

**Board of Commissioners  
Agenda Item Transmittal Form  
Ordinance Transmittal Form**



<b>Type of Request:</b> REZ Case #2022-011		County Clerk Use Only Ordinance #: 2022-11	
<input checked="" type="checkbox"/> <b>Submission Information</b>		<input checked="" type="checkbox"/> <b>Information</b>	
<b>Contact Name:</b> Christopher Wheeler  <b>Department:</b> Planning & Development		<b>Summary of Request:</b> First Reading. A request by Battle Law, P.C., to rezone three parcels for a total of 7.4-acres on 0 SE Highway 138, SE Highway 138, and 2010 SE Weatherstone Circle, Tax Parcel #046001002E, 046001002D, and 046B010273, from C1- Local Commercial District and OI - Office Institutional to RM - Residential Multifamily, for a 44-unit single-family attached townhome development.	
<input checked="" type="checkbox"/> <b>Department Director/Elected Official Signature</b>		<input type="checkbox"/> <b>Chief of Staff Signature</b>	
I have reviewed the attached, and it is approved as to substance.		I have reviewed the attached, and it is approved for processing.	
<b>Signature: _____ Date: _____</b>		<b>Signature: _____ Date: _____</b>	
<input type="checkbox"/> <b>County Attorney Signature</b>		<input type="checkbox"/> <b>Director of Legislative Affairs/County Clerk Signature</b>	
I have reviewed the attached, and it is approved as to form.		I have reviewed the attached, and it is approved for processing.	
<b>Signature: _____ Date: _____</b>		<b>Signature: _____ Date: _____</b>	

**Notes and Comments:**

Jan 24: First Reading Work Session;  
 Jan 24: First Reading Voting Session;  
 February 9: Planning Commission;  
 February 23: Zoning Public Hearing;  
 March 7: Second Reading Work Session;  
 March 14: Second Reading Voting Session.

2023-34

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF ROCKDALE COUNTY, AS AMENDED, BY REZONING 0 HIGHWAY 138 SE FROM C1 TO RM; 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:

<b>REZONING CASE NO. 2022-11</b>	Rezone 5.24 acres from C1 (Local Commercial) to RM (Residential Multifamily) to allow a 44-unit townhome development		
<b>APPLICANT:</b>	Battle Law, P.C.		
<b>PROPERTY OWNER:</b>	Wellborn Development Co, Inc.		
<b>LOCATION:</b>	0 Highway 138 SE Conyers, GA, 30094		
<b>LAND LOT(S):</b>	239	<b>DISTRICT:</b>	10th
<b>TAX PARCEL NO.:</b>	046001002E		

**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 designate said property as Mixed Use/Employment Center, which pursuant to Section 202-6 permits the RM 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 5.24-acre property, more particularly described in the legal description attached hereto as Exhibit “A” and depicted on the ALTA/NSPSS Land Title Survey attached hereto as Exhibit “B”, from C1 to RM.

**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 5.24-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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**ROCKDALE COUNTY, GEORGIA  
BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Oz Nesbitt, Sr., Chairman

\_\_\_\_\_  
Sherri L. Washington, 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: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Exhibit "A"  
Legal Description

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EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 210 AND 239 OF THE 10TH DISTRICT OF ROCKDALE COUNTY, GEORGIA BEING SHOWN ON PLAT OF SURVEY DATED FEBRUARY 10, 1986 (REVISED JUNE 6, 1986 AND JULY 9, 1986) PREPARED BY MACK L. WEEKS, GEORGIA REGISTERED LAND SURVEYOR #1497, FOR WELLSFORD DEVELOPMENT COMPANY, INC. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE COMMON CORNER OF LAND LOTS 209, 210, 239 AND 240; RUNNING THENCE NORTH 88 DEGREES 30 MINUTES 00 SECONDS EAST A DISTANCE OF 1,161.93 FEET TO AN R-BAR FOUND; RUNNING THENCE NORTH 00 DEGREES 29 MINUTES 16 SECONDS WEST A DISTANCE OF 619.29 FEET TO A CRIMP TOP PIN FOUND; RUNNING THENCE SOUTH 87 DEGREES 03 MINUTES 15 SECONDS EAST A DISTANCE OF 518.88 FEET TO A GALVANIZED PIPE FOUND; RUNNING THENCE NORTH 7 DEGREES 30 MINUTES 44 SECONDS EAST A DISTANCE OF 591.64 FEET TO A CRIMP TOP PIN FOUND; RUNNING THENCE NORTH 81 DEGREES 23 MINUTES 7 SECONDS EAST A DISTANCE OF 689.08 FEET TO A CRIMP TOP PIN FOUND; RUNNING THENCE NORTH 9 DEGREES 40 MINUTES 46 SECONDS WEST A DISTANCE OF 762.39 FEET TO A FENCE POST; RUNNING THENCE NORTH 81 DEGREES 41 MINUTES 11 SECONDS EAST A DISTANCE OF 49.46 FEET TO A PIPE FOUND; RUNNING THENCE NORTH 26 DEGREES 27 MINUTES 32 SECONDS WEST A DISTANCE OF 126.72 FEET TO A PIPE FOUND; RUNNING THENCE SOUTH 50 DEGREES 3 MINUTES 38 SECONDS WEST A DISTANCE OF 117.90 FEET TO A PIPE FOUND; RUNNING THENCE NORTH 04 DEGREES 49 MINUTES 48 SECONDS WEST A DISTANCE OF 20.87 FEET TO A CRIMP TOP PIN FOUND; RUNNING THENCE SOUTH 81 DEGREES 55 MINUTES 16 SECONDS WEST A DISTANCE OF 91.91 FEET TO A GALVANIZED PIPE FOUND; RUNNING THENCE NORTH 01 DEGREE 54 MINUTES 00 SECONDS EAST A DISTANCE OF 191.20 FEET TO AN R-BAR FOUND ON THE SOUTHEASTERLY RIGHT OF WAY OF GEORGIA HIGHWAY 138 (100 FOOT R/W); RUNNING THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY RIGHT OF WAY OF SAID GEORGIA HIGHWAY 138 A DISTANCE OF 364.71 FEET TO A POINT; RUNNING THENCE ALONG THE CURVATURE OF SAID GEORGIA HIGHWAY 138 AN ARC DISTANCE OF 158.91 FEET AS SUBTENDED BY A CHORD BEARING NORTH 67 DEGREES 55 MINUTES 45 SECONDS EAST, A CHORD DISTANCE OF 158.83 FEET TO A POINT; RUNNING THENCE ALONG THE CURVATURE OF SAID GEORGIA HIGHWAY 138 AN ARC DISTANCE OF 250.0 FEET AS SUBTENDED BY A CHORD BEARING NORTH 60 DEGREES 01 MINUTES 37 SECONDS EAST, A CHORD DISTANCE OF 249.70 FEET TO AN IRON PIN SET; RUNNING THENCE SOUTH 34 DEGREES 35 MINUTES 58 SECONDS EAST A DISTANCE OF 246.81 FEET TO A POINT ON THE EAST LINE OF LAND LOT 239; RUNNING THENCE ALONG THE EAST LINE OF LAND LOT 239 SOUTH 01 DEGREE 32 MINUTES 30 SECONDS EAST A DISTANCE OF 2348.74 FEET TO A ROCK FOUND AT THE COMMON CORNER OF LAND LOTS 210, 211, 238, AND 239; RUNNING THENCE ALONG THE SOUTH LINE OF LAND LOT 239 SOUTH 89 DEGREES 12 MINUTES 58 SECONDS WEST A DISTANCE OF 1100.39 FEET TO A POINT ON THE CENTER LINE OF CREEK; RUNNING THENCE SOUTHERLY ALONG THE CENTER LINE OF CREEK A DISTANCE OF 145 FEET MORE OR LESS TO A POINT; RUNNING THENCE SOUTH 37 DEGREES 51 MINUTES 04 SECONDS WEST A DISTANCE OF 161.55 FEET TO AN R-BAR FOUND; RUNNING THENCE SOUTH 27 DEGREES 42 MINUTES 19 SECONDS EAST A DISTANCE OF 364.20 FEET TO AN R-BAR FOUND; RUNNING THENCE SOUTH 2 DEGREES 14 MINUTES 49 SECONDS WEST A DISTANCE OF 208.41 FEET TO AN R-BAR FOUND; RUNNING THENCE SOUTH 13 DEGREES 43 MINUTES 39 SECONDS EAST A DISTANCE OF 56.98 FEET TO A R-BAR FOUND; RUNNING THENCE SOUTH 37 DEGREES 39 MINUTES 18 SECONDS EAST A DISTANCE OF 159.60 FEET TO A R-BAR FOUND; RUNNING THENCE SOUTH 39 DEGREES 57 MINUTES 26 SECONDS EAST A DISTANCE OF 198.53 FEET TO AN R-BAR FOUND; RUNNING THENCE SOUTH 43 DEGREES 58 MINUTES 47 SECONDS EAST A DISTANCE OF 122.93 FEET TO AN R-BAR FOUND; RUNNING THENCE SOUTH 17 DEGREES 44 MINUTES 46 SECONDS EAST A DISTANCE OF 175.73 FEET TO AN R-BAR FOUND; RUNNING THENCE NORTH 80 DEGREES 34 MINUTES 25 SECONDS EAST A DISTANCE OF 136.96 FEET TO A POINT ON THE CENTER LINE OF CREEK; RUNNING THENCE SOUTHWESTERLY ALONG THE CENTER LINE OF CREEK A DISTANCE OF 1452 FEET MORE OR LESS TO AN R-BAR FOUND; RUNNING THENCE SOUTH 30 DEGREES 3 MINUTES 07 SECONDS WEST A DISTANCE OF 400 FEET TO A POINT; RUNNING THENCE NORTH 50 DEGREES 11 MINUTES 28 SECONDS WEST A DISTANCE OF 507.35 FEET TO A POINT ON THE CENTER LINE OF ALMAND CREEK; RUNNING THENCE NORTHWESTERLY ALONG THE CENTER LINE OF

*A.C.*  
*mm*

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EXHIBIT "A"  
PAGE TWO

ALMAD CREEK A DISTANCE OF 2013 FEET MORE OR LESS TO A POINT ON  
THE WEST LINE OF LAND LOT 210; RUNNING THENCE ALONG THE WEST LINE  
OF LAND LOT 210 NORTH 2 DEGREES 27 MINUTRS 52 SECONDS WEST A  
DISTANCE OF 981.94 FEET TO AN AXLE FOUND IN ROCK BEING THE TRUE  
POINT OF BEGINNING.

*J.P.E.*

*mjm*

RECORDED *July 14, 1986* JOANNE P. CALOWELL, CLERK

**DESCRIPTION OF PROPERTY**

**TRACT 3**

All that tract or parcel of land lying and being in Land Lot 239 of the 10th District, Rockdale County, Georgia and being more particularly described as follows:

**COMMENCING** at a point on the intersection of the Southeastern Right-of-Way line of Georgia Hwy 138 A.K.A. Stockbridge Hwy (Right-of-Way Varies) and the Eastern Right-of-Way line of Weatherstone Circle (Right-of-Way varies); said point being the **TRUE POINT OF BEGINNING**.

**THENCE** from said **TRUE POINT OF BEGINNING** and continuing on said Southeastern Right-of-Way line of Georgia Hwy 138 A.K.A. Stockbridge Hwy (Right-of-Way Varies) along a curve to the left with a radius of 1504.21 feet and an arc length of 134.91 feet, said curve having a chord bearing of North 59 degrees 38 minutes 51 seconds East and a chord distance of 134.87 feet to a point; **THENCE** leaving said Southeastern Right-of-Way line of Georgia Hwy 138 A.K.A. Stockbridge Hwy (Right-of-Way Varies) South 32 degrees 35 minutes 10 seconds East a distance of 6.48 feet to a point; **THENCE** South 33 degrees 12 minutes 36 seconds East a distance of 240.07 feet to a point; **THENCE** South 72 degrees 18 minutes 41 seconds West a distance of 218.13 feet to a point on the Eastern Right-of-Way line of Weatherstone Circle (Right-of-Way varies); **THENCE** continuing on said Eastern Right-of-Way line of Weatherstone Circle (Right-of-Way varies) along a curve to the left with a radius of 1097.24 feet and an arc length of 190.74 feet, said curve having a chord bearing of North 11 degrees 34 minutes 46 seconds West and a chord distance of 190.50 feet to a point; **THENCE** North 16 degrees 33 minutes 34 seconds West a distance of 18.60 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 38,468 square feet or 0.8831 acres.

**TOGETHER WITH TRACT 4**

**COMMENCING** at a point on the intersection of the Southeastern Right-of-Way line of Georgia Hwy 138 A.K.A. Stockbridge Hwy (Right-of-Way Varies) and the Eastern Right-of-Way line of Weatherstone Circle (Right-of-Way varies); **THENCE** continuing on said Eastern Right-of-Way line of Weatherstone Circle (Right-of-Way varies) South 16 degrees 33 minutes 34 seconds East a distance of 18.60 feet to a point; **THENCE** along a curve to the right with a radius of 1097.24 feet and an arc length of 190.74 feet, said curve having a chord bearing of

South 11 degrees 34 minutes 46 seconds East and a chord distance of 190.50 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

THENCE from said **TRUE POINT OF BEGINNING** and leaving the Eastern Right-of-Way line of Weatherstone Circle (Right-of-Way varies) North 72 degrees 18 minutes 41 seconds East a distance of 218.13 feet to a point; THENCE South 00 degrees 12 minutes 06 seconds East a distance of 277.34 feet to a point; THENCE North 89 degrees 54 minutes 07 seconds West a distance of 199.64 feet to a point on the Eastern Right-of-Way line of Weatherstone Circle (Right-of-Way varies); THENCE continuing on said Eastern Right-of-Way line of Weatherstone Circle (Right-of-Way varies) North 00 degrees 02 minutes 38 seconds East a distance of 83.77 feet to a point; THENCE along a curve to the left with a radius of 1097.24 feet and an arc length of 127.22 feet, said curve having a chord bearing of North 03 degrees 16 minutes 40 seconds West and a chord distance of 127.15 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 49,353 square feet or 1.1330 acres.

#### **TOGETHER WITH TRACT 5**

**COMMENCING** at a point on the intersection of the Southeastern Right-of-Way line of Georgia Hwy 138 A.K.A. Stockbridge Hwy (Right-of-Way Varies) and the Eastern Right-of-Way line of Weatherstone Circle (Right-of-Way varies); THENCE continuing on said Southeastern Right-of-Way line of Georgia Hwy 138 A.K.A. Stockbridge Hwy (Right-of-Way Varies) along a curve to the left with a radius of 1504.21 feet and an arc length of 134.91 feet, said curve having a chord bearing of North 59 degrees 38 minutes 51 seconds East and a chord distance of 134.87 feet to a point; THENCE South 32 degrees 35 minutes 10 seconds East a distance of 6.48 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

THENCE from said **TRUE POINT OF BEGINNING** continuing on said Southeastern Right-of-Way line of Georgia Hwy 138 A.K.A. Stockbridge Hwy (Right-of-Way Varies) along a curve to the left with a radius of 1487.26 feet and an arc length of 58.43 feet, said curve having a chord bearing of North 55 degrees 58 minutes 47 seconds East and a chord distance of 58.43 feet to a point; THENCE leaving said Southeastern Right-of-Way line of Georgia Hwy 138 A.K.A. Stockbridge Hwy (Right-of-Way Varies) South 18 degrees 19 minutes 35 seconds East a distance of 227.47 feet to a point; THENCE North 33 degrees 12 minutes 36 seconds West a distance of 219.01 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 6,387 square feet or 0.1466 acres.

All together containing an area of 2.1627 acres.



**DESCRIPTION OF PROPERTY**

**TRACT 1**

All that tract or parcel of land lying and being in Land Lot 239 of the 10th District, Rockdale County, Georgia and being more particularly described as follows:

**COMMENCING** at a point on the intersection of the Southeastern Right-of-Way line of Georgia Hwy 138 A.K.A. Stockbridge Hwy (Right-of-Way Varies) and the Western Right-of-Way line of Weatherstone Circle (Right-of-Way varies); said point being the **TRUE POINT OF BEGINNING**.

**THENCE** from said **TRUE POINT OF BEGINNING** and continuing on said Western Right-of-Way line of Weatherstone Circle (Right-of-Way varies) South 27 degrees 39 minutes 56 seconds East a distance of 12.06 feet to a point; **THENCE** along a curve to the right with a radius of 610.00 feet and an arc length of 295.01 feet, said curve having a chord bearing of South 13 degrees 48 minutes 38 seconds East and a chord distance of 292.15 feet to a point; **THENCE** South 00 degrees 02 minutes 38 seconds West a distance of 107.74 feet to a point; **THENCE** along a curve to the right with a radius of 1630.77 feet and an arc length of 8.00 feet, said curve having a chord bearing of South 00 degrees 11 minutes 04 seconds West and a chord distance of 8.00 feet to a point; **THENCE** leaving said Western Right-of-Way line of Weatherstone Circle (Right-of-Way varies) South 72 degrees 37 minutes 08 seconds West a distance of 426.82 feet to a point; **THENCE** North 08 degrees 00 minutes 53 seconds West a distance of 112.50 feet to a point; **THENCE** North 83 degrees 07 minutes 03 seconds East a distance of 49.34 feet to a point; **THENCE** North 24 degrees 51 minutes 44 seconds West a distance of 126.75 feet to a point; **THENCE** South 51 degrees 41 minutes 44 seconds West a distance of 117.88 feet to a point; **THENCE** North 03 degrees 01 minutes 09 seconds West a distance of 20.93 feet to a point; **THENCE** South 83 degrees 14 minutes 28 seconds West a distance of 92.72 feet to a point; **THENCE** North 03 degrees 45 minutes 34 seconds East a distance of 191.70 feet to a point **ON** the Southeastern Right-of-Way line of Georgia Hwy 138 A.K.A. Stockbridge Hwy (Right-of-Way Varies); **THENCE** along said Southeastern Right-of-Way line of Georgia Hwy 138 A.K.A. Stockbridge Hwy (Right-of-Way Varies) North 72 degrees 35 minutes 24 seconds East a distance of 364.71 feet to a point; **THENCE** along a curve to the left with a radius of 1504.21 feet and an arc length of 189.92 feet, said curve having a chord bearing of North 69 degrees 00 minutes 49 seconds East and a chord distance of 189.80 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 204,996 square feet or 4.7061 acres.

**TOGETHER WITH TRACT 2**

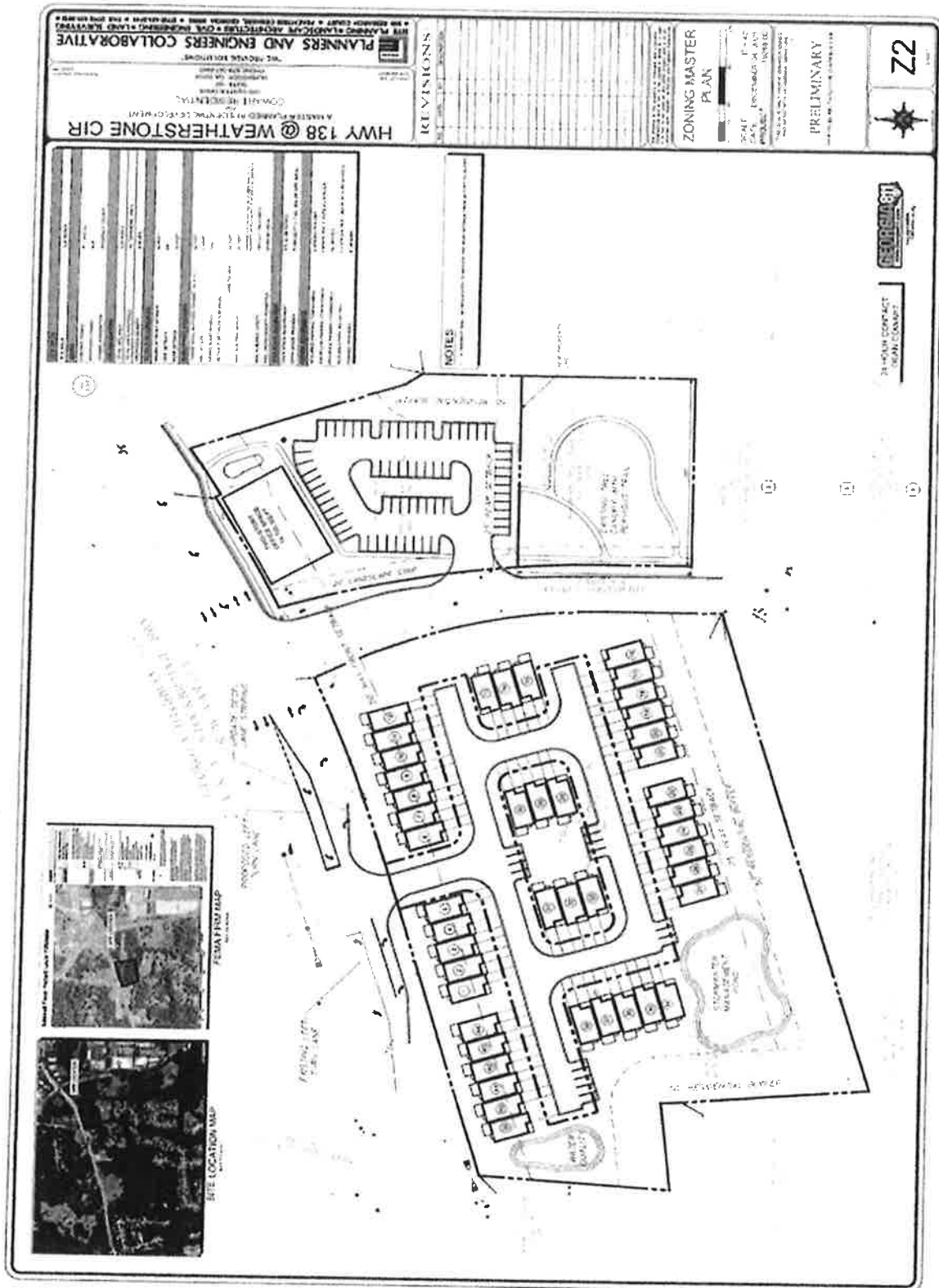
**COMMENCING** at a point on the intersection of the Southeastern Right-of-Way line of Georgia Hwy 138 A.K.A. Stockbridge Hwy (Right-of-Way Varies) and the Western Right-of-Way line of Weatherstone Circle (Right-of-Way varies); **THENCE** continuing on said Western Right-of-Way line of Weatherstone Circle (Right-of-Way varies) South 27 degrees 39 minutes 56 seconds East a distance of 12.06 feet to a point; **THENCE** along a curve to the right with a radius of 610.00 feet and an arc length of 295.01 feet, said curve having a chord bearing of South 13 degrees 48 minutes 38 seconds East and a chord distance of 292.15 feet to a point; **THENCE** South 00 degrees 02 minutes 38 seconds West a distance of 107.74 feet to a point; **THENCE** along a curve to the right with a radius of 1630.77 feet and an arc length of 8.00 feet, said curve having a chord bearing of South 00 degrees 11 minutes 04 seconds West and a chord distance of 8.00 feet to a point; **THENCE** leaving said Western Right-of-Way line of Weatherstone Circle (Right-of-Way varies) South 72 degrees 37 minutes 08 seconds West a distance of 426.82 feet to a point; said point being the **TRUE POINT OF BEGINNING**.

**THENCE** from said **TRUE POINT OF BEGINNING** South 72 degrees 42 minutes 29 seconds West a distance of 102.65 feet to a point; **THENCE** North 04 degrees 21 minutes 53 seconds West a distance of 190.31 feet to a point on the 2; **THENCE** following said 2 North 51 degrees 41 minutes 44 seconds East a distance of 117.88 feet to a point; **THENCE** leaving said 2 South 24 degrees 51 minutes 44 seconds East a distance of 126.75 feet to a point; **THENCE** South 83 degrees 07 minutes 03 seconds West a distance of 49.34 feet to a point; **THENCE** South 08 degrees 00 minutes 53 seconds East a distance of 112.50 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 23,261 square feet or 0.5340 acres.

All together containing an area of 5.2401 acres.

**Exhibit "B"**  
**Land Title Survey**



**Exhibit "C"**  
**Proposed Zoning Conditions**

**1. To restrict the use of the property as follows:**

- A. The Conceptual Site Plan prepared by Planners and Engineers Collaborative, dated December 8, 2021, 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.
- B. The site shall be developed in compliance with the proposed revisions regarding the RM (Residential-Multifamily) Zoning District, if adopted.
- C. The applicant shall provide a Traffic Impact Study with the Preliminary Plat. Any recommendations for improvements shall be required to be shown on the Land Disturbance Permit (LDP). Additionally, as determined by Rockdale County Department of Transportation, 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.