



**STAFF REPORT
SPECIAL USE
349 S. POPE STREET
SUP-2025-02-0374
APRIL 3rd, 2025**

APPLICANT Bryan Austin
OWNER: The Butler Athens, LLC
ZONING REQUEST: Special Use in RM-2
TYPE OF REQUEST: Type II
LOCATION: 349 S. Pope Street
TAX MAP NUMBERS: 171C1 A006
COUNTY COMMISSION DISTRICT: 4
PROJECT SIZE: 3.13 Acres
PRESENT USE: Residential Multi-Family
PROPOSED USE: Commercial Short-Term Rental
PUBLIC NOTICE POSTED: March 19th, 2025
STAFF RECOMMENDATION: ***DENIAL***
PLANNING COMM. RECOMMENDATION: ***PENDING***
MAYOR & COMMISSION AGENDA SETTING: .. April 15th, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION: May 6th, 2025 (tentative)

I. Summary Recommendation

The applicant is asking for a special use for a Commercial Short-Term Rental (C-STR) in a Mixed-Density Residential (RM-2) zone. The applicant is proposing to turn half of an existing duplex into a C-STR. This proposal would not see any expansion of the improvements that currently exist on the property and the applicant has indicated that there would be a maximum occupancy of four individuals within the left side of the existing duplex.

At the time of this report, the site is still undergoing renovations, so the C-STR would not be able to commence operation until the Certificate of Completion has been issued. No additional changes to the unit are proposed as part of this Special Use request. It is a change of use only.

Staff is concerned about the cumulative impact that C-STRs create on an already stressed housing market within Athens-Clarke County (ACC). Every unit that is permitted as a C-STR is a unit that is unlikely to be available to long-term residents. Typically, Special Use requests are analyzed on an individual basis and the proposal is judged on its unique qualities and location context. These “one-offs” may not create a problem in the context of the specific request, but collectively these C-STRs will remove housing from the market in a substantial way. While the Special Use does not remove the possibility of long-term rentals, the revenue generated from STRs leads Staff to believe that, in practice, these units will not be used for anything other than an STR.

Staff finds that the proposal satisfies the Special Use Criteria and is compatible with the Future Land Use Map, Zoning Map, and Code of Ordinances. However, it is only partially compatible with the Comprehensive Plan due to its potential to reduce the supply of housing. Staff is especially concerned about losing long-term units in neighborhoods that have multi-modal transportation options and are

close to necessary destinations and amenities, such as this neighborhood. This concern would be amplified if the Code of Ordinances were amended to allow more commercial short-term rentals, as is being considered. Viewed in isolation, this proposal meets the Special Use criteria. However, Staff's concerns about the effects this has on the small local housing market, especially given the property's proximity to multi-model, amenities, and necessities, means the potential of losing this unit has the potential for a larger negative impact. **Staff recommends denial.**

Planning Commission Recommendation: Pending

Purpose of Applicant Request

A. Proposal

The applicant proposes turning half of an existing duplex into a Commercial Short-Term Rental (C-STR). This C-STR would be within the existing structure on site and, according to the applicant, would have a total capacity of four individuals. There are also no proposed expansions to the property proposed.

B. Existing Conditions

The parcels to the north and east are zoned Mixed Density Residential (RM-2), parcels to the south are zoned Commercial General (C-G), and parcels to the west are zoned Mixed Density Residential (RM-1) and C-G. The duplex was originally built in 1952 according to the Tax Assessor's Office and has recently gone through the Construction Plans Review process to be updated. The property, at the time of this report, is undergoing renovations to all buildings with a minor amount of site work. The Building Inspections Department has confirmed to Staff that no Certificates of Completion have been issued. This property is situated in between W. Broad Street and Baxter Street, two prominent commercial corridors with easy access to bus stops along Baxter Street, necessities, and amenities.

II. Policy Analysis

A. Compatibility with Comprehensive Plan

The 2023 Comprehensive Plan calls for the following policies that **are** supported in this project:

- *Encourage the preservation and adaptive reuse of existing structures, especially those with historic value.*

The following policies that **are not** supported in this project:

- *Increase supply and variety of quality housing units, at multiple price points, in multiple locations, to suit the needs of a variety of households.*

This proposal does re-use and repurpose an existing building instead of tearing the structure down. However, if approved, this could potentially reduce the supply of housing for long-term residents. Legally, the Special Use adds the option to use the unit as a short-term rental, but does not prohibit using the unit for a long-term rental. However, all indications lead Staff to believe that the primary use would be a C-STR, rather than a long-term rental, which would reduce the available supply of housing. Overall, the proposal is partially compatible with the Comprehensive Plan.

B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *Mixed Density Residential*, which is described as follows:

Mixed Density Residential

These are residential areas where higher density residential development is allowed and intended. Limited nonresidential uses designed at a neighborhood scale may be incorporated into these areas (e.g. churches, schools, daycare facilities, small businesses and offices). Buildings should be oriented towards the street and include streetscape enhancements. Their design should include connections between uses, good pedestrian connections, and compatibility with public transit. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation.

No change to the Future Land Use Map is required since the proposed zoning action is already compatible with the Map. The proposal is compatible with the Future Land Use description for this area.

C. Compatibility with the Zoning Map

The applicant has requested a Special Use Permit in an RM-2 zone for a Commercial Short-Term Rental (C-STR). This C-STR is a comparable use to Bed and Breakfasts, which are allowed by-right in this zone. No change to the Zoning Map is required.

D. Consistency with Other Adopted ACCGov Plans, Studies, or Programs

As part of the Short-Term Rental program started by the Mayor & Commission, a third-party group has been hired to provide live data on the presence of STRs within Athens-Clarke County (ACC). At the time of this report, ACC has roughly 150 identified properties with live or recently live STRs in the RM zones, which are typically located in areas with good access to multi-modal transportation and necessities.

III. Technical Assessment

A. Environment

There are no environmental areas on the property.

The Arborist has reviewed the tree management plan and approved with the following comment:

- *Project will be expected to meet all requirements of the community tree management ordinance at time of development during plan review.*

B. Grading and Drainage

The Transportation and Public Works Department has reviewed the proposal and approved without comment.

C. Water and Sewer Availability

The Public Utilities Department has reviewed the proposal and recommended approval with the following comments:

- *ACC water and sanitary sewer is available*

- *Water services must be equipped with double check backflow preventors if not already equipped.*
- *Capacity is available to serve the proposed special use*

D. Transportation

The Transportation and Public Works Department has reviewed the proposal and recommended approval with the following comments:

- *No Traffic Engineering comments or concerns regarding this project's impacts to traffic congestion, traffic volume, or traffic signal operations.*
- *No comments regarding transportation planning initiatives or other projects.*

E. Fire Protection

The Fire Marshal has reviewed the proposal and approval with the following comment:

- *This property is classified as a one- or two-family dwelling under the Life Safety Code and, therefore, falls outside the jurisdiction of the Fire Marshal's Office.*

F. Compliance with the Zoning Ordinance and Development Standards

All exemptions to the zoning and development standards must be identified in the application prior to approval of a binding proposal since the development will otherwise be expected to adhere to the ordinance standards.

Special Use requests are evaluated using the following criteria:

- a) *Similarity in scale, bulk, and coverage.*

The applicant is not proposing any expansions or changes to the site.

- b) *Character and volume of traffic and vehicular parking generated by the proposed use and the effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*

The applicant has stated that the maximum occupancy would be four individuals which would most likely not create a noticeable uptick in traffic and vehicular parking. The current two parking spaces on site should be sufficient and traffic will be consistent with a residential use.

- c) *Architectural compatibility with the surrounding area.*

The applicant is not proposing any changes to the architecture of the duplex.

- d) *The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality, including the generation of smoke, dust, odors, or environmental pollutants.*

The request is to have a commercial short-term rental, which only affects the use of the structure. The property has no environmental areas, and the recently approved Construction Plans Review application will follow all TPW environmental standards. As such, there is no inherent environmental impact.

- e) *Generation of noise, light, and glare.*

The applicant is not proposing any new exterior lighting. Any new lighting would need to be reviewed by Staff to ensure compliance. STRs have been discussed for issues with noise, but this is an issue that is handled through enforcement of the noise ordinance and community expectations of neighborliness. Nearby residents within 300 feet of the property will be provided

a 24-hour contact by the applicant in the event that a nuisance needs to be dealt with. Generally, Staff sees this proposal as a low-impact use that would be unlikely to generate excessive noise, light, or glare.

- f) *The development of adjacent properties compatible with the future development map and the zoning district.*

There is no change to the Future Land use map and there is no change to the parcel's underlying RM zoning, so this is unlikely to impact the development of adjacent properties.

- g) *Impact on future transportation corridors.*

Staff does not see this use generating enough trips to impact the corridor.

- h) *Impact on the character of the neighborhood by the establishment or expansion of the proposed use in conjunction with similar uses.*

The surrounding area is primarily other multifamily complexes. This property also sits between multiple major corridors, and is close to both the University of Georgia and Downtown. With a fairly transient population, both for the subject property and the surrounding area, Staff does not see the proposed STR as a deviation from the established neighborhood character. However, it should also be said that at the time of this report, there are nine active STRs within a one-block radius of this property. Seven of these STRs are currently on the Legal Non-conforming List. With the ease of access to multiple key areas of the greater downtown area, Staff does see a potential impact on the neighborhood's character as these C-STR uses take away more and more rentable units. Viewed in isolation, there is no concern for this change to occur with each individual C-STR. However, Staff has concerns about the cumulative impact C-STRs may have on these neighborhoods.

- i) *Other factors found to be relevant by the hearing authority for review of the proposed use.*

There are no other factors found to be relevant. In Staff's opinion the request meets all of the Special Use criteria.

End of Staff Report.

Reviewed

Zoning Criteria Considered by Staff

The following factors have been considered as set forth in *Guhl v. Holcomb Bridge Road Corp.*, 238 Ga. 322, 232 S.E.2d 830 (1977).

- ☒ The proposed zoning action conforms to the Future Land Use map, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the Mayor and Commission.
- ☒ The proposed use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the Comprehensive Plan and all its elements.
- ☒ The proposal will not adversely affect the balance of land uses in Athens-Clarke County.
- ☒ The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.
- ☒ The existing land use pattern surrounding the property in issue.
- ☒ The possible creation of an isolated district unrelated to adjacent and nearby districts.
- ☒ The aesthetic effect of existing and future use of the property as it relates to the surrounding area.
- ☒ Whether the proposed zoning action will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
- ☒ Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if zoned as requested will not alone constitute a significant detriment.
- ☒ Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.
- ☒ Public services, which include physical facilities and staff capacity, exist sufficient to service the proposal.
- ☒ The population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities, and streets.
- ☒ The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.