

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF ROCKDALE COUNTY GEORGIA, AS AMENDED, BY REZONING NW EBENEZER AND 0 HIGHWAY 138 FROM A-R (AGRICULTURAL RESIDENTIAL DISTRICT) TO MRU (MIXED RESIDENTIAL USE DISTRICT); 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. 2023-09</b>	Rezone from A-R (Agricultural Residential District) to MRU (Mixed Residential Use District)		
<b>APPLICANT:</b>	Caballero Holdings, LLC		
<b>PROPERTY OWNER:</b>	Seven Smith Investments, LP		
<b>LOCATION:</b>	NW Ebenezer and 0 Highway 138		
<b>LAND LOT(S):</b>	209	<b>DISTRICT:</b>	10 <sup>TH</sup>
<b>TAX PARCEL NO.:</b>	0450010018	<b>TOTAL ACREAGE:</b>	15.5 acres

**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 designates said property as High-Density, which pursuant to Section 202-6 permits the MRU 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 15.5-acre property, more particularly described in the Legal Description attached hereto as Exhibit “A” depicted on the ALTA/NSPS Land Title Survey attached hereto as Exhibit “B” and as seen in the site plan attached hereto as Exhibit “C”.

**Section II**

The zoning amendment authorized in Section I is approved subject to all conditions, including any conditions of zoning, attached hereto as Exhibit “D”, which is hereby incorporated by this reference and applies to the 15.5-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.

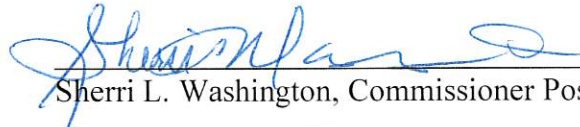
That this Ordinance shall become effective upon adoption.

This 28<sup>th</sup> day of May, ~~2023~~ 2024

**ROCKDALE COUNTY, GEORGIA  
BOARD OF COMMISSIONERS**



Osborn Nesbitt, Sr., Chairman

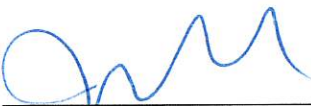


Sherri L. Washington, Commissioner Post I




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: 7/11/2023

Second Reading: 5/28/2024

**Exhibit "A"**  
**Legal Description**

TRACT 1

ALL THAT TRACT or parcel of land lying and being in Land Lots 209 & 240 of the 11th District of Rockdale County, Georgia, and being more particularly described as follows:

Commencing at the intersection on the western right of way of GA Hwy 138 (120' R/W) and the southerly right of way of Cherry Hill Road (50' R/W), thence in a southwest direction along the western right of way of GA Hwy 138 for a distance of 139.85 feet to an IPF 1/2" RB, said point being the TRUE POINT OF BEGINNING.

Thence continue along the western right of way of GA Hwy 138 (120' R/W) along a curve to the right having a radius of 4,523.66 feet and an arc length of 511.72 feet, being subtended by a chord of South 50 degrees 02 minutes 42 seconds West a distance of 511.45 feet to a Axle End; Thence leaving said Right of Way North 02 degrees 22 minutes 40 seconds West a distance of 785.44 feet to a IPF 1/2" RB; Thence South 39 degrees 56 minutes 31 seconds East a distance of 4.86 feet to a IPF 1/2" RB; Thence South 43 degrees 00 minutes 01 seconds East a distance of 107.31 feet to a IPF 1/2" RB; Thence South 42 degrees 53 minutes 38 seconds East a distance of 95.99 feet to a IPF 1/2" RB; Thence South 43 degrees 04 minutes 54 seconds East a distance of 75.16 feet to a IPF 1/2" RB; Thence South 43 degrees 12 minutes 46 seconds East a distance of 74.83 feet to a IPF 1/2" RB; Thence South 42 degrees 58 minutes 45 seconds East a distance of 150.04 feet to a IPF 1/2" RB; Thence South 42 degrees 42 minutes 06 seconds East a distance of 115.15 feet to the TRUE POINT OF BEGINNING.

Said Tract contains 3.71 Acres.

TRACT 2

ALL THAT TRACT or parcel of land lying and being in Land Lots 209 & 240 of the 11th District of Rockdale County, Georgia, and being more particularly described as follows:

Commencing at the intersection on the western right of way of GA Hwy 138 (120' R/W) and the northerly right of way of Cherry Hill Road (50' R/W), thence in a northeast direction along the western right of way of GA Hwy 138 for a distance of 140.41 feet to an IPF 1/2" RB, said point being the TRUE POINT OF BEGINNING.

Thence leaving said right of way of GA Hwy 138 (120' R/W) North 42 degrees 46 minutes 16 seconds West a distance of 114.45 feet to a IPF 1/2" RB; Thence North 42 degrees 51 minutes 45 seconds West a distance of 150.06 feet to a IPF 1/2" RB; Thence North 42 degrees 52 minutes 45 seconds West a distance of 75.15 feet to a IPF 1/2" RB; Thence North 42 degrees 43 minutes 51 seconds West a distance of 99.80 feet to a IPF 1/2" RB; Thence North 47 degrees 01 minutes 51 seconds East a distance of 79.75 feet to a IPF 1/2" RB; Thence North 46 degrees 51 minutes 19 seconds East a distance of 149.90 feet to a IPF 1/2" RB; Thence north 47 degrees 03 minutes 35 seconds East a distance of 74.93 feet to a IPF 1/2" RB; Thence North 46 degrees 55 minutes 52 seconds East a distance of 74.87 feet to a IPF 5/8" RB; Thence North 46 degrees 57 minutes 17 seconds East a distance of 74.98 feet to a IPF 1/2" RB; Thence North 46 degrees 55 minutes 46 seconds East a distance of 75.02 feet to a IPF 1/2" RB; Thence North 46 degrees 59 minutes 14

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seconds East a distance of 149.89 feet to a IPF 1/2" RB; Thence North 47 degrees 05 minutes 32 seconds East a distance of 75.01 feet to a IPF 1/2" RB; Thence North 47 degrees 01 minutes 34 seconds East a distance of 75.04 feet to a IPF 1/2" RB; Thence North 46 degrees 52 minutes 21 seconds East a distance of 74.89 feet to a IPF 1/2" RB; Thence 47 degrees 03 minutes 18 seconds East a distance of 75.04 feet to a IPF 1/2" RB; Thence North 47 degrees 02 minutes 37 seconds East a distance of 75.06 feet to a IPF 1/2" RB; Thence North 47 degrees 16 minutes 33 seconds East a distance of 74.85 feet to a IPF 1/2" RB; Thence North 46 degrees 54 minutes 38 seconds East a distance of 92.54 feet to a IPF 1/2" RB; Thence north 46 degrees 57 minutes 00 seconds East a distance of 117.20 feet to a IPF 1/2" RB; Thence North 46 degrees 41 minutes 13 seconds East a distance of 63.54 feet to a IPF 1/2" RB, said point being on the southern right of way of Ebenezer Road (R/W Varies); Thence along said right of way of Ebenezer Road (R/W Varies) South 02 degrees 14 minutes 20 seconds East a distance of 215.35 feet to a point; Thence North 39 degrees 45 minutes 30 seconds West a distance of 10.00 feet to a point; Thence South 00 degrees 13 minutes 38 seconds West a distance of 40.67 feet to a point; Thence along a curve to the left having a radius of 1,949.86 feet and an arc length of 144.72 feet, being subtended by a chord of South 01 degrees 52 minutes 55 seconds East a distance of 144.69 feet to a point; Thence along a curve to the left having a radius of 1,949.86 feet and an arc length of 76.07 feet, being subtended by a chord of South 05 degrees 07 minutes 32 seconds East a distance of 76.07 feet to a point; Thence South 08 degrees 00 minutes 17 seconds East a distance of 77.62 feet to a point, said point being the mitre R/W of Ebenezer Road (R/W Varies) and GA Hwy 138; Thence along said mitre R/W South 21 degrees 54 minutes 59 seconds West a distance of 47.42 feet to a point, said point being on the western Right of Way of GA Hwy 138; Thence along said right of way of GA Hwy 138 continue South 46 degrees 54 minutes 56 seconds West a distance of 998.90 feet to the TRUE POINT OF BEGINNING.

Said Tract contains 12.15 Acres.





## Exhibit D

### Proposed conditions:

1. The site shall be developed in compliance with the Mixed Residential Uses (MRU) Zoning District, if adopted.
2. The applicant shall provide the 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.
3. The applicant shall obtain approval to encroach on State Right-of-Way from Georgia Department of Transportation.
4. The site shall be restricted not to exceed 93 residential units.
5. All single-family detached units and townhome units shall have a two-car garage.
6. Provide a five-foot-wide sidewalk along both sides of the proposed internal streets. Provide a two-foot-wide grass strip on all internal public roads between back of the curb and sidewalk. Provide a five-foot-wide landscape strip. All trees planted in this landscape strip shall be counted towards any Rockdale County required tree recompense credits or tree density units as mandated by the required development permit.
7. Provide a five-foot-wide sidewalk along the Highway 138 SW and Ebenezer Road SW rights-of-way. A ten-foot-wide landscape strip shall be provided along Highway 138 SW and Ebenezer Road SW between the roadway and the sidewalk.
8. All grassed areas shall be sodded.
9. All utilities shall be placed underground.
10. Natural vegetation shall remain on the property until the issuance of a development permit.
11. 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.
12. Streetlights shall be provided throughout the residential development along the internal streets where residential units directly abut. When internal to the block, all streetlights shall be residential in character and meet the minimum lighting standards of Rockdale County, GA as defined in the current edition of the development regulations at the time of development permitting.
13. 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. All amenity areas shall be accessible by five-foot-wide concrete sidewalks.