

AN ORDINANCE TO REZONE 0 SALEM RD SE FROM NC/MXD/CID TO MRU; TO IMPOSE CONDITIONS UPON THE PROPERTY; TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

WHEREAS, an application to rezone a certain property was filed with Rockdale County, Georgia, which involved the following:

REZ CASE NO. 2021-06	Rezone 46.16 acres from NC (Neighborhood Commercial) / MxD (Mixed-Use) / CID (Civic-Institutional) to MRU (Mixed Residential Uses) to allow the construction of a residential neighborhood with single-family attached (townhomes) dwellings and single-family detached dwellings.		
APPLICANT:	Buckingham Investments c/o Battle Law P.C.		
PROPERTY OWNER:	CBD Investments		
LAND LOT(S):	183 & 184	DISTRICT:	10th
LOCATION:	0 Salem Rd SE, Conyers, GA, 30013		
TAX PARCEL NO.:	093002012C		

WHEREAS, said rezoning proposal was reviewed by staff and public hearings were held following public notice and all other requirements of Section 238-4 of The Unified Development Ordinance of Rockdale County, Georgia, as amended;

WHEREAS, the Future Land Use Map of Rockdale County's Comprehensive Plan was amended to designate said property as Medium Density Residential, which pursuant to Section 202-6 permits the MRU (Mixed Residential Uses) Zoning District;

NOW, THEREFORE, be it ordained by the Board of Commissioners of Rockdale County, Georgia, and by the authority of same as follows:

Section I

The Official Zoning District Map for Rockdale County, as amended, is hereby further amended so as to rezone the 46.16-acre property, more particularly described in the Legal Description attached hereto as Exhibit "A" and depicted on the Boundary Survey attached hereto as Exhibit "B", from NC/MXD/CID to MRU.

Section II

The zoning amendment authorized in Section I is approved subject to all conditions, including any conditions of zoning, attached hereto as Exhibit "C", which exhibit is hereby incorporated by this reference and applies to the 46.16-acre property. All permits issued pursuant to this change in zoning shall be in strict compliance with these conditions, as well as all other applicable provisions of the Code of Rockdale County. The change in zoning hereby approved does not authorize the violation of any zoning district regulations.

Section III

The Official Zoning District Map of Rockdale County, Georgia, established as a part of the Rockdale County Zoning Ordinance, as amended, is hereby further amended to reflect the change in zoning of said property authorized in Section I, along with the conditions authorized in Section II.

Section IV

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

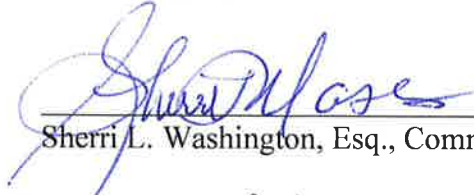
That this Ordinance shall become effective upon adoption.

This 22 day of October, 2021.

**ROCKDALE COUNTY, GEORGIA
BOARD OF COMMISSIONERS**



Oz Nesbitt, Sr., Chairman

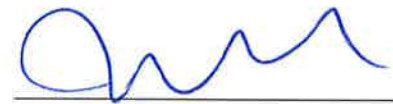


Sherri L. Washington, Esq., Commissioner Post I



Dr. Doreen Williams, Commissioner Post II

Attest:

By: 
Jennifer Rutledge, County Clerk

Approved as to Form:

By: 
M. Qader A. Baig, County Attorney

First Reading: 4/20/2021

Second Reading: 10/26/2021

Exhibit "A"

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 183 & 184, 10TH DISTRICT, ROCKDALE COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE APPROXIMATE ROCKDALE/NEWTON COUNTY LINE AND THE SOUTHERLY RIGHT OF WAY LINE OF FAIRVIEW ROAD (80' R/W WIDTH);

THENCE, LEAVING SAID RIGHT OF WAY LINE, ALONG COUNTY LINE, SOUTH 34 DEGREES 31 MINUTES 13 SECONDS WEST, 1,789.88 FEET TO A POINT;

THENCE, NORTH 11 DEGREES 15 MINUTES 10 SECONDS WEST, 46.13 FEET TO A ONE-HALF INCH REBAR;

THENCE, SOUTH 78 DEGREES 40 MINUTES 16 SECONDS WEST, 871.28 FEET TO A NAIL ON THE EASTERLY RIGHT OF WAY LINE OF SALEM ROAD (80' R/W WIDTH);

THENCE, ALONG SAID RIGHT OF WAY LINE, NORTH 11 DEGREES 22 MINUTES 16 SECONDS WEST, 439.53 FEET TO A POINT;

THENCE, NORTH 11 DEGREES 03 MINUTES 04 SECONDS WEST, 525.38 FEET TO A POINT;

THENCE, NORTH 11 DEGREES 09 MINUTES 05 SECONDS WEST, 284.90 FEET TO A THREE-FOURTHS CRIMP TOP PIPE;

THENCE, LEAVING SAID RIGHT OF WAY LINE, SOUTH 88 DEGREES 09 MINUTES 10 SECONDS EAST, 715.97 FEET TO A THREE-FOURTHS CRIMP TOP PIPE;

THENCE, NORTH 01 DEGREES 50 MINUTES 50 SECONDS EAST, 402.29 FEET TO A ONE-HALF INCH REBAR FOUND ON THE SOUTHERLY RIGHT OF WAY LINE OF FAIRVIEW ROAD;

THENCE, ALONG SAID RIGHT OF WAY LINE, SOUTH 88 DEGREES 53 MINUTES 39 SECONDS EAST, 318.98 FEET TO A POINT;

THENCE, SOUTH 89 DEGREES 05 MINUTES 37 SECONDS EAST, 464.24 FEET TO A POINT;

THENCE, 427.11 FEET ALONG A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 7,990.94 FEET AND A CHORD BEARING NORTH 89 DEGREES 14 MINUTES 15 SECONDS EAST, 427.06 FEET) TO A POINT;

THENCE, NORTH 88 DEGREES 55 MINUTES 38 SECONDS EAST, 181.44 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 46.16 ACRES (2,010,817 SQUARE FEET).

THE PROPERTY IS FURTHER IDENTIFIED AS 0 SALEM RD SE, CONYERS, GA, 30013 WITH TAX PARCEL ID #093002012C.

Exhibit "B"
Boundary Survey

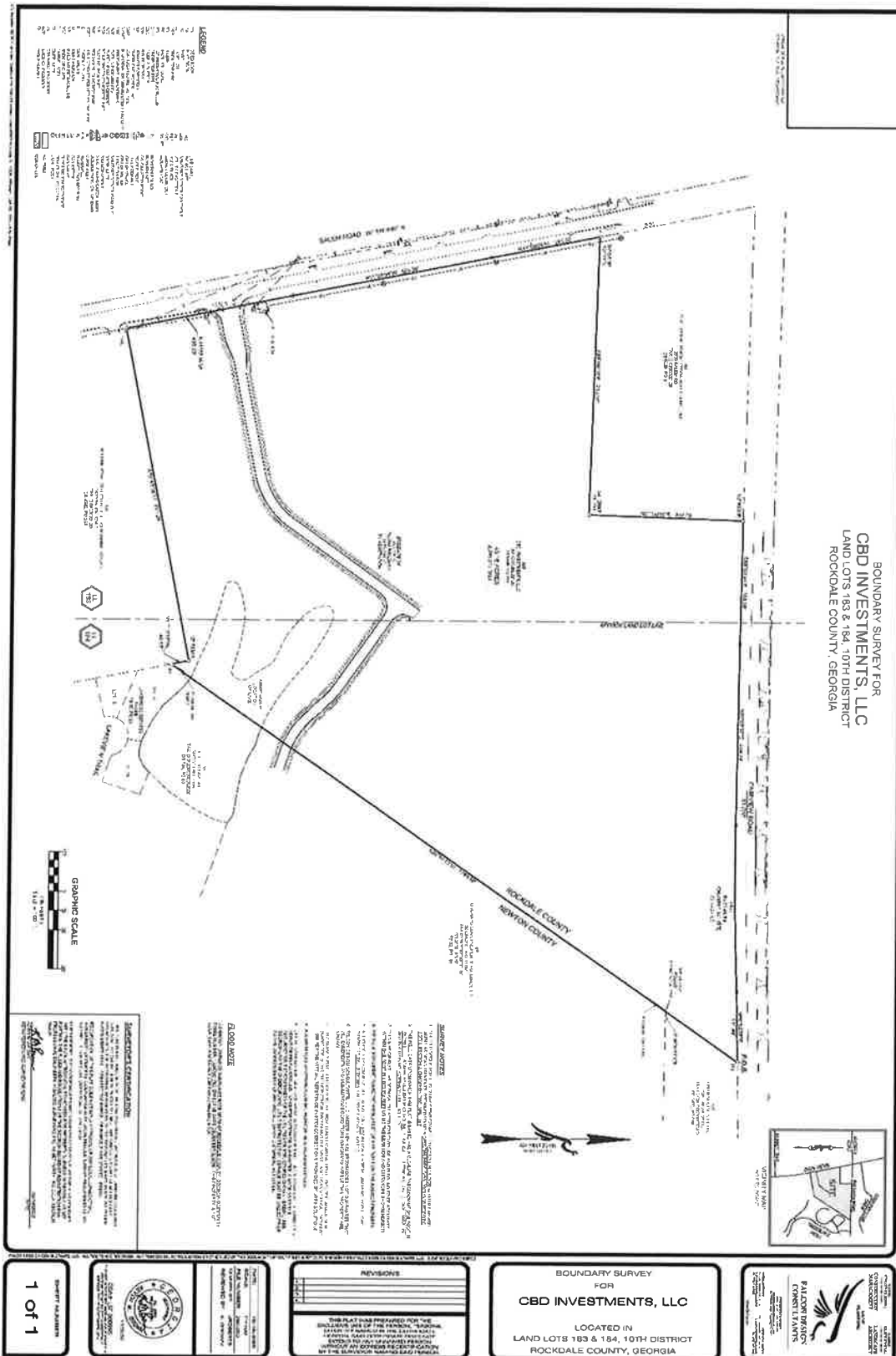


Exhibit "C"

Conditions of Zoning

1. The 46.16-acre site shall be developed in compliance with the proposed revisions regarding the Mixed-Residential Uses (MRU) Zoning District.
2. The Rezoning Site Plan prepared by Falcon Design Consultants, dated March 12, 2021 and Revised September 7, 2021 attached hereto as Exhibit "D", shall become the guiding layout and design. The actual location of the water quality area, detention, streets, sidewalks, amenity areas, and other depicted improvements shall be subject to actual site conditions and the requirements of the Code of Rockdale County.
3. The site shall be restricted not to exceed 255 dwelling units with no more than 176 townhome units and permitted accessory uses.
4. All 79 single-family detached residences shall be constructed before construction of the townhomes exceeds 50%.
5. A minimum of 60 guest parking spaces shall be provided throughout the townhome side of the development.
6. All dwellings shall have two-car garages.
7. The elevations shall be a mixture of cementitious siding, board and batten, brick and stone and shall be in compliance with those provided by the applicant attached hereto as Exhibit "E".
8. The amenity areas shall include a minimum of 2 tot lots, swimming pool, and cabana/clubhouse. The cabana/clubhouse shall be constructed using exterior building materials that complement the adjacent residential structures.
9. The Covenants, Conditions, and Restrictions shall include a clause to limit the maximum number of homes that can be rented or leased within the development at any one time to be no more than five (5) percent.
10. On the Final Plat for the residential community, there shall be a statement that reads as follows (or generally reads): "It is understood by the residents of this MRU zoned Residential community that it is located in an area of Rockdale County, GA where other commercial land uses are also present and were in existence prior to the development of the Residential community. The adjacent and nearby commercial uses do create noises and sounds commonly associated with those types of land uses and the residents of this Residential community are fully aware of the existence of the adjacent and nearby commercial land uses prior to their purchase of the residential townhouse units."
11. The applicant provided a Traffic Impact Study prepared by Lumin8 Transportation Technologies dated May 12, 2021 for the development of 46.16 acres attached hereto as Exhibit "F". Any recommendations for improvements by the Traffic Impact Study shall be required to be shown on the Land Disturbance Permit (LDP). Additionally, as determined by RDOT and/or GDOT, a new study may be required for the development. Any recommendations for improvements from any new studies shall be required to be shown on the LDP.
12. The existing entrance on Salem Rd/SR 162 and pavement (currently identified as Veterans Industrial Dr) shall be utilized by the development and improved pursuant to any specifications required by RDOT or GDOT.
13. The existing connection between Veterans Industrial Dr in Rockdale County and Gross Lake Pkwy shall be kept and utilized. The opening of the connection shall be coordinated with RDOT and Newton

County DOT and the opening shall occur when requested. Any portion on the property shall be improved pursuant to any specifications required by RDOT.

14. The installation and placement of utilities and sidewalks in or along the ROW of Salem/SR 162 and Fairview shall be coordinated with GDOT and RDOT.

Exhibit "D"

Rezoning Site Plan



Exhibit "E"
Elevations





Elevation A



Elevation B



Elevation C



Elevation A



Elevation B



Elevation C



Exhibit "F"

Traffic Impact Study

The Cover Sheet of the 220-page Traffic Impact Study is placed in this Ordinance as a reminder that the full Traffic Impact Study is part of this Ordinance. The full Traffic Impact Study is available with the Planning & Development Department.

TRAFFIC IMPACT STUDY

Prepared For

FALCON DESIGN CONSULTANTS

**FAIRVIEW ROAD DEVELOPMENT
TRAFFIC IMPACT STUDY
ROCKDALE COUNTY, GA**

May 12, 2021

