

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



Type of Request: Rezone (REZ) 2024-19 - 2 nd Reading of Ordinance	County Clerk Use Only Ordinance #:
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<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 Andrew C Shipp, Sr. to Rezone 230.35 acres of the 353.04-acre property at 3031 NE Highway 138 from A-R (Agricultural-Residential) to MRU (Mixed Residential Uses) for a mixed residential development.

<input checked="" type="checkbox"/> Department Director/Elected Official Signature	<input type="checkbox"/> Chief Operating Officer Signature
I have reviewed the attached, and it is approved as to substance. Signature: <i>Denise Tugman</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"/> Executive Director of Government 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

2024-634

AN ORDINANCE TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF ROCKDALE COUNTY, GEORGIA, AS AMENDED, BY REZONING 3031 NE HIGHWAY 138 FROM A-R (AGRICULTURAL RESIDENTIAL) TO MRU (MIXED RESIDENTIAL USES); 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. 2024-19	To Rezone 230.35 acres of the 353.04-acre property at 3031 NE Highway 138 from A-R (Agricultural-Residential) to MRU (Mixed Residential Uses) for mixed residential development.		
APPLICANT:	Andrew C Shipp, Sr. for Grove Park Farm, LLC/Allied Capital, LLC		
PROPERTY OWNER:	Grove Park Farm, LLC and Allied Capital, LLC		
LOCATION:	3031 NE Highway 138, Conyers, GA 30013		
LAND LOT(S):	361, 373, 375, 381, 382	DISTRICT:	16th
TAX PARCEL NO.:	0870010001		

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 230.35 acres of the 353.04-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 MRU (Mixed Residential Uses).

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 230.35 acres of the 353.04-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

D: DEED B: 7500 P: 302 12/20/2022 09:27 AM
2022-22834 Page 2 of 3

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 373, 374, 375, 381, 382 and 361 of the 16th District of Rockdale County, Georgia, containing 353.04 acres, more or less, as shown on that plat of survey for David E. Olson and George J. Collins by Louie D. Patrick, Ga. R.L.S. No. 1757, dated March 1, 1983 and recorded in Plat Book P, Page 83, public records of Rockdale County, Georgia, which plat is by reference thereto incorporated herein and made a part hereof for a more particular and complete description, this being improved property known as 3031 Highway 138 NE, Conyers, Rockdale County, Georgia 30013 according to the present system of numbering properties in Rockdale County, Georgia. This being the same property conveyed by that Deed Under Power of Sale from David E. Olson acting through his duly appointed agent and attorney in fact AgSouth Farm Credit, ACA, Successor by Merger to West Georgia Farm Credit, ACA, to Sovereign Funding, LLC dated September 5, 2017 and recorded in Deed Book 6137, Pages 173-176, Rockdale County, Georgia records.

L E G A L D E S C R I P T I O N

Tract one

ALL THAT TRACT or parcel of land lying and being in land lots 361, 373, 374 & 375 of the 16th district Rockdale County, Georgia and being more particularly described as follows:

BEGINNING at a R\W M. at the intersection of the south right-of-way of State Hwy.No.138 and the east right-of-way of Gleaton Road this being the true point of beginning.

THENCE North 59 degrees 18 minutes 18 seconds East for a distance of 124.60 feet to an R\W M.;

THENCE North 58 degrees 03 minutes 58 seconds East for a distance of 483.23 feet to a R\WM;

THENCE North 58 degrees 03 minutes 15 seconds East for a distance of 271.90 feet to a point;

THENCE South 41 degrees 37 minutes 19 seconds East for a distance of 24.65 feet to an R\W M.;

THENCE North 59 degrees 01 minutes 15 seconds East for a distance of 13.49 feet to an R\W M.;

THENCE along a curve to the right having a radius of 2048000.00 feet and an arc length of 206.59 feet, being subtended by a chord of North 59 degrees 34 minutes 19 seconds East for a distance of 206.59 feet to a point;

THENCE along a curve to the right having a radius of 2048000.00 feet and an arc length of 100.00 feet, being subtended by a chord of North 59 degrees 34 minutes 35 seconds East for a distance of 100.00 feet to an R\W M.;

THENCE North 33 degrees 23 minutes 40 seconds West for a distance of 25.28 feet to an R\W.;

THENCE along a curve to the right having a radius of 3715.67 feet and an arc length of 322.21 feet, being subtended by a chord of North 63 degrees 01 minutes 59 seconds East for a distance of 322.11 feet to an R\W M.

THENCE along a curve to the right having a radius of 5576.82 feet and an arc length of 805.41 feet, being subtended by a chord of North 68 degrees 27 minutes 42 seconds East for a distance of 804.71 feet to an R\W M.;

THENCE North 72 degrees 32 minutes 27 seconds East for a distance of 285.24 feet to a point;

THENCE South 30 degrees 30 minutes 00 seconds East for a distance of 1966.26 feet to a point;

THENCE South 59 degrees 30 minutes 00 seconds West for a distance of 1493.00 feet to a point;

THENCE South 37 degrees 38 minutes 28 seconds East for a distance of 1334.82 feet to an Rock End.;

THENCE South 01 degrees 04 minutes 44 seconds East for a distance of 324.00 feet to an IPS 1\2"RB;

THENCE South 63 degrees 42 minutes 16 seconds West for a distance of 159.20 feet to an IPS 1\2"RB;

THENCE South 61 degrees 35 minutes 01 seconds West for a distance of 154.61 feet to an Rock End.;

THENCE South 60 degrees 52 minutes 57 seconds West for a distance of 556.53 feet to an IPF 1\2"RB;

THENCE South 61 degrees 35 minutes 57 seconds West for a distance of 163.36 feet to an Rock End.;

THENCE South 76 degrees 39 minutes 09 seconds West for a

distance of 324.75 feet to an Rock Fnd.;
THENCE South 66 degrees 58 minutes 01 seconds West for a
distance of 386.70 feet to an Rock Fnd.;
THENCE North 20 degrees 18 minutes 55 seconds West for a
distance of 1040.36 feet to an IPS 1\2"RB;
THENCE North 84 degrees 23 minutes 14 seconds West for a
distance of 1102.35 feet to an Rock Fnd.;
THENCE North 01 degrees 06 minutes 38 seconds East for a
distance of 1404.14 feet to an Conc.Marker Fnd.;
THENCE North 86 degrees 48 minutes 05 seconds West for a
distance of 186.70 feet to an IPS 1\2"RB;
THENCE North 01 degrees 44 minutes 55 seconds East for a
distance of 188.50 feet to a point;
THENCE along a curve to the right having a radius of 983.35
feet and an arc length of 370.83 feet, being subtended by a chord
of North 13 degrees 05 minutes 21 seconds East for a distance of
368.63 feet to an R\W M.;
THENCE South 64 degrees 12 minutes 01 seconds East for a
distance of 25.12 feet to an R\W M.;
THENCE along a curve to the right having a radius of 1005.29
feet and an arc length of 227.96 feet, being subtended by a chord
of North 29 degrees 55 minutes 07 seconds East for a distance of
227.47 feet to an R\W M.;
THENCE North 32 degrees 36 minutes 18 seconds East for a
distance of 196.17 feet to an R\W M. at the true point of
beginning.

Said property contains 230.35 acres.

EXHIBIT "B"
SURVEY PLAT

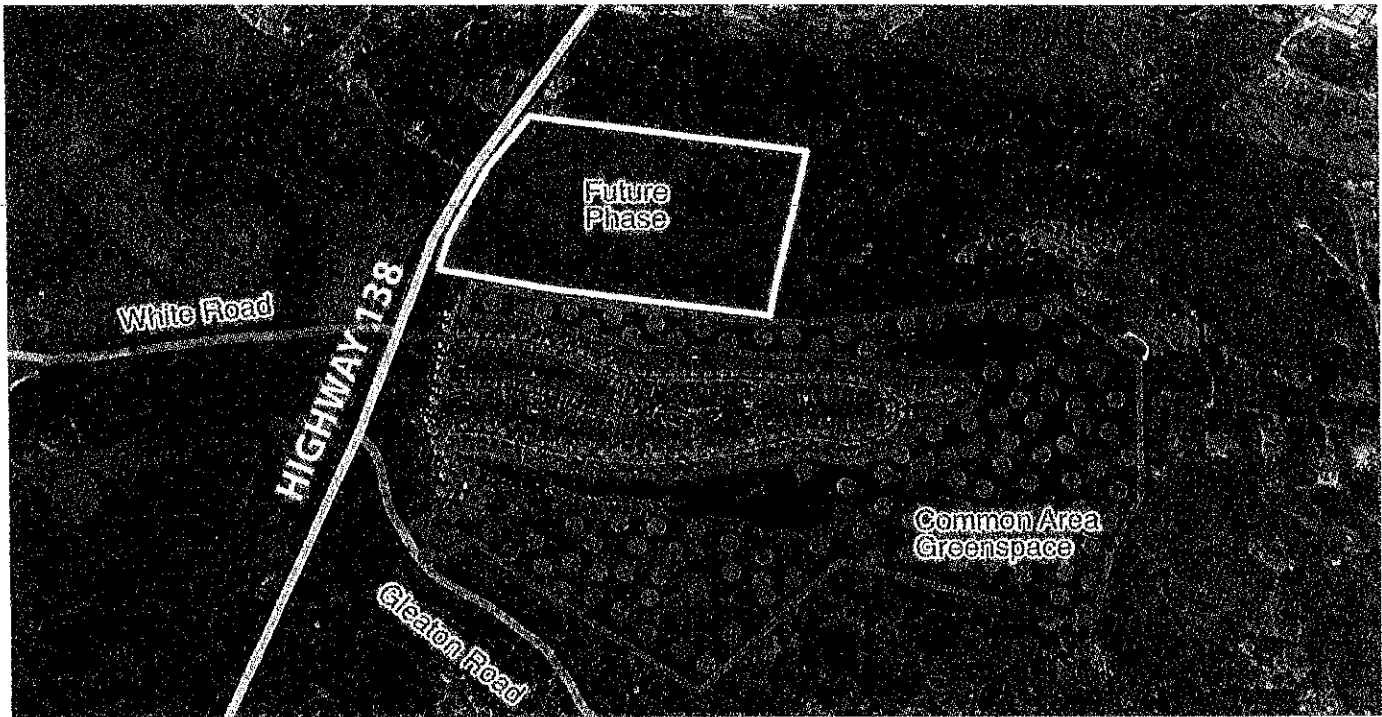
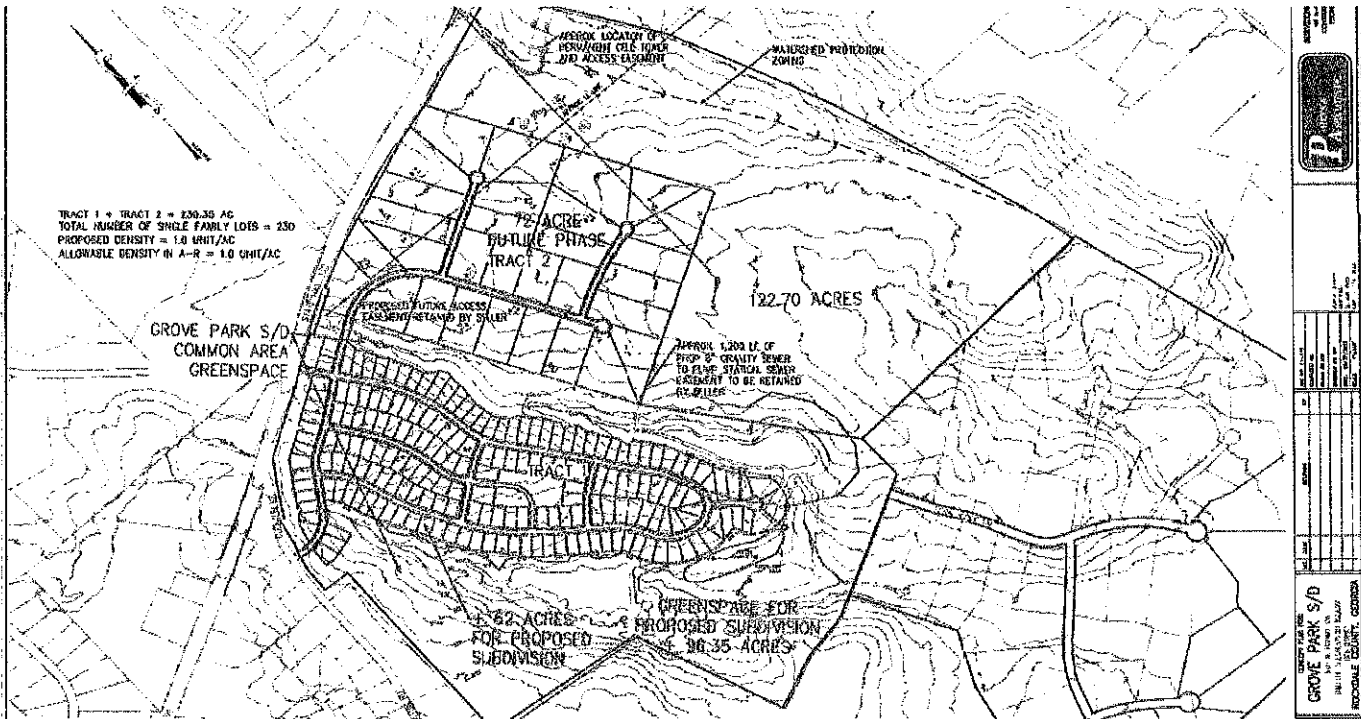


EXHIBIT "C"
CONDITIONS OF ZONING

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. A mandatory Homeowners' Association shall be established and shall be responsible for the maintenance of all the green space and common areas.
4. The Homeowners' Association covenants shall include a rental restriction of five percent (5%) of all single-family residential dwelling units.
5. All single-family detached units and townhome units shall have a two-car garage.
6. Provide a five-foot-wide concrete sidewalk along both sides of the proposed internal streets. Provide a two-foot-wide grass strip on all internal public roads between the back of the curb and the 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 concrete sidewalk along Highway 138 NE right-of-way. A ten-foot-wide landscape strip shall be provided within the existing right-of-way between the roadway and the sidewalk.
8. All grass 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. Stormwater detention ponds shall be screened from view from adjoining residential properties. Screening plans shall be subject to review and approval of the Director of Planning and Development.
14. 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.
- 15. The applicant shall request and seek approval from the Rockdale Department of Transportation for a dedicated right-turn lane from Gleaton Road to Highway 138 and traffic calming measures along Gleaton Road.**
- 16. The applicant shall provide a Tree and Landscape Plan with the submittal of an application for a Land Disturbance Permit (LDP).**