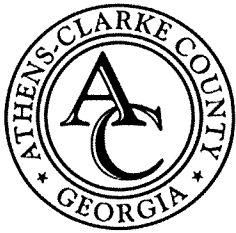


**ATHENS-CLARKE COUNTY PLANNING COMMISSION  
RECOMMENDATION**

<b>DATE:</b> January 8, 2026				<b>FILE NO:</b> SUP-2025-12-2423			
<b>LOCATION:</b> 249 Fifth Street <b>APPLICANT:</b> Daniel MacDougald <b>OWNER:</b> MACWood Properties LLC <b>REQUEST:</b> Special Use in RM-1 (Mixed-Density Residential) <b>COMMISSION DISTRICT:</b> Two							
<b>PLANNING COMMISSION MOTION AND RECOMMENDATION:</b>							
NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Chair: Kristen Morales Present				Carey McLaughlin Absent			
Vice-Chair: Sarah Gehring Present	X			Taylor Pass Present	X		
Jen Fleece Absent				Alexander Sams Present		X	
Sara Beresford Present	X			Monique Sanders Present	X		
Matthew Hall Absent				Michael Lord Present			X
NOTE: Chair does not vote except in case of tie.				TOTAL VOTES:			
<p><b>For:</b> Daniel MacDougald</p> <p><b>Against:</b> None</p> <p><b>Discussion:</b> Commissioners stated their concern with commercial short-term rentals as a whole, and the special use process.</p> <p><b>Motion:</b> Ms. Gehring made a motion for denial. Mr. Pass seconded the motion, which passed 4-1 with Mr. Lord abstaining.</p>							



**STAFF REPORT  
SPECIAL USE PERMIT  
249 FIFTH STREET  
SUP-2025-12-2423  
JANUARY 8, 2026**

APPLICANT.....Danny MacDougald  
OWNER: .....MACWOOD Properties LLC  
ZONING REQUEST: .....Special Use in RM-1  
TYPE OF REQUEST: .....Type II  
LOCATION: .....249 Fifth Street  
TAX MAP NUMBERS: .....163D2 D006  
COUNTY COMMISSION DISTRICT: .....District 2  
PROJECT SIZE: .....0.1 Acres  
PRESENT USE: .....Single-Family Residential  
PROPOSED USE: .....Commercial Short-Term Rental  
PUBLIC NOTICE POSTED: .....December 23, 2025  
STAFF RECOMMENDATION: .....***DENIAL***  
PLANNING COMM. RECOMMENDATION: .....***DENIAL***  
MAYOR & COMMISSION AGENDA SETTING: ...January 20, 2026 (tentative)  
MAYOR & COMMISSION VOTING SESSION: .....February 3, 2026 (tentative)

**I. Summary Recommendation**

The applicant is requesting a Special Use Permit for a Commercial Short-Term Rental (C-STR) in a Mixed-Density Residential (RM-1) zone at 249 Fifth Street. The applicant is proposing to turn an existing single-family residence into a C-STR. This proposal would not see any expansion of the improvements that currently exist on the property.

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 Permit 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 could 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 close to necessary household-supportive destinations and amenities, such as this neighborhood. Some of the reasons a location is good for a C-STR are also why it's a good location for a long-term residential use, and the provision of such housing has been stated to be a community priority.

The background statements associated with the approved Short-Term Rental ordinance, adopted February 6, 2024, include the three sections below. As the application was received prior to the adoption of the most recent Short-Term Rental Ordinance dated December 2, 2025, the prior

ordinance's criteria will be used. 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 Occupations) are allowed by-right in most zones, including at this property. Since STR Home Occupations have a long-term residence requirement for their impact on unit availability for long-term occupancy in the housing market is negligible, especially compared to C-STRs

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

## **II. Purpose of Applicant Request**

### **A. Proposal**

The applicant proposes turning a single-family residential house into a Commercial Short-Term Rental (C-STR). This C-STR would be within the existing structure on site. There are no proposed expansions or related improvements to the property proposed as part of this application.

### **B. Existing Conditions**

The surrounding parcels are all zoned Mixed Density Residential (RM-1). This property is approximately situated between North Avenue and the east-west Seaboard Coast Railroad Line. Built in approximately 1925, the structure is approximately 1500 square feet, after a 500 square foot addition was added in January of 2025.

### **III. Policy Analysis**

#### **A. Compatibility with Comprehensive Plan**

The following policies **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 *Traditional Neighborhood*, which is described as follows:

##### *Traditional Neighborhood*

*These are medium density neighborhoods with traditional quality developments. These areas should include well-connected street systems, sidewalks, street trees, and a variety of housing types. Homes are often built close to the street with front porches. Garages are set back farther than the homes and porches. Traditional Neighborhood areas support single-family residences, duplexes which resemble large homes, and townhouses. Strict design standards should be implemented to ensure appropriateness of design and to protect neighborhood character. Limited commercial and other non-residential uses designed at a neighborhood scale are encouraged, but only in areas close to principal and minor arterial routes that have good access to transit.*

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-1 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 Athens-Clarke County (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). ACCGov’s Housing and Community Development Department 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.

## **IV. Technical Assessment**

### **A. Environment**

This property does not have an environmental area on the property. The Arborist has reviewed the tree management plan and recommends approval 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 and Public Works Department has reviewed the proposal and recommended approval without comment.

### **C. Water and Sewer Availability**

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

- *ACC water is available*
- *ACC sanitary sewer is NOT available*
- *Capacity is available to serve the proposed special use*
- *Water services must be equipped with double check backflow preventors if not already equipped*
- *PUD recommends approval*

### **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.

### **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 not increase, which would most likely not create a noticeable increase in traffic and vehicular parking. The current two assigned 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.

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 with the ACCGov lighting ordinance. STRs have sometimes been associated with excessive noise, but this is an issue that is handled through property management practices and enforcement of the noise ordinance. Nearby residents 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 mixed-density residential 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. 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.*

As noted above, this application was received prior to the changes made by the Athens-Clarke County Mayor & Commission on December 2, 2025 which would not allow for a Special Use Permit under any circumstances in the RM zone. However, as this application was received while the February 6, 2024 ordinance was still in place, this application was reviewed under those standards.

Staff also notes that under the previous Special Use Criteria the language is purposefully broad in order to apply to a range of uses. This approach allows for uses to be judged on their impacts within the context of their location. For STRs, this context-specific emphasis in the criteria does not specifically account for broader community-wide impacts. C-STR uses introduce hyper-transient tenancy and singularly commercial focus into residential areas that do not typically exhibit these characteristics.

Staff's evaluation finds that the request does not meet all of the Special Use criteria.

***End of Staff Report.***

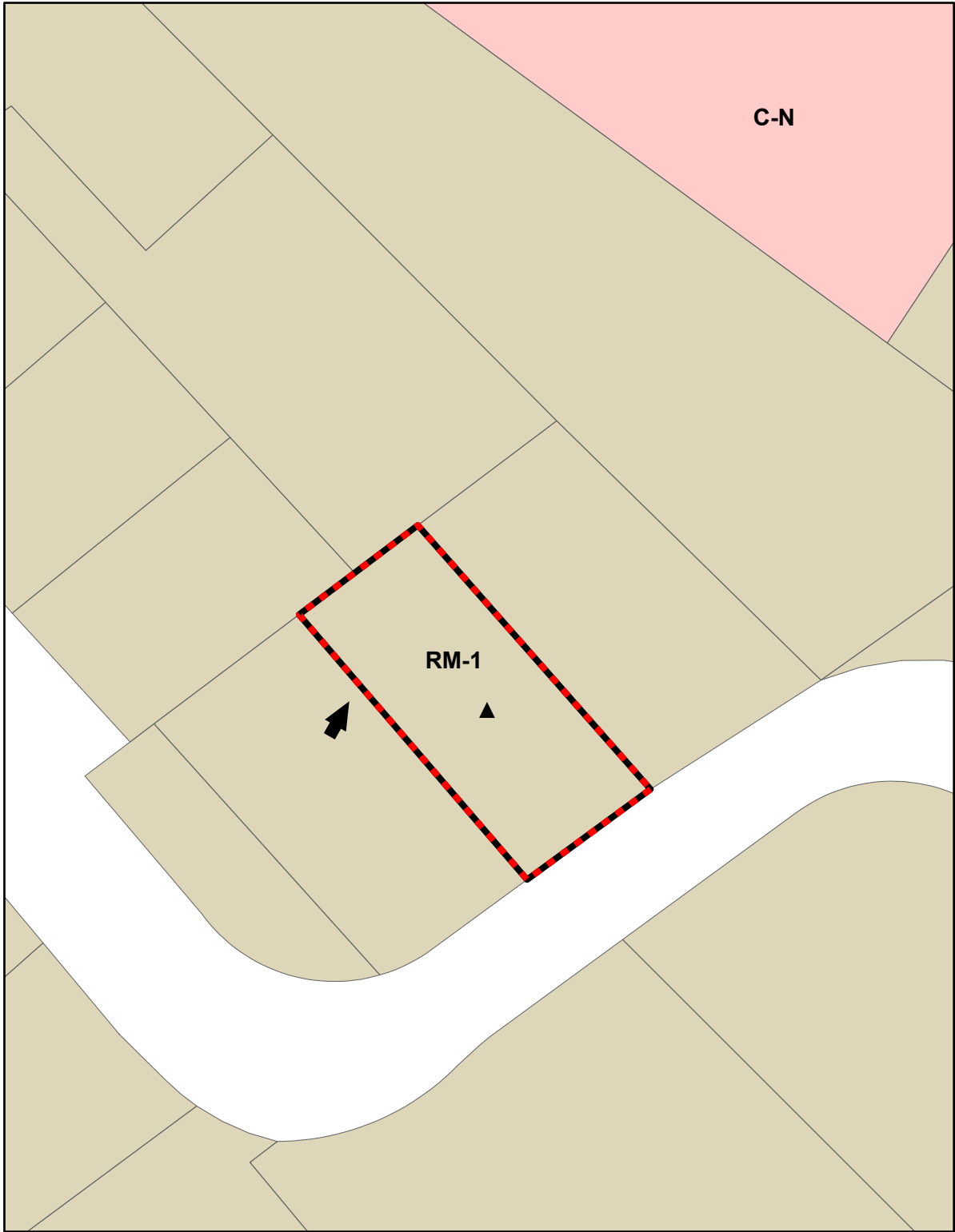


## Reviewed

## 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.

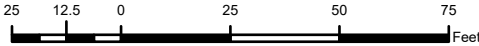


# The Official Zoning Map of Athens-Clarke County

## Legend

- P, Parks
- IN, Institutional
- C-G, Commercial-General
- C-D, Commercial-Downtown
- C-N, Commercial-Neighborhood
- C-O, Commercial-Office
- C-R, Commercial-Rural
- E-I, Employment-Industrial
- E-O, Employment-Office
- G, Government
- I, Industrial
- AR, Agricultural Residential  
(1 unit per 10 acre density)
- RM-1, Mixed Density Residential  
(16 multi-family units per acre)
- RM-2, Mixed Density Residential  
(24 multi-family units per acre)
- RM-3, Mixed Density Residential  
(50 multi-family units per acre)
- RS-5, Single-Family Residential  
(5,000 sq. ft. min. lot area)
- RS-8, Single-Family Residential  
(8,000 sq. ft. min. lot area)
- RS-15, Single-Family Residential  
(15,000 sq. ft. min. lot area)
- RS-25, Single-Family Residential  
(25,000 sq. ft. min. lot area)
- RS-40, Single-Family Residential  
(40,000 sq. ft. min. lot area)
- Winterville Boundary
- Bogart Boundary
- ACC Boundary
- Downtown Design Areas  
(DHD), Downtown Historic District  
(WD), West Downtown  
(ED), East Downtown  
(DS), Dougherty Street  
(RIV), River  
(WE), West End
- Airport Overlay  
AZ1, Precision Approach Zone  
AZ2, Larger Than Utility Runway Nonprecision Approach Zone  
AZ3, Utility Runway Nonprecision Approach Zone  
TZ, Transitional Zone  
RPZ, Runway Protection Zone  
PSZ, Primary Surface Zone
- 78/316 Special District Overlay
- Planned Development
- Zoning with Conditions
- Historic District
- RM-LTD, Mixed Density Residential Limited Overlay
- Conditional Use
- GSRC, Gaines School Road Corridor Special District Overlay
- MAC, Milledge Avenue Corridor Special District Overlay
- WBS, West Broad Street Special District Overlay
- Railroads
- Special Use
- Historic Landmark

Parcel boundaries of the site are determined by legal description. The parcels shown on this map are to be used only as a guide.



ATTACHMENT A	SUP-2025-12-2423 Special Use Permit		
	249 FIFTH STREET		
630	Daniel MacDougald MACWood Properties LLC		
FROM: RM-1		TO: Special Use in RM-1	
TAX PARCEL #		PLANNING COMMISSION MEETING DATE	ATHENS-CLARKE COUNTY COMMISSION MEETING DATE
163D2 D006		January 8, 2026	February 3, 2026





Traditional  
Neighborhood

Traditional  
Neighborhood

Traditional  
Neighborhood

Traditional  
Neighborhood

Fifth St

Fifth St

**249 FIFTH STREET**

Current Future Land Use: Traditional Neighborhood





## SPECIAL USE APPLICATION REPORT

249 Fifth St, Athens GA

- A. The proposed zoning of this House to be used for STR is compatible with all current and future plans for city because it doesn't change anything about this property. It's currently a single-family home and will remain a single family home. There will be no changes to the structure or use at all. The only change will be that instead of the house being rented long term or Sold to someone that lives their permanently the house would be rented short term. This is a house that was built in 1925 and we restored it earlier this year, we have attempted to both rent and sell the house with little interest in either. I believe this is because the 1925 floor plan is not compatible with the desires of society in 2025. The two bedrooms require you to walk through the living room or kitchen to get to a very small bathroom. I believe this is why there has been little to no interest in purchasing or renting this restored historic home.
- B. Yes this proposed use is in conformance with all standards within the zoning district. This district already has other homes permitted and being used as Short term rentals. The proposed use of this house does not violate any state or federal laws
- C. Yes there is adequate capacity of Athens-Clarke County water and sewer, The house sits on an already paved road, There will be no change to Electrical or Urban storm drainage and there is adequate transportation infrastructure already in place. The Proposed use will diminish the burden on all of these systems as the house will not be occupied full time and the short-term renters will likely never use the public transportation system.
- D. The zoning proposal will not have an adverse impact on the surrounding area. In comparison to someone living in this house full-time, the proposed use will have no impact on infrastructure. It is the exact same plan as already existing homes in the area already zoned for STR use. It will have a positive impact on the surrounding areas, downtown in particular. The people renting for a short time won't be cooking meals, they will be going downtown and spending money at our local restaurants and shops. This is likely true of any visitors but particularly with visitors staying close to downtown.
  - 1) We are seeking to follow in the footsteps of the short-term
  - 2) rentals that are already in the neighborhood.

2) There will be no impact on parking or traffic when compared with renting the house to long term renters or homeowners. There will be a huge increase in traffic and dollars spent in Athens when compared to the effect this house has had for the previous 5-6 months while I've tried unsuccessfully to rent or sell it and it's sat vacant. The short-term renter is not cooking at home, and they come ready to spend money. There will also be a cleaning service that comes after every short stay, and they will generate traffic and earn money to spend in the local economy.

3) The already completed rehabilitation of the house didn't change the architectural structure of the house so there will be no impact on this house remaining compatible with the neighborhood.

4) There will be no adverse impact on the environment, The house is in the condition it will be in at the end of the approval process. There will be no effect on soil or drainage. There will be no generation of smoke, dust, odor or environmental pollutants.

5) There will be no additional generation of noise, glare or light from what would be generated from the house being rented long term or from a family purchasing it and living there permanently.

6) There will be no impact on the development of adjacent properties. The city's future development plans will not be impacted at all.

7) There will be no impact on future transportation corridors. This special use permit does not change anything about the house or the city's infrastructure.

8) This special use permit does not change anything about the character of the neighborhood. The rehabilitation of the house was done with not changing the character of the neighborhood in mind.

9) I'm not aware of any other factors but if there are other concerns I can answer by phone, email, or in person at the hearings.

UNRELATED: there is a driveway large enough to accommodate one car per bedroom



# Binding

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDING OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA, AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

THOMAS R. PAUL, GA.RLS2474

CAPITAL ESTATES LLC  
T.P. 163 D2 D003F

CAPITAL ESTATES LLC  
T.P. 163 D2 D003E

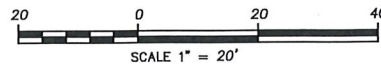
0.10  
ACRE  
T.P. 163 D2 D006  
ZONED RM1

ARNOLD ESTATE  
T.P. 163 D2 D008  
ZONED RM1

STEVENS  
T.P. 163 D2 D005  
ZONED RM1

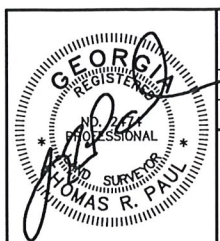
FIFTH STREET  
PAVED - 40' R/W

MAGNETIC NORTH



I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

RETRACEMENT SURVEY



SURVEY FOR:			
MACWOOD PROPERTIES LLC			
GRID: 216	COUNTY: ATHENS - CLARKE	STATE: GEORGIA	DATE: 12-23-24
THEODOLITE: TOPGUN	DIST. EQUIP.: TOPGUN	CLOSURE: 1"/30,000'	ADJUSTMENT: NONE
SURVEYED BY:			
<b>THOMAS R. PAUL</b> LAND SURVEYING P.O. BOX 198 LEXINGTON, GA. 30648 706-433-1037			
ADJ. CLOSURE: 1"/30,000'		DRAWN BY: T. PAUL	
FIELD BOOK: TDS DM		DRAWING NO.: 22429	

