

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



Type of Request: Rezone (REZ) 2024-21 - 2 nd Reading of Ordinance	County Clerk Use Only Ordinance #:
--	---------------------------------------

<input checked="" type="checkbox"/> Submission Information	<input checked="" type="checkbox"/> Information
Contact Name: Denise Tugman/Christopher Wheeler Department: Planning & Development	Summary of Request: A request was made by Battle Law, P.C., to Rezone 113.988 acres at 1680, 1700, and 1720 Walker Road From A-R (Agricultural-Residential) to CRS (Collaborative Residential Subdivision) for a single-family residential subdivision.

<input checked="" type="checkbox"/> Department Director/Elected Official Signature	<input type="checkbox"/> Chief of Staff Signature
I have reviewed the attached, and it is approved as to substance. Signature: <i>Christopher Wheeler</i> Date: 11/18/2024	I have reviewed the attached, and it is approved for processing. Signature: _____ Date: _____
<input type="checkbox"/> County Attorney Signature	<input type="checkbox"/> Director of Legislative Affairs/County Clerk Signature
I have reviewed the attached, and it is approved as to form. Signature: _____ Date: _____	I have reviewed the attached, and it is approved for processing. Signature: _____ Date: _____

Notes and Comments:

December 10, 2024: Second Read Work Session
 December 10, 2024: Second Read Voting Session

2024-624

AN ORDINANCE TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF ROCKDALE COUNTY, GEORGIA, AS AMENDED, BY REZONING 1680, 1700, AND 1720 WALKER ROAD FROM A-R (AGRICULTURAL-RESIDENTIAL) TO CRS (COLLABORATIVE RESIDENTIAL SUBDIVISION); 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. 2024-21	Rezone 113.988 acres at 1680, 1700, and 1720 Walker Road From A-R (Agricultural-Residential) to CRS (Collaborative Residential Subdivision) for a single-family residential subdivision.		
APPLICANT:	Battle Law, P.C.		
PROPERTY OWNER:	Elizabeth C. Potts, Joseph Wade Potts and Cheryl Lynn Potts, Betty Gilbert Potts, and Edward Lawson Patton and Julie Deane Patton.		
LOCATION:	1680, 1700, and 1720 Walker Road		
LAND LOT(S):	208	DISTRICT:	11th
TAX PARCEL NO.:	0290020008, 029002008A, 029002008B, 029002008E, 029002008J, 029002008K.		

WHEREAS, said rezoning proposal was reviewed by staff and public hearings 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 Medium Density Residential.

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 113.988-acre property, more particularly described in the legal description attached hereto as Exhibit “A” and depicted on Exhibit “B” attached hereto, from A-R (Agricultural-Residential) to CRS (Collaborative Residential Subdivision).

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” and applies to the 113.988-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 _____, 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: _____

Second Reading: _____

EXHIBIT "A"
LEGAL DESCRIPTION

Commitment (A) Elizabeth C. Potts

ALL THOSE TRACTS or parcels of land lying and being in Land Lot 208 of the 11th District of Rockdale County, Georgia, being cross-hatched as more particularly depicted on Exhibit "A" attached hereto and by this reference incorporated herein.

TRACT 2:

All that tract or parcel of land lying and being in Land Lot 208 of the 11th District of Rockdale County, Georgia, and more particularly described as follows:

BEGINNING at iron pin corner on the east right of way of Maddox Road, said point being located seven hundred ninety three (793) feet from the south right of way of Potts Road as measured along the east right of way of Maddox Road; thence south 78 degrees 00 minutes east two hundred thirty seven and eighty hundredths (237.80) feet to iron pin corner; thence south 5 degrees 34 minutes east three hundred ninety and thirty six hundredths (390.36) feet to corner; thence south 89 degrees 08 minutes west three hundred seventy nine and twenty hundredths (379.20) feet to corner on the east right of way of Maddox Road; thence northeasterly along the east right of way of Maddox Road four hundred sixty five and ten hundredths (465.10) feet to corner and point of beginning.

Said tract containing 3.207 acres as shown on plat of property of Bennie H. Potts, dated February 22, 1967, prepared by Robert M. Buhler, Registered Surveyor No. 1403, recorded in Plat Book E, page 22, Clerk's Office, Rockdale County, Georgia.

Commitment (B) Joseph Wade Potts and Cheryl Lynn Potts

ALL THAT TRACT or parcel of land lying and being in Land Lot 208 of the 11th District of Rockdale County, Georgia, and being shown 4.76 acres, on that plat of survey prepared for G. Walker Potts, as more particularly depicted on a plat recorded in Plat Book G, Page 61, Records of Rockdale County, Georgia, which plat is incorporated herein by reference hereto.

TOGETHER WITH those easement rights arising under that certain Joint Driveway Agreement from Deane T. Potts a/k/a Deane Tribble Potts, individually and as Executrix under the Last Will and Testament of George Walker Potts a/k/a G. Walker Potts, Benny

H. Potts a/k/a Benny Potts, individually and as an heir at law of George Walker Potts a/k/a G. Walker Potts, Larry Joe Potts a/k/a Larry Potts a/k/a Larry J. Potts, individually and as an heir at law of George Walker Potts a/k/a G. Walker Potts and Betty G. Potts to Deane Tribble Potts, Larry Potts and Benny Potts, dated June 14, 2001, filed for record July 30, 2001 at 1:15 p.m., recorded in Deed Book 2084, Page 182, Records of Rockdale County, Georgia.

Commitment (C) Betty Gilbert Potts:

ALL THOSE TRACTS or parcels of land lying and being in Land Lot 208 of the 11th District of Rockdale County, Georgia, being more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein.

TOGETHER WITH those easement rights arising under that certain Joint Driveway Agreement from Deane T. Potts a/k/a Deane Tribble Potts, individually and as Executrix under the Last Will and Testament of George Walker Potts a/k/a G. Walker Potts, Benny

H. Potts a/k/a Benny Potts, individually and as an heir at law of George Walker Potts a/k/a G. Walker Potts, Larry Joe Potts a/k/a Larry Potts a/k/a Larry J. Potts, individually and as an heir at law of George Walker Potts a/k/a G. Walker Potts and Betty G. Potts to Deane Tribble Potts, Larry Potts and Benny Potts, dated June 14, 2001, filed for record July 30, 2001 at 1:15 p.m., recorded in Deed Book 2084, Page 182, Records of Rockdale County, Georgia.

TRACT A:

All that tract or parcel of land lying and being in Land Lot 208 of the 11th District of Rockdale County, Georgia, and more fully and particularly described as follows:

TO ARRIVE AT THE TRUE POINT OF BEGINNING being at that point where the centerline of Maddox Road (where said centerline extended) intersects the centerline of Walker Road; thence South 09°09' West 254.1 feet to a point; thence South 29° 15' West 689.3 feet to a point; thence south 77°19' West 178.3 feet to a point; thence South 33°01' West 123.77 feet to the TRUE POINT OF BEGINNING; from the beginning point thus established, thence North 88°54' West 357.41 feet to iron pin corner; thence South 06°11' East 316.99 feet to iron pin corner; thence South 39°31' East 108 feet to iron pin corner; thence North 33°01' East 467.03 feet to the TRUE POINT OF BEGINNING.

The above-described property is more fully and particularly described on plat prepared for Larry J. Potts and Betty G. Potts by Knight and Associates, Land Surveyors, dated April 8, 1976, recorded in Plat Book I, Page 262, Clerk's Office, Rockdale County, Georgia, and said plat is here by reference incorporated in and made a part hereof.

TRACT B:

All that tract or parcel of land lying and being in land lot 209 of the 11th land district, Rockdale County, state of Georgia, being more particularly described as follows:

To find the true point of beginning, being at a point formed by the intersection of the south 80 ft. right of way of walker road and the west 60 ft. right of way of Ebenzer Road, thence proceed westerly along the southern 80' right of way of walker road a distance of 681.65 ft. to an iron pin set, the true point of

beginning.

Thence south 01 degrees 47 minutes 34 seconds west for a distance of 92.17 feet to a point in the center of a gravel drive;
Thence south 11 degrees 02 minutes 56 seconds west for a distance of 100.71 feet to a point in the center of a gravel drive;
Thence south 18 degrees 40 minutes 37 seconds west for a distance of 105.16 feet to a point in the center of a gravel drive;
Thence south 26 degrees 47 minutes 37 seconds west for a distance of 99.99 feet to a point in the center of a gravel drive;
Thence south 29 degrees 52 minutes 17 seconds west for a distance of 220.29 feet to a point in the center of a gravel drive;
Thence south 28 degrees 54 minutes 21 seconds west for a distance of 122.12 feet to a point in the center of a gravel drive;
Thence south 42 degrees 02 minutes 39 seconds west for a distance of 54.72 feet to a point in the center of a gravel drive;
Thence south 75 degrees 54 minutes 48 seconds west for a distance of 105.24 feet to a point in the center of a gravel drive;
Thence south 62 degrees 24 minutes 58 seconds west for a distance of 96.94 feet to a point in the center of a gravel drive;
Thence south 37 degrees 50 minutes 23 seconds west for a distance of 99.72 feet to a 1/2" rebar found;
Thence north 88 degrees 31 minutes 54 seconds west for a distance of 357.52 feet to a 1/2" rebar found;
Thence south 05 degrees 52 minutes 12 seconds east for a distance of 317.19 feet to a 1/2" rebar found;
Thence north 72 degrees 39 minutes 50 seconds west for a distance of 181.44 feet to an iron pin set;
Thence south 83 degrees 15 minutes 12 seconds west for a distance of 86.70 feet to a 5/8" rebar found;
Thence south 51 degrees 18 minutes 12 seconds west for a distance of 130.84 feet to a 5/8" rebar found;
Thence south 82 degrees 26 minutes 41 seconds west for a distance of 44.02 feet to an iron pin set;
Thence north 00 degrees 36 minutes 51 seconds west for a distance of 535.26 feet to an iron pin set;
Thence north 89 degrees 19 minutes 58 seconds east for a distance of 43.70 feet to a 1/2" rebar found;
Thence north 89 degrees 19 minutes 58 seconds east for a distance of 343.32 feet to a rock found;
Thence north 02 degrees 52 minutes 00 seconds east for a distance of 794.46 feet to a 1/2" rebar found on the south 50 ft. right of way of Walker Road;
Thence south 89 degrees 07 minutes 36 seconds east for a distance of 914.89 feet along the south 50 ft. right of way of walker road to a 1/2" iron pin set;
Thence south 01 degrees 47 minutes 34 seconds west for a distance of 14.81 feet to a 1/2" rebar set in the center of a gravel drive, THE TRUE POINT OF BEGINNING.

LESS AND EXCEPT from the above-described property that portion of the property conveyed by that certain Warranty Deed from Larry J. Potts and Betty G. Potts to Edward Lawson Patton and Julie Deane Patton as joint tenants with right of survivorship, dated December 28m 2997, filed for record January 8, 2008 at 4:36 p.m., recorded in Deed Book 4460, Page 47, Records for Rockdale County, Georgia.

Commitment (D) Edward Lawson Patton and Julie Deane Patton:

ALL THAT TRACT or parcel of land lying and being in Land Lot 208 of the 11th District of Rockdale County, Georgia, consisting of 3.89 acres, as more particularly depicted on a plat recorded in Plat Book 36, Page 33, Records of Rockdale County, Georgia, which plat is incorporated herein by reference hereto.

TOGETHER WITH those easement rights arising under that certain Joint Driveway Agreement from Deane T. Potts a/k/a Deane Tribble Potts, individually and as Executrix under the Last Will and Testament of George Walker Potts a/k/a G. Walker Potts, Benny

H. Potts a/k/a Benny Potts, individually and as an heir at law of George Walker Potts a/k/a

G. Walker Potts, Larry Joe Potts a/k/a Larry Potts a/k/a Larry J. Potts, individually and as an heir at law of George Walker Potts a/k/a G. Walker Potts and Betty G. Potts to Deane Tribble Potts, Larry Potts and Benny Potts, dated June 14, 2001, filed for record July 30, 2001 at 1:15 p.m., recorded in Deed Book 2084, Page 182, Records of Rockdale County, Georgia.

EXHIBIT "B" SURVEY PLAT

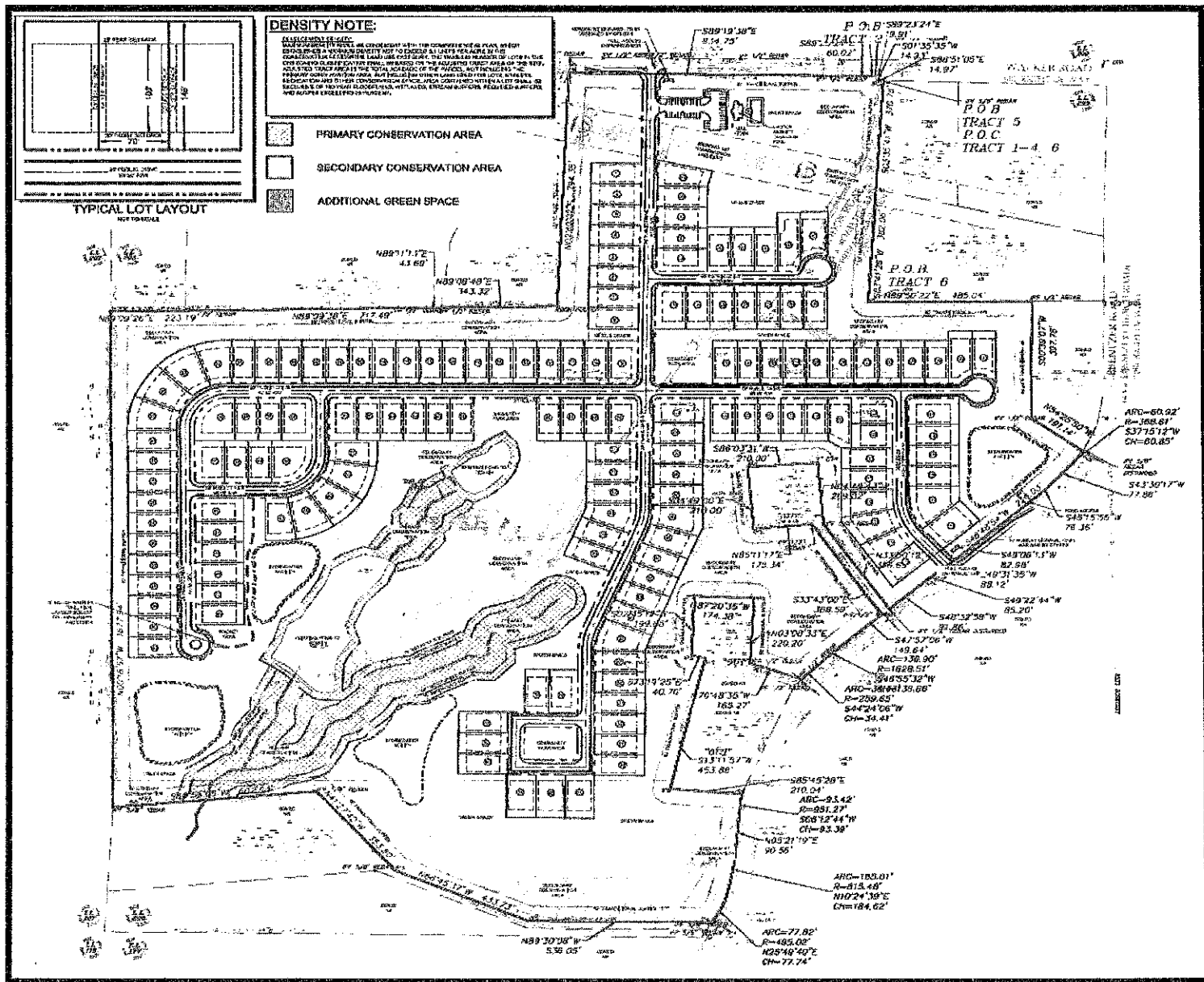


EXHIBIT "C"
CONDITIONS OF ZONING

1. The site shall be developed in general conformance with the submitted site plan and comply with the Collaborative Residential Subdivision (CRS) 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 the 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. Applicant must provide proof of sewer capacity before proceeding to preliminary plat phase.
4. The site shall be restricted not to exceed 150 lots.
5. A mandatory Homeowners' Association shall be established and shall be responsible for the maintenance of all common areas and facilities.
6. The Homeowners' Association covenants shall include a rental restriction of five percent (5%) of all single-family residential dwelling units.
7. All single-family residential dwelling units shall have a two-car garage.
8. Provide a five-foot-wide sidewalk along at least one side of the proposed internal streets and along the front lines of all CRS-zoned lots. Sidewalks shall be separated from street curbs by a "tree lawn" not less than five feet wide, planted with shade trees in accordance with the Rockdale County plant palette.
9. Provide a five-foot-wide concrete sidewalk along the Walker Road SW and Ebenezer Road SE rights-of-way. A strip of grass or other approved landscape material at least four feet in width shall separate sidewalks from adjacent curbs on public streets.
10. All grassed areas shall be sodded.
11. All utilities shall be placed underground.
12. Natural vegetation shall remain on the property until the issuance of a development permit.
13. All sides of proposed buildings shall consist of brick, stone, cementitious siding, or real (lath and Portland) stucco from ground to eaves, with brick, stone, cedar shake, real stucco, painted wood siding or cementitious siding to be used as accents. Metal siding, vinyl siding, metal canopies, and exposed standard concrete blocks are prohibited. Soffits may be constructed of vinyl.
14. Streetlights are to be provided along one side of every street, a minimum of 16 feet high and a maximum of 20 feet high if overhanging into the street and placed no more than 160 feet apart.
15. Stormwater detention ponds shall be screened from view from adjoining residential properties. Screening plans shall be subject to review and approval by the Director of Planning and Development.
16. The development shall include a cabana, pool, and pocket parks 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. Amenity areas shall be accessible by five-foot-wide concrete sidewalks.
17. **The applicant shall request and seek approval from the Rockdale Department of Transportation for deceleration lanes where applicable.**
18. **The minimum alternating staggered setback requirement shall be 2.5 feet.**