



**STAFF REPORT
SPECIAL USE
1580 BARNETT SHOALS ROAD
SUP-2025-04-0678
May 1st, 2025**

APPLICANT Alex Akins
OWNER: Parkside Cottages, LLC
ZONING REQUEST: Special Use in RM-2
TYPE OF REQUEST: Type II
LOCATION: 1580 Barnett Shoals Road, Unit 1010
TAX MAP NUMBERS: 182B 035
COUNTY COMMISSION DISTRICT: District 8
PROJECT SIZE: 3 Acres (Subject Area: 0.01 Acres)
PRESENT USE: Residential Multi-Family
PROPOSED USE: Commercial Short-Term Rental
PUBLIC NOTICE POSTED: April 16th, 2025
STAFF RECOMMENDATION: ***DENIAL***
PLANNING COMM. RECOMMENDATION: ***PENDING***
MAYOR & COMMISSION AGENDA SETTING: .. May 20th, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION: June 3rd, 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 a standalone apartment unit, within a larger complex, 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 six individuals.

The unit proposed for C-STR use is within a multi-family project that received approval from the Mayor and Commission on November 14, 2023, to be rezoned from Commercial-Office (C-O) to Mixed Density Residential (RM-2). This date of approval pre-dates the adoption of the current C-STR standards. The applicant report associated with the rezoning application notes the following as justification for the intended use of the multi-family development:

- *It (the parcel) is situated along a mostly multi-family corridor with easy pedestrian access to nearby shopping and the ACC bus line. Due to these factors and the ability to work around the terrain more in a residential cottage style development, the property is better suited for residential use than commercial use.*
- *The plan would be for all of the units to be 1-bedroom units which would be very desirable to graduate students, vet school students, and young professionals. After the covid pandemic, 1-bedroom housing units have become very desirable with a very low existing inventory.*

- *There is also a large shortage of grad student and young adult housing in the area, especially near the vet school.*
- *The proposed use consists of up to 66 multi-family 1-bedroom units.*

At the time of this report, the site is still undergoing construction, meaning the C-STR would not be able to commence operation until the Certificate of Occupancy has been issued for the site and building. No additional changes to the unit are proposed as part of this Special Use request. It is a change of use only. Three two-bedroom units have been approved for the project by-right, but the overall yield for the project is 66 bedrooms, which is allowed by-right in the RM-2 zone.

Staff's analysis of this request includes concern for 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 rental occupancy, the relative increase in revenue generated from STRs leads Staff to the conclusion that, in practice, these units will not be used for any occupancy other than an STR. Staff is especially concerned about losing long-term residential units in neighborhoods that have multi-modal transportation options and are in close proximity to necessary household-supportive destinations and amenities, such as this neighborhood.

The background statements associated with the approved Short-Term Rental ordinance adopted February 6, 2024, include the three sections below. The issues and concerns raised in these statements provide context and guidance for the application of the Special Use criteria in the review of this request.

Section (e): "Renting residential units as STRs has impacted the housing stock in Athens-Clarke County, making housing less available and less affordable for residents or those people wishing to move to Athens-Clarke County"

Section (h): The Commission desires to exercise its zoning powers to create land use regulations and standards for STRs that reasonably and rationally address quality-of-life concerns.

Section (k): "This district [mixed density residential] is designed to provide an environment suitable for urban living. The RM district is intended for residential uses and appurtenant community services. This district is designed in such a manner that it can be applied to a wide range of areas due to the range of residential densities possible."

STR Home Occupation Applications (STR Home Occs) are allowed by-right in most zones, including at this property. Because STR Home Occs have a long-term residence requirement for approval, their impact on unit availability for long-term occupancy in the housing market is less than that of C-STRs.

Given the property's proximity to multi-modal transit options, amenities, and necessities, the potential benefit of keeping this unit available for long-term resident use could have a larger positive impact than losing a unit to C-STR occupancy in a location that has fewer household-supportive uses and destinations nearby.

Staff finds that the proposal is compatible with the Future Land Use Map, Zoning Map, and Code of Ordinances. However, it is not compatible with the Comprehensive Plan due to its potential to reduce the supply of available long-term housing. Staff does not believe this proposal meets the Special Use criteria. For these reasons and those listed previously, **Staff recommends denial.**

Planning Commission Recommendation: Pending

Purpose of Applicant Request

A. Proposal

The applicant proposes turning a standalone apartment unit into a Commercial Short-Term Rental (C-STR). This C-STR would be within the existing 2-bedroom structure on site (Unit #1010) and, according to the applicant, would have a total capacity of six individuals. There are no proposed expansions or related improvements to the property proposed as part of this application.

B. Existing Conditions

The parcels to the north and west are zoned Commercial Office (C-O), parcels to the east are zoned C-O and Mixed-Density Residential (RM-1), and parcels to the south are zoned Mixed Density Residential (RM-2). The property is currently being developed into a multi-family apartment complex. This property is situated at the corner of Barnett Shoals Road and Research Drive, with this section of Barnett Shoals being situated near commercial corridors with easy access to a bus stop on the north side of Research Drive, necessities, and amenities.

II. Policy Analysis

A. Compatibility with Comprehensive Plan

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.*

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, given prevailing rents, it is unlikely that the unit would be available as a long-term residence, reducing the supply of housing. Overall, the proposal is not 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). No change to the Zoning Map is required.

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

The Athens-Clarke County Affordable Housing Investment Strategy Report (2023), “Housing Challenges” section specifies that “37% of all households within ACC make \$50,000 or less with renters specifically having 64% making less than \$50,000. The study also points out that over the past decade, “the pressure on the housing market has grown as more households (+20%) have been added than homes (+5%). Growing market pressure along with some degree of increased real estate investor activity has contributed to rents increasing significantly faster (54%) than household incomes (29%)” (pg. 8). HCD found that 8,800 rented households making under \$35,000 cannot afford their rent (pg. 15). With 76% of affordable rental units in ACC being over 20 years old (pg. 83), ACC needs to expand access in order to combat most of these pressures. The data indicates ACC’s housing and rental markets have a constraint that STRs exacerbate, and the analysis of this data suggests that C-STRs do not give any relief to these housing issues. If the prime locations to purchase a property are areas that have a natural affordability, STRs become yet another practice that diminishes access to housing.

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 recommended 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 without comment.

E. Fire Protection

The Fire Marshal has reviewed the proposal and recommended approval without comment.

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 six individuals, which would most likely not create a noticeable increase in traffic and vehicular parking. The current two parking spaces on site should be sufficient

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

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

- 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 construction-related 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 property management practices and enforcement of the noise ordinance. The applicant has also indicated a decibel reader being installed as well as “quiet hours” from 9PM to 9AM. 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. Staff finds that this proposal has the potential to generate excessive noise, but light and glare should not be a problem.

- 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 and commercial uses. 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. With the ease of access to multiple key areas, Staff does see a potential impact on the neighborhood’s character

as C-STR uses remove 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.*

Staff notes the collective impact of STRs because of the Special Use Criteria's broad language and implementation. This "one-size-fits-all" approach renders the criteria almost ineffective in responding to STRs specifically. This use does have a real impact on the community, both in the immediate area and the county as a whole.

At the time of this report, ACC – through the third-party group Deckard – has identified 224 properties that have had an STR in RM zoned properties, 97 of those being on the Legal Non-Conforming STR List. Under the current ordinance, one accommodation per parcel means the total number of STRs in RM zones allowed is 6,328. This cumulative impact hinders the housing market but has a clearly defined ceiling of one STR per parcel.

Staff's evaluation finds that the request does not meet 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.