU-M	√
2. Acreage	NONE	2.5 Acres	√
3. CDP Consistency	Low Density Commercial F.A.R. = 0.0 - 3.0	High Density Residential F.A.R. = 1.163	√
4. Zoning Compliance	Current Zoning Classification C-5C	C-5C	√
5. Project Specificity	Project Specific Zone or ≥ 50% of Areawide Zone	Project Specific	√
6. Project Readiness	≥ 30% of Units to be Initiated in Year 1	100% of units in first year 68 units	√
7. Non-Displacement	Minimum Displacement	None	√
8. Affordability **(Housing and Mixed-Use Residential/Commercial Enterprise Zones)**	20% of total units and 10% of each housing type is affordable to households whose income does not exceed 60% of the median for the Atlanta MSA (low income). 20% must bear monthly rents ≤ 30% of low income level, adjusted by family size. 20% must bear purchase prices ≤ $120,340 or 2.2 median income for the Atlanta MSA.	80% of SRO Units 30% of Multi-Family Units	√
9. Provision for Atlanta police officers and families **(Housing and Mixed-Use Residential/Commercial Enterprise Zones)**	5% 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	Proposes to comply	√
10. Financial Feasibility	sales - affordable units ≥ 20% of total without exemption, or rental (cumulative basis over the 1st five years) - a. negative cash flow, or b. debt coverage ratio <1.20, or c. a variable-ratio DCR equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified		**TBD**

Exhibit D
Evaluation Checklist

Proposed Castleberry Inn & the Legacy at
Castleberry Hill Mixed-Use
Residential/Commercial Enterprise Zone

Exhibit E

2001 HUD Income Limits/Affordability

FAMILY SIZE (% OF BASE)	INCOME ADJUSTMENT	LIVING ACOMODATIONS EXPENSES (<30%)	MAXIMUM RENTS
1 PERSON (70%)	$27,930.00	$8,379	$698
2 PERSON (80%)	$31,920.00	$9,576	$798
3 PERSON (90%)	$35,910.00	$10,773	$898
4 PERSONS - BASE	$39,900.00	$11,970	$998
5 PERSONS (108%)	$43,092.00	$12,928	$1,077
6 PERSONS (116%)	$46,284.00	$13,885	$1,157
7 PERSONS (124%)	$49,476.00	$14,843	$1,237
8 PERSONS (132%)	$52,668.00	$15,800	$1,317

Maximum Sales Price $146,300
(2.2 Rule / 2.2 times the Median Income)

ASSUMPTONS:

Median Income $66,500 - SMSA

Rent Range is Determined by the Number of Rooms Per Unit and the Atlanta Housing Code Maximum Allowable

Persons per Room - 2; A Two-Bedroom Apartment Unit Could Not House More Than a Four Person Household.

RCS# 3145
10/01/01
2:34 PM

Atlanta City Council

Regular Session

MULTIPLE 01-O-1334; 01-O-1338; 01-O-1341; 01-O-1347; 01-O-0493
FILE

YEAS:	10
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	5
EXCUSED:	0
ABSENT	1

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
NV Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	NV Muller	NV Boazman	NV Pitts

MULTIPLE

01- 0 -1341
(Do Not Write Above This Line)

AN ORDINANCE

BY COMMUNITY DEVELOPMENT & HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO CREATE THE CASTLEBERRY INN & LEGACY AT CASTLEBERRY HILL MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE; AND FOR OTHER PURPOSES.

FILED BY CITY COUNCIL
OCT 01 2001

☑ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER

Date Referred 9/17/01
Referred To: Community Development / Human Resources

First Reading
Committee CD/HR
Date 9/26/01
Chair Felicia L. Moore

Committee	Committee
Date 9/26/01	Date
Chair Felicia L. Moore	Chair
Action: Fav, Adv, Held (see rev. side) Other: File	Action: Fav, Adv, Held (see rev. side) Other:
Members Able Mable Thomas [signature] [signature] Clara Winslow	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Held (see rev. side) Other:	Action: Fav, Adv, Held (see rev. side) Other:
Members	Members
Refer To	Refer To

COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd Readings ☐ 3rd
☐ Consent ☐ V Vote ☑ RC Vote

CERTIFIED

CERTIFIED
OCT 1 2001
ATLANTA CITY COUNCIL PRESIDENT
[signature]

CERTIFIED
OCT 01 2001
[signature]
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION