

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:

REZONING CASE NO. 2022-11	Rezone 5.24 acres from C1 (Local Commercial) to RM (Residential Multifamily) to allow a 38-unit townhome development		
APPLICANT:	Battle Law, P.C.		
PROPERTY OWNER:	Wellborn Development Co, Inc.		
LOCATION:	0 Highway 138 SE Conyers, GA, 30094		
LAND LOT(S):	239	DISTRICT:	10th
TAX PARCEL NO.:	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 amended to rezone the 5.24-acre property, more particularly described in the legal description attached hereto as Exhibit “A” and depicted on the Site Plan 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All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.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 13th day of June, 2023.

**ROCKDALE COUNTY, GEORGIA
BOARD OF COMMISSIONERS**



Osborn Nesbitt, Sr., Chairman



Sherri L. Washington, Esq., Commissioner Post I



Dr. Doreen Williams, Commissioner Post II

Attest:

By:  (P10)
Jennifer Rutledge, County Clerk

Approved as to Form:

By: 
M. Qader A. Baig, County Attorney

First Reading: August 9, 2022

Second Reading: June 13, 2023

EXHIBIT "A"

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.

TOGHETER 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"

SITE PLAN (DATED 03/01/2023)

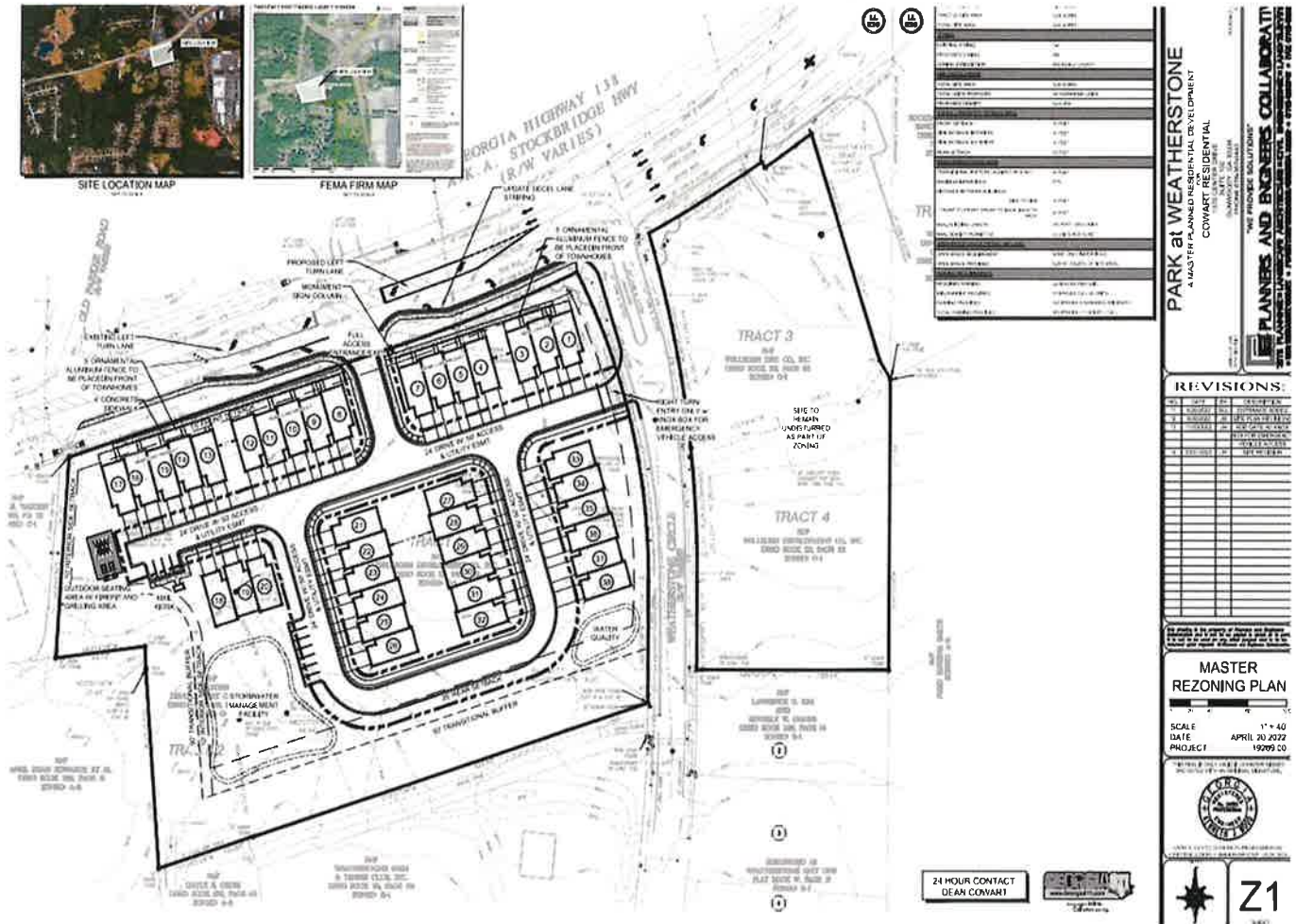


EXHIBIT "C"
Zoning Conditions

1. The Rezoning Site Plan prepared by PEC+, dated March 1, 2023, 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.
2. The site shall be developed in compliance with the Residential Multifamily (RM) Zoning District.
3. 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.
4. The site shall be restricted to not more than 38 townhome units and not more than 2 can be rented at a given time.
5. All townhome units shall have a two-car garage.
6. All amenity areas shall be accessible by five-foot-wide sidewalks.
7. Provide a minimum of 11 guest parking spaces throughout the townhome development.
8. Provide a 20-foot-wide landscape strip along the frontage of the development and a 10-foot-wide landscape strip along the sides and rear of the development. Trees may be planted in groups rather than in a single line. Required landscaping strips shall not be encroached upon by parking space, driveway surfaces or stormwater detention facilities except when complying with the applicable regulations found within the Unified Development Ordinance.
9. All front building elevations shall be constructed with at least fifty (50) percent of the following building materials: Brick, Indigenous Rock, Natural Stone, and Synthetic Stone, or a combination of Brick, Indigenous Rock, Natural Stone, and Synthetic Stone, with accent building materials that may include but not be limited to Stucco, EIFS, Metal, Painted Cement Siding, and Wood where masonry products are not provided. If Stucco or EIFS is used as an accent building material, those specific building materials shall be limited to a maximum of ten (10) percent of the total building wall, with each elevation being calculated independently. Foundations shall be of brick or natural stone. Where another type of structural material is used, it shall be faced with brick, cast stone, or natural stone, no less than six (6) inches in depth. The side elevations and the rear elevation shall have a masonry water table that matches the predominate masonry building material used on the front elevation. The balance of the side elevations and rear elevation shall be Painted Cement Siding.
10. The development shall include an open space and other amenities within the interior of the property. Any structures in the amenity areas shall be constructed using exterior building materials that complement the adjacent residential structures. The amenity areas may be in a single area or in multiple areas.
11. On the Final Plat, Covenants Conditions and Restrictions for the residential community, there shall be a statement that reads as follows (or generally reads): "It is understood by the residents of this RM zoned Residential Townhouse community that it is located in an area of Rockdale County, GA where other commercial and industrial land uses are also present and were in existence prior to the development of the Residential Townhouse community. The adjacent and nearby commercial and industrial uses do create noises and sounds commonly associated with those types of land uses and the residents of this Residential Townhouse community are fully aware of the existence of the adjacent and nearby commercial and industrial land uses prior to their purchase of the residential townhouse units."
12. Tract 3 and Tract 4 as shown on Exhibit "B" shall remain undeveloped in perpetuity and a deed restriction with such a notation shall be recorded prior to the issuance of a Land Disturbance Permit (LDP). The property title shall be transferred to the future HOA.
13. The Weatherstone Drive entryway shall be for emergency ingress/egress only and a gate with a Knox Box shall be installed.