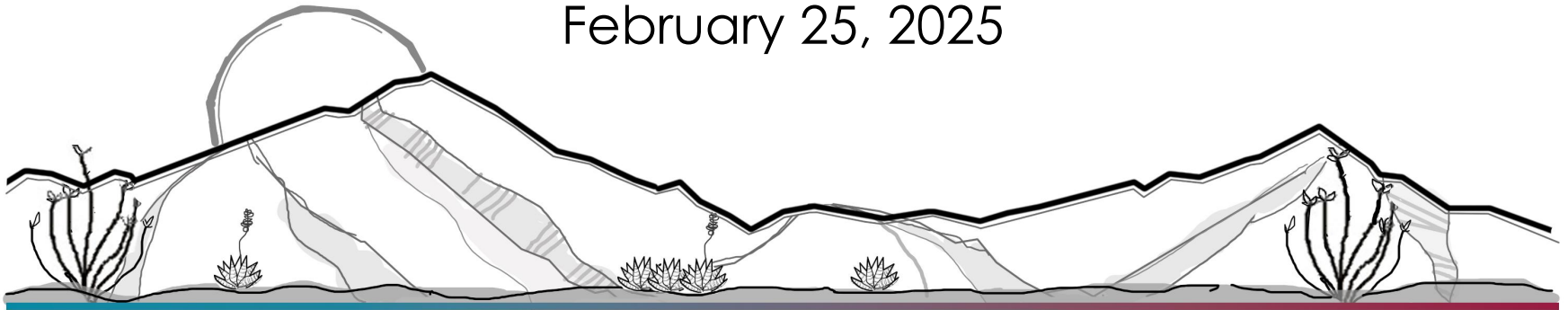


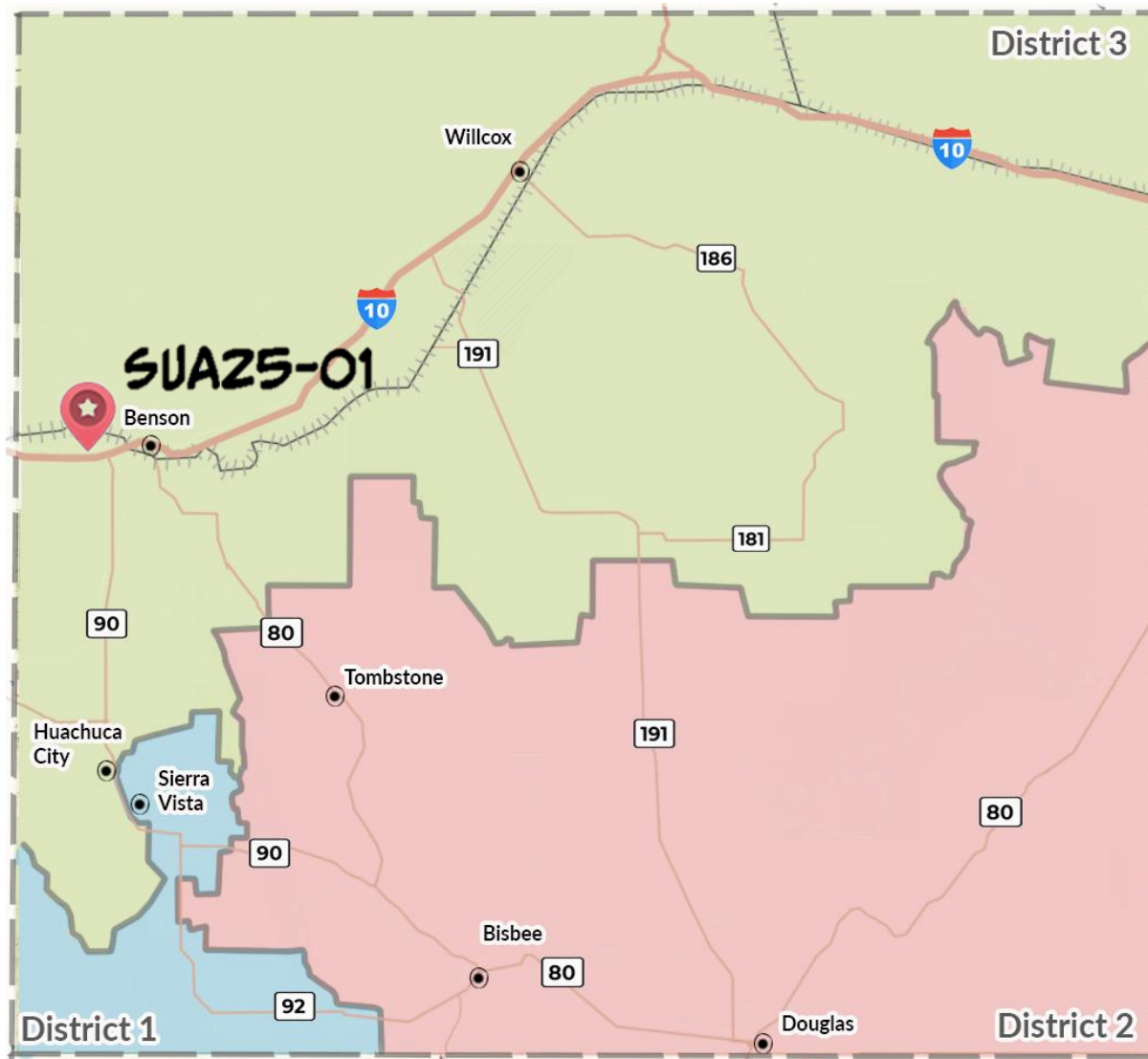
SUA25-01 (Cherokee Trail Appeal)

Appeal of Planning and Zoning Commission
Denial of a Special Use Authorization
for Two Guest Lodging Units

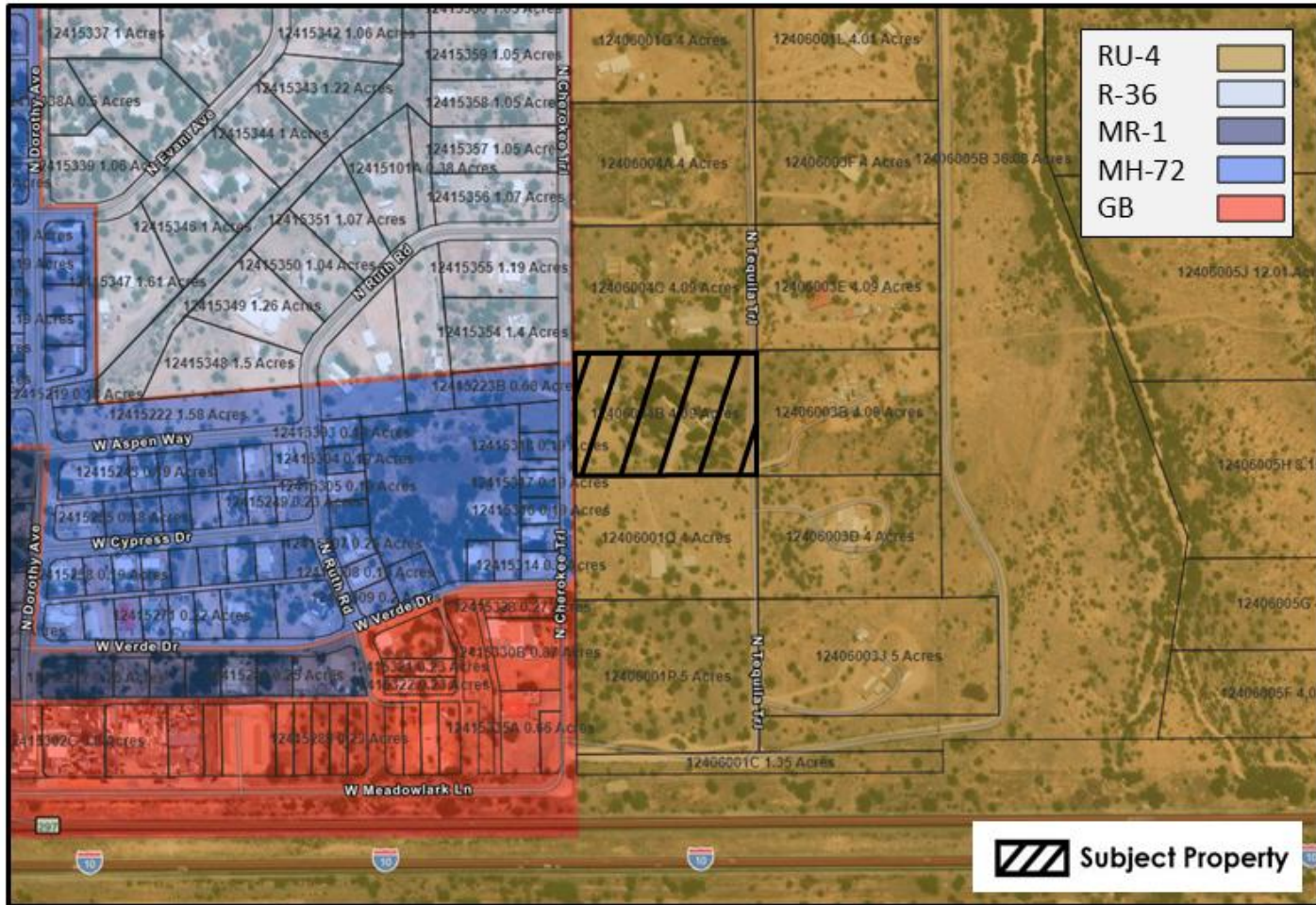
Board of Supervisors
February 25, 2025



DEVELOPMENT SERVICES



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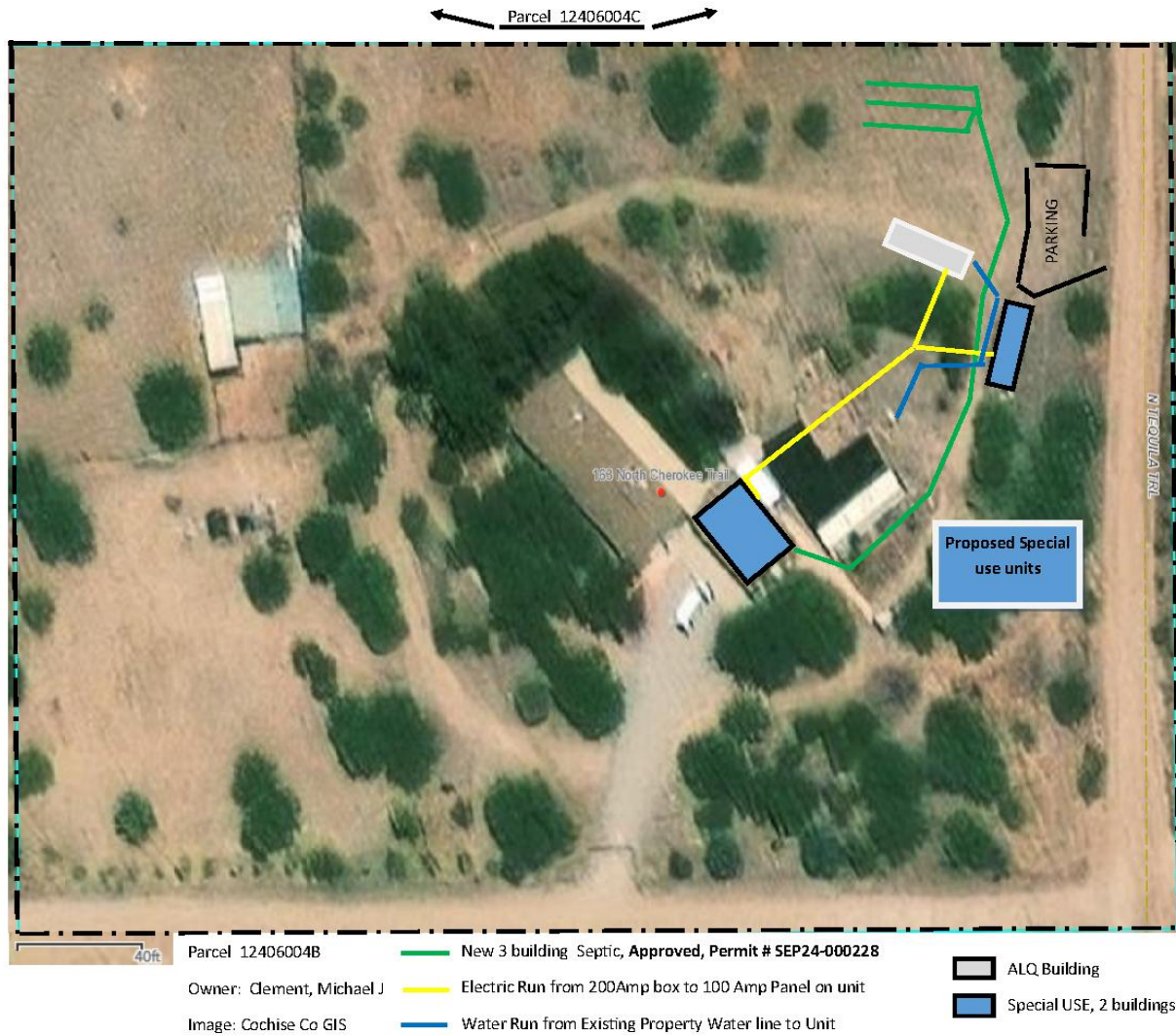
SUA25-01 (Cherokee Trail Appeal)

163 N. Cherokee Trail (APN 124-06-004B)

N.T.S



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Docket SU24-19 (Cherokee Trail Guest Lodging)

- Principal and accessory dwellings
 - RU-4 allows one principal dwelling per 4-acres
 - Authorized accessory living quarter (#ALQ24-11)
- Proposed conversion of shed and garage to dwelling units
 - Special use to allow 4 dwellings (#SU24-19)
- Staff recommended conditional approval
- Commission voted 3 to 4 (motion failed)
 - DePew, Fickett, Limbach, Montgomery dissenting

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Cherokee Trail

Tequila Trail

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Appeal Criteria

- All reasons why the appellant believes the decision, or any part of the decision was erroneous, arbitrary, capricious, or an abuse of discretion.
- Written presentation of additional testimony and evidence, a full explanation of the additional testimony and evidence that will be submitted, with an explanation of why this was not presented to the Planning and Zoning Commission.

Appellant Claims

All reasons why the appellant believes the decision, or any part of the decision was erroneous, arbitrary, capricious, or an abuse of discretion.

- *Staff recommended conditional approval*
- *Structures already in place – property’s density and character is established*
- *Dissenting votes based on density are unreasonable*
- *“Same as other” rationale for two nay votes*

Appellant Claims

Written presentation of additional testimony and evidence, a full explanation of the additional testimony and evidence that will be submitted, with an explanation of why this was not presented to the Planning and Zoning Commission.

- *Applicant will provide photos that accurately reflect property and counter density concerns*
- *Favorable public input*
- *Reducing the number of proposed guest units was not discussed as an option during the Commission meeting*

Public Notice

24 Jan – 5 Feb

Notices

Posting

Legal ad



Factors in Favor of Appeal

1. Appellant met application submittal requirements.
2. Staff recommended conditional approval of *Docket SU24-19*.

Factors Not in Favor of Appeal

1. The Zoning Regulations allows the Planning and Zoning Commission to render Special Use Authorization decisions.
2. The Commission considered special use factors contained in the Zoning Regulations.

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Approval

The Board reverses the Commission's January 8, 2025, decision and approves *Docket SU24-19* (two guest lodging units).

Staff recommends conditions of approval (quiet hours between 10pm and 6am, no parking on Tequila Trail)

Denial

The Board upholds Commission disapproval *Docket SU24-19*.

Modification

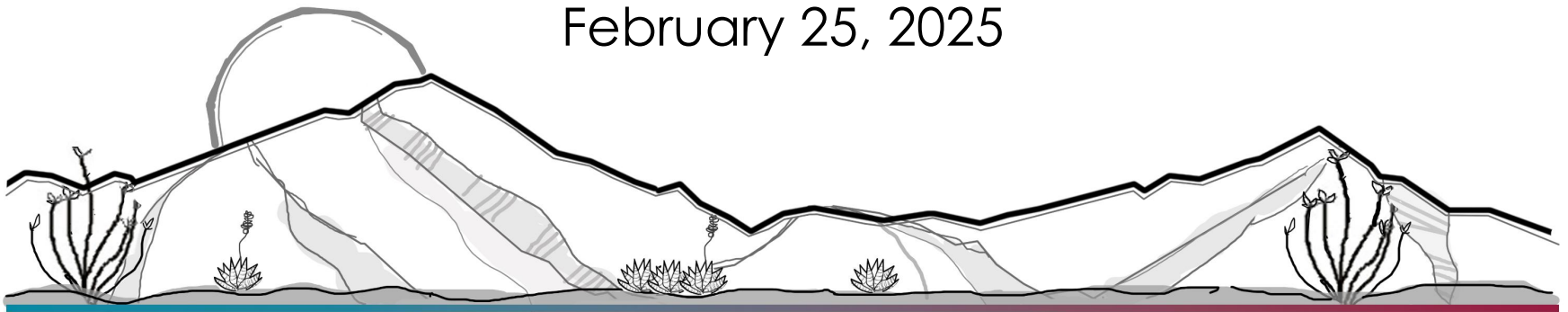
The Board may modify the Commission's decision, i.e., approve one guest unit.

**The Board must specifically state factual and legal basis for affirming, reversing, or modifying the Planning and Zoning Commission's decision per Section 2.48.160.4c of the Zoning Regulations.*

SUA25-01 (Cherokee Trail Appeal)

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Docket SU24-19

Special Use Authorization for Guest Lodging

Planning and Zoning Commission
January 8, 2025



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Special Use Authorization Factors (SU24-19)

- Compliance with adopted plans **Complies**
 - Compliance with zoning district purpose **Complies**
 - Development along major streets **Not Applicable**
 - Traffic circulation **Complies**
 - Adequate services and infrastructure **Complies**
 - Significant site development standards **Complies**
 - Public input **Complies**
 - Hazardous materials **Not Applicable**
 - Off-site impacts **Complies w/Conditions**
 - Water conservation **Complies**
-

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Factors in Favor of Approval

Complies with applicable factors

Factors Not in Favor

Proposed density of one dwelling per acre

Opposition from nearby property owners

Staff Recommendation

Based on the factors in favor of approval, staff recommends approval of Docket SU24-19 to allow two guest lodging units with the following conditions:

- Quiet hours shall be observed by paying guests from 10pm to 6am.
 - Street and head-in parking along Tequila Trail are prohibited.
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