



**STAFF REPORT
REZONE
780 MACON HWY
ZONE-2025-08-1567
SEPTEMBER 4th, 2025**

APPLICANT: Peter Mazur
OWNER: The Princeton Corporation
ZONING REQUEST: RS-5 to RM-1
TYPE OF REQUEST: Type II
LOCATION: 780 Macon Hwy
TAX MAP NUMBERS: 132 053A
COUNTY COMMISSION DISTRICT: District 7
PROJECT SIZE: 2.63 Acres
PRESENT USE: Undeveloped
PROPOSED USE: Multifamily Residential
PUBLIC NOTICE POSTED: August 20th, 2025
STAFF RECOMMENDATION: **APPROVAL**
PLANNING COMM. RECOMMENDATION: **PENDING**
MAYOR & COMMISSION AGENDA SETTING: .. September 16th, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION: October 7th, 2025 (tentative)

I. Summary Recommendation

This proposal is to rezone an undeveloped 2.63 acre property from Single-Family Residential (RS-5) to Mixed-Density Residential (RM-1). The applicant's non-binding concept is to build eight townhome-style units at the front of the property. Much of the property is not developable due to the 100-foot riparian buffer, 100-year floodplain, and steep slopes that are found on the site.

The request brings back into focus the changing landscape of Macon Hwy over the past few years. The Glenview subdivision, Puritan Mill, and Linden Lane apartments are recent developments that have continued the trend of residential growth, along with the well-established Bulldog Crossing and River Oaks apartments. There are limited parcels that are within the public sanitary sewer service area that have not been developed - typically due to difficult circumstances with the property. This property is no different, and as the applicant points out, the property probably would have been developed already if not for the challenging topography and environmental buffers.

Staff finds that the requested RM-1 zoning is consistent with the type of development pattern that has already been occurring along this corridor. RM-1 is also the next category up from the RS-5 zone in terms of residential development yield, but RM-1 provides greater flexibility for development on a difficult parcel. With old-growth hardwood trees and environmental areas to the rear, any project at this site will need to maximize the relatively modest amount of developable area while also meeting the adopted land use goals for the area and working with the available infrastructure.

The rezone and concept plan are compatible with the Comprehensive Plan due to the proposed increase in supply and variety in housing possible. The rezone is also compatible with the Future Land Use Map. Staff's review focuses more on the requested zoning change and less on the concept

plan, as it is non-binding. However it should be noted that if these units were to be fee-simple, some changes would need to be made as both the subdivision standards and the multifamily standards would need to be applied. The parking lot shown also has a space or two located within the front yard, which is not allowed. Both of these corrective actions would be worked through during the Plans Review process. Therefore, **Staff is recommending approval of the request.**

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

The proposal is to rezone a 2.63 acres property from Single-Family Residential (RS-5) to Mixed-Density Residential (RM-1). The applicant has put forward a concept plan showing eight townhome-style units. The location of the units shown on the concept plan is the only feasible location for construction due to the riparian buffers, flood plains, and topography of the site. The applicant has stated that these units will be between 2,000 and 2,200 square feet and will be 24 feet tall. Each unit will include a two-car garage in order to meet the minimum parking standards. Architectural elevations were not provided, but are not required as part of this zoning request.

B. Existing Conditions

This property has never been developed and includes a legacy forest on the back half of the property. The Middle Oconee River forms the northern border and the Macon Highway bridge sits to the east. The properties to the west are zoned Single-Family Residential (RS-5), and properties to the south are zoned Mixed-Density Residential (RM-1). There are significant environmental constraints on the site, including the 100-foot riparian buffer and 100-year flood plain. This heavily restricts the property's buildable area. There are also significant topographical changes throughout the site.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

The 2023 Comprehensive Plan calls for the following policies that **are** supported in this project: (use as applicable)

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

Overall, the proposal is compatible with the Comprehensive Plan. Townhome-style apartments have become more frequent, but they are still a housing type that Athens does not have much of relative to other housing types. If these units were to be fee-simple or offered as condominiums, the proposal would fall more in line with the Comprehensive Plan, as they would provide additional home ownership opportunities.

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 rezone from RS-5 to RM-1. The following information has been provided to compare the difference in development intensity between the existing RS-5 zoning and the requested RM-1 zone. Broadly, a comparison of scale, use, and design is offered here to help decision makers evaluate the changes that would be allowed if the request is approved. In terms of building scale, the following chart illustrates the differences in size and scale of buildings that could be constructed:

Standard	CURRENT RS-5 Zoning	REQUESTED RM-1 Zoning
Minimum Lot Size	5,000	5,000
Density	6 units per acre	16 units per acre
Max Lot Coverage	50%	55%
Max Building Height	30 feet	30 feet
Setbacks (front/rear/side)	15/10/6	15/10/6
Conserved Canopy	15%	35%
Total Canopy	40%	55%
Parking	2 spaces/unit	2 spaces/unit

The Athens-Clarke County Zoning Ordinance includes a list of defined uses and designates where they can or cannot be established. For this request, the most noticeable difference between the current RS-5 zoning and the proposed RM-1 zoning is the allowance for multifamily residential uses and that RS-5 zoning would allow more bedrooms than RM-1. Also the conserved canopy required is much higher for the RM-1 zoning.

The proposed RM-1 zone is compatible with the Zoning Map as the standards do not deviate far from the current RS-5 zone, besides density and conserved canopy. Staff finds that given the context of the property, with Macon Highway at the front, the Middle Oconee River to the east and rear, and a clubhouse to the west, these two points of major difference do not disrupt the character of the area.

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

Athens In Motion has designated Macon Highway as a Tier 2 priority and as a Tier 1 Pedestrian Project. Portions of this project have already been completed at the intersection of S. Milledge/Macon Hwy. The Greenway Network Plan also has a proposed multi-use trail along the riverfront of this property.

IV. Technical Assessment

A. Environment

This property abuts the Middle Oconee River, which has a 100-foot riparian buffer from the center of the river. The first 25 feet is state-mandated, and the remaining 75 feet is ACCGov-mandated. Along with this riparian buffer, a portion of this property is within a 100-year floodplain. The buffer and floodplain restrict a large portion of the property from being developed. The concept plan provided shows, in general, the area of the property that is feasibly developable.

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

- *ACC Arborist recommends approval. 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 & 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 approved with the following comment:

- *ACC water and sanitary sewer are available*
- *Capacity is available to serve the proposed build out of 3,840 GPD*
- *The maximum allowable build out per the current zoning is 6,312 GPD*
- *The maximum allowable build out per the proposed zoning is 5,050 GPD*

D. Transportation

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

E. Fire Protection

The Fire Marshal has reviewed the proposal and approved without comment.

F. Compliance with the Zoning Ordinance and Development Standards

Since a binding plan is not required or proposed with this request, Staff reviewed the plan for general compliance with the Code. If approved the proposal will be reviewed for code compliance at the time of permitting review. The applicant has not made any waiver requests, so they will be expected to comply with all of the applicable standards. Signage and lighting are not reviewed at this stage, but the applicant is expected to adhere to those standards as well.

Corrective Actions:

1. *If townhomes are fee-simple, the concept shown will need to meet subdivision standards as well as multi-family standards.*
2. *Parking lots cannot have any portion in the front yard.*

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.