

RCS# 5101
10/20/03
4:41 PM

Atlanta City Council

Regular Session

MULTIPLE

03-O-1379 AND 03-R-1480

FILE

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

Y Smith	Y Archibong	NV Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	B Willis
NV Winslow	NV Muller	Y Boazman	NV Woolard

MULTIPLE

**AN ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO CREATE THE "METROPOLITAN PARKWAY COM-
MERCIAL ENTERPRISE ZONE", TO BE LOCATED AT 666 METROPOLITAN
PARKWAY, S.W., AND FOR OTHER PURPOSES.**

NPU "V"

COUNCIL DISTRICT 4

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 commercial purposes if certain conditions are met; and

WHEREAS the designation of a 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 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 "Metropolitan Parkway 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 property that would be designated as the "Metropolitan Parkway 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 property that would be designated as the "Metropolitan Parkway Commercial 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 "Metropolitan Parkway Commercial Enterprise Zone" is hereby created for the subject property at 666 Metropolitan Parkway, SW, which represents property Parcel Code Number (PCN) 14-0086-0001-021 and contains 1.3 acres of land. The effective date of all exemptions established therein shall be January 1, 2004. The "Metropolitan Parkway Commercial Enterprise Zone" shall be abolished on December 31, 2013. The "Metropolitan Parkway Commercial Enterprise Zone" shall otherwise not be abolished except as provided in State law. A legal description and map of the "Metropolitan Parkway Commercial 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 "Metropolitan Parkway Commercial Enterprise Zone" shall consist of the rehabilitation of the existing 18,000-square-foot building in one phase to allow for commercial uses.

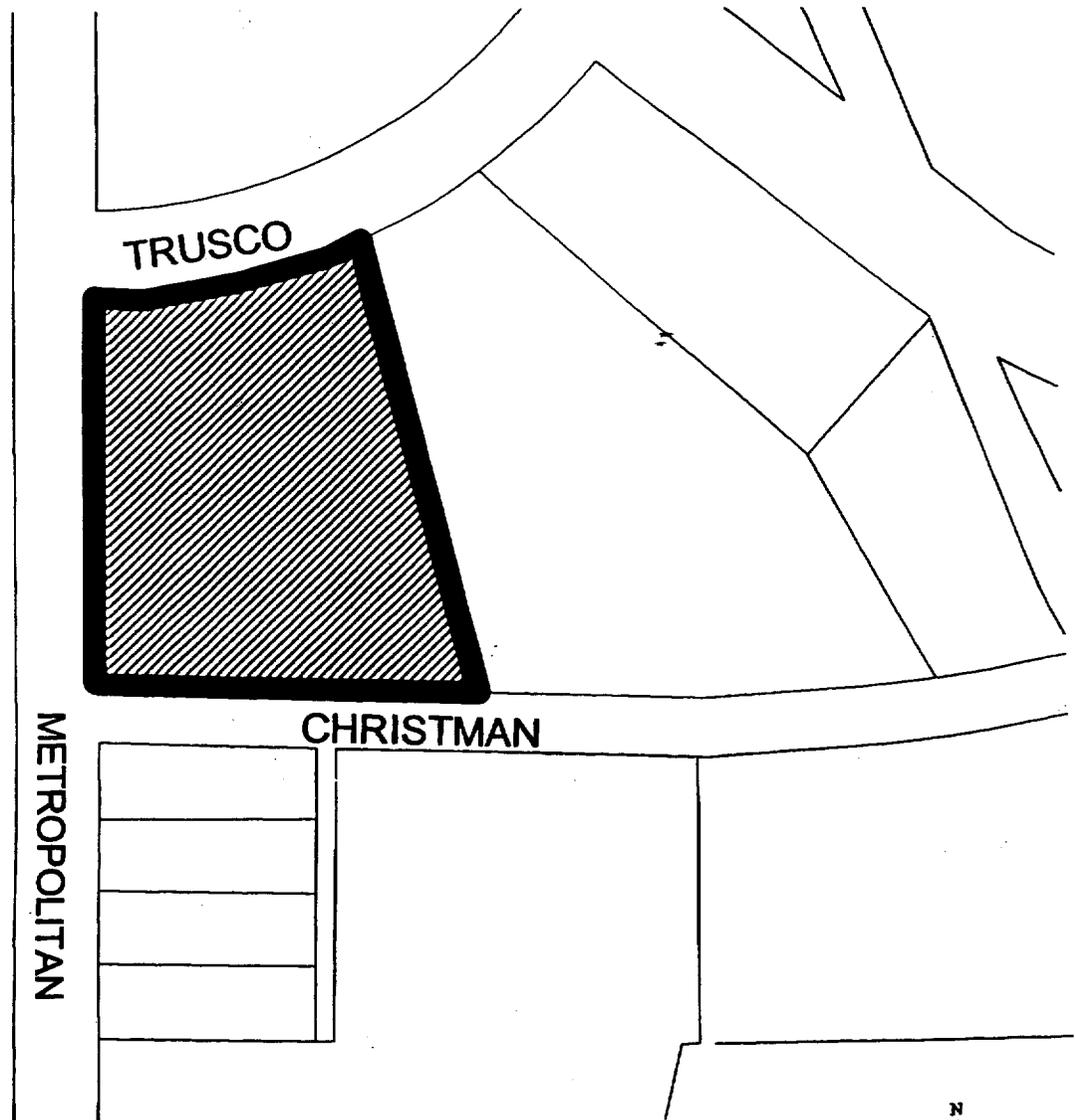
Section 4. The proposed development project within the "Metropolitan Parkway Commercial Enterprise Zone" shall not contain any residential uses.

Section 5: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the "Metropolitan Parkway 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 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.

PROPOSED " METROPOLITAN PARKWAY COMMERCIAL ENTERPRISE ZONE "

666 METROPOLITAN PARKWAY, SW
DIST. 14 LAND LOT 86.
COUNCIL DISTRICT 4, NPU " V "



UEZ - 03 - 11



== Npu-v-streets.
□ Npu-v-parcels.

PROJECT CHECKLIST FOR UEZ-03-11:
Proposed "Metropolitan Parkway Commercial Enterprise Zone"
To be Located at 666 Metropolitan Parkway, SW

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
1. Eligibility Criteria:	<u>Must meet 3 of the 4 Criteria:</u>		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of 45.7% for Census Block Group 1 of Census Tract 57 (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 57 has an unemployment rate of 12.7%, which is more than 10% higher than the 2002 State Average of 5.1%. (2)	√
c. General Distress	c. General Distress: (1) Police Beat crime rate of $\geq 20\%$ 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 301 has a crime rate of 62% of the crime rate of police zone 3, thus the high crime requirement is met. (2)	√
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole for the proposed type of development.	d. Underdevelopment: NPU "V" had 3% of development activity within the City for non-residential development, which exceeds the requirement of $\leq 20\%$.	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
2. Acreage	None.	Contains 1.3 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Designated as "Industrial." Allowed F.A.R.: 0.0-2.0.	Proposed FAR: 0.318.	√
4. Zoning Compliance	Zoned "I-2" (Heavy Industrial).	Proposed uses are allowed within "I-2."	√
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.	Not applicable since no residential uses would be included in project.	Not applicable.
7. Non-Displacement	Minimum Displacement	Not applicable since no residential uses would be included in project.	Not applicable.
8. Affordability	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.	Not applicable since no residential uses would be included in project.	Not applicable.
9. Provision for Atlanta Police officers and their 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.	Not applicable since no residential uses would be included in project.	Not applicable.
10. Job Creation	First Source Jobs Policy	The existing 5 fulltime, permanent commercial tenant jobs would be maintained. No new jobs would be created.	To be determined.
11. Financial Feasibility	<u>Chief Financial Officer's Statement of Fiscal Impact:</u> a. Negative cash flow; OR b. Debt coverage ratio <1.20; OR c. A variable-ratio debt coverage	Proposed development project would have a negative cash flow in Years 1-6 without tax abatements. The project would be financed by the property owner, thus no debt	To be determined.

	ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.	would be incurred.	
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HOUSING AFFORDABILITY TABLE FOR 2003

MAXIMUM ALLOWABLE 2003 INCOME AND HOUSING PRICES FOR HOUSING AND MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONES IN THE CITY OF ATLANTA

Family Size	Maximum Allowable Percentage Of Base Median Family Income*	Maximum Allowable Annual Income **	Maximum Allowable Annual Housing Expense***	Maximum Allowable Monthly Rent****	Maximum Sales Price *****
One Person	70	\$28,896	\$8,669	\$722	\$151,360
Two Persons	80	\$33,024	\$9,907	\$826	\$151,360
Three Persons	90	\$37,152	\$11,146	\$929	\$151,360
Four Persons	100	\$41,280	\$12,384	\$1,032	\$151,360
Five Persons	108	\$44,582	\$13,375	\$1,115	\$151,360
Six Persons	116	\$47,885	\$14,366	\$1,197	\$151,360
Seven Persons	124	\$51,187	\$15,356	\$1,280	\$151,360
Eight Persons	132	\$54,490	\$16,347	\$1,352	\$151,360

KEY

*Data were calculated using the HUD Median Family Income Base for the Atlanta Metropolitan Statistical Area (MSA) for Fiscal Year 2003 (as of April 1, 2003) for a Family Size of Four Persons, which was \$68,800. Using this figure, data have been adjusted according to family size, such that family income cannot exceed 60 percent of the Median Family Income Base.

**Family Size times Maximum Allowed Base Income (Median Atlanta MSA Family Income of \$68,800 times the Housing Affordability Maximum Allowed Percentage of 60 percent, which equals \$41,280).

***Maximum Allowable Annual Income times 30 percent, which allows for the remaining 70 percent of the total annual income to be used for Living Expenses.

****Maximum Allowable Annual Housing Expense divided by 12.

*****The Maximum Sales Price shall not exceed 2.2 times the median family income.

NOTES

1. The urban enterprise zone regulations determine the maximum allowable monthly rental range.
2. For rental properties, Georgia State Law allows a maximum of two persons sleeping in each bedroom.

Source: City of Atlanta Bureau of Planning calculations, based on U.S. HUD Fiscal Year 2003 Median Family Income figure of \$68,800 for the Atlanta Metropolitan Statistical Area.

Letter of Acknowledgement
To the Applicant



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

July 14, 2003

Bureau of Planning

Mr. William C. Smith
William C. Smith, LLC
675 Metropolitan Parkway, SW
Atlanta, Georgia 30310

Dear Mr. Smith:

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 II, 2003.

Receipt of the UEZ Application. We received your Urban Enterprise Zone (UEZ) application for property that is located at , which comprises Parcel Code (PCN) 14-0086-0001-021. You have proposed the creation of the "Metropolitan Parkway Mixed-Use Commercial/Industrial Enterprise Zone" for the subject property. Your application was assigned the case number of UEZ-03-11. We are reviewing it for completeness and accuracy, and will be contacting you soon by telephone 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 "V" of Council District 4. Your UEZ case will be scheduled to be heard by NPU "V" on August 11, 2003 at the Capitol Area Mosaic at 364 Kelley Street, SW. The NPU "V" 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 "V" members will vote on your application, with such vote serving as a recommendation to City Council. Please note that it is possible that NPU "V" members may request that you also attend one or more neighborhood association meetings before or after the NPU "V" meeting. Please contact the NPU "V" Chairperson, Wendy Scruggs-Murray, immediately at (404) 521-9070, concerning this. Your non-attendance at such additional meetings likely would result in a deferral by NPU "V", thereby jeopardizing the approval of your UEZ by the deadline of December 1, 2003 for beginning tax abatements in 2004.

Mr. William C. Smith
William C. Smith, LLC
July 14, 2003

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, September 29, 2003. 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, September 30, 2003, 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 will vote on your case after the UEZ public hearing has been held, and after or concurrently with the approval of the rezoning. This may occur on November 3, 2003 or December 1, 2003, depending on when you submit your rezoning application and whether any deferrals take place. 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.

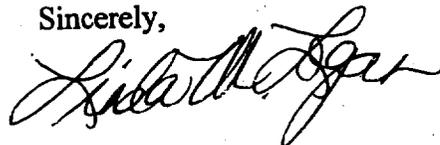
UEZ Tax Abatements. If your urban enterprise zone is approved by December 1, 2003, tax abatements on your property would become on January 1, 2004, such that 2004 is the first year in which the property can receive tax abatements on new or renovated improvements. The condition for the receipt of this 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, 2004. 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. Some restrictions apply.

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 Citizen Participation Coordinator, Valerie Bell-Smith, at (404) 330-6899.

Exhibit 5, Continued

Mr. William C. Smith
William C. Smith, LLC
July 14, 2003

Sincerely,



Linda M. Logan, AICP
Principal Planner
Bureau of Planning

/lml/

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

03-0 -1379

(Do Not Write Above This Line)

AN ORDINANCE UEZ-03-11
 BY THE COMMUNITY DEVELOP-
 MENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO CREATE THE "METROPOLITAN
 PARKWAY COMMERCIAL ENTERPRISE ZONE", TO
 BE LOCATED AT 666 METROPOLITAN PARKWAY,
 S.W., AND FOR OTHER PURPOSES.

NPU "v" COUNCIL DISTRICT 4

FILED BY
CITY COUNCIL

OCT 20 2003

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

Date Referred 9-15-03
 Referred to: Community Development / Human Resources

First Reading

Committee CD/HR
 Date 9/16/03
 Chair Debra Starn

Committee <u>CD/HR</u>	Committee
Date <u>9/16/03</u>	Date
Chair <u>[Signature]</u>	Chair
Actions: Fav, Adv, Held (see rev. side) Other:	Actions: Fav, Adv, Held (see rev. side) Other:
Members	Members
Refer To	Refer To

Committee <u>CD/HR</u>	Committee
Date <u>10/14/03</u>	Date
Chair <u>Debra Starn</u>	Chair
Actions: Fav, Adv, Held (see rev. side) Other: <u>File</u>	Actions: Fav, Adv, Held (see rev. side) Other:
Members <u>[Signature]</u>	Members
Refer To	Refer To

COUNCIL ACTION

- 2nd
 - 1st & 2nd
 - 3rd
- Readings
- Consent
 - V Vote
 - RC Vote

CERTIFIED

CERTIFIED
 OCT 20 2003
 MAYOR'S COUNCIL PRESIDENT
[Signature]

CERTIFIED
 OCT 20 2003
 MUNICIPAL CLERK
[Signature]

MAYOR'S ACTION