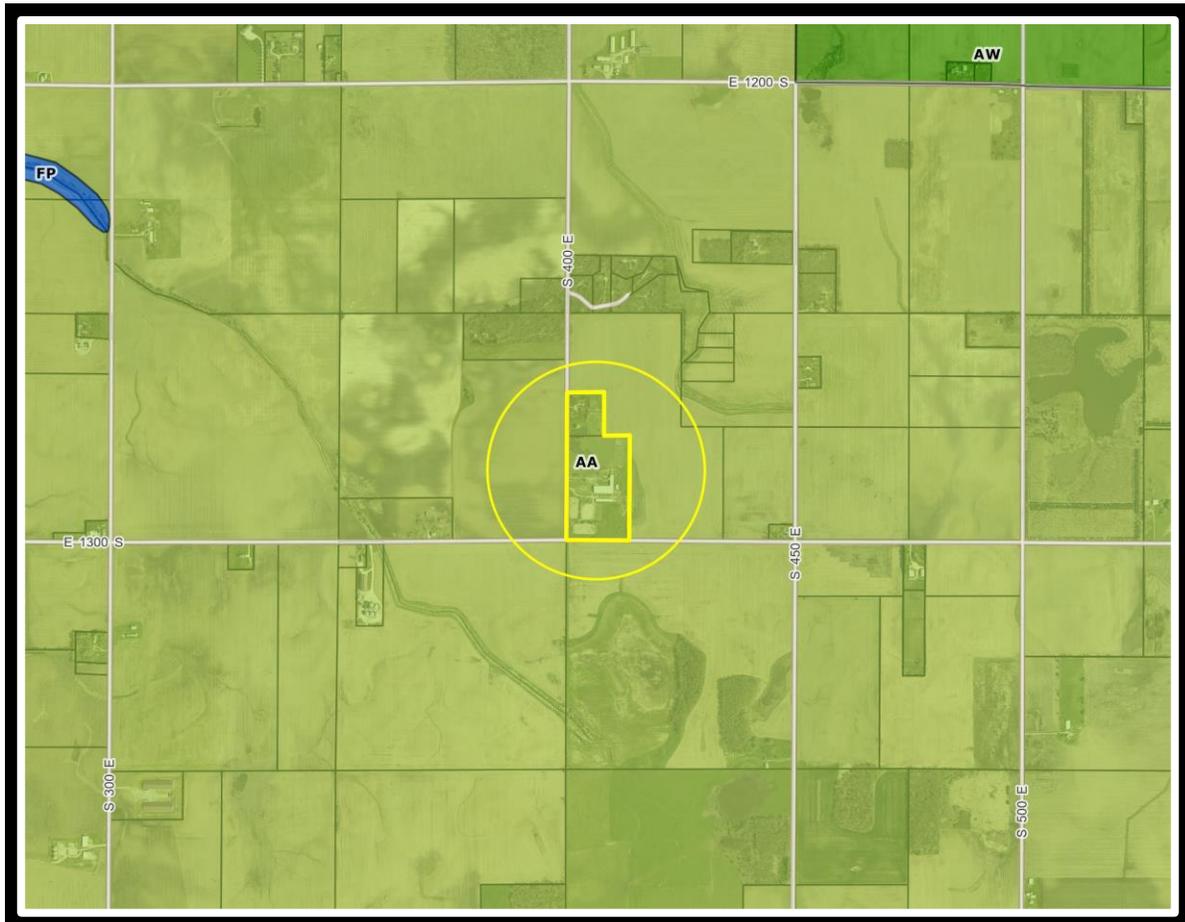

**Z-2846
BENITO MUNOZ
(AA to A)**

**STAFF REPORT
February 10, 2022**



REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is also the property owner, is seeking a rezone of 25.3 acres in order to be able to apply for a special exception to make a rodeo/concert venue conforming, located at the northeast corner of CR 1300 S and CR 400 E in Lauramie 25 (SW) 21-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

This property is currently zoned AA, (Select Agricultural). It was rezoned to AA in 1988 when the County Commissioners sponsored a township-wide rezone of Lauramie Township (Z-1341). This rezone identified the location of prime farm land and designated it AA. Surrounding properties are also zoned AA.

AREA LAND USE PATTERNS:

The 25.3-acre site in question consists of two tracts: the single-family home of the petitioner is on a five-acre parcel and the second, larger tract houses the horse farm previously known as Foxtan Farms. The horse farm has been used as riding stables from the 1970s up until the 2010s. The farm had several owners before the farm was purchased by Mr. Munoz in January 2021. Boarding and/or training of horses is permitted in all Rural Zones. Foxtan Farms was more intense than just boarding and training and would have been considered a riding club. This former use was likely considered legally nonconforming and would have required a special exception under the current 1998 zoning ordinance to bring it into conformity.

This area of the county primarily consists of row crop production and large lot single-family homes. Adjacent properties on all sides consist of farm fields. To the north, just over 1000' away, is a heavily wooded 9-lot development of single-family homes.

TRAFFIC AND TRANSPORTATION:

This site is located on the northeast corner of the intersection CR 1300 South and CR 400 East. Both roads are classified as rural local roads according to the adopted *Thoroughfare Plan*. There are currently separate driveways off CR 400 East for both the horse farm and the home.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

This site is served by well and septic. The County Health department has a record that shows the home got an upgraded septic in 2016, but they have no record of a septic for the riding stable buildings. Currently, "port-a-pots" are brought on site during large events.

STAFF COMMENTS:

This rezone request is the result of a zoning complaint from neighbors. The petitioner has been hosting large rodeos and concerts on site. After a meeting with the petitioner, staff outlined the steps necessary to receive approval to continue to have rodeos and concerts on site. This request is the first step to bring the use into compliance. Additional steps to permit this use include a special exception if the rezone is approved and likely costly improvements to the farm buildings on site to bring them up to commercial building code standards. A special exception is a request heard by the Area Board of Zoning Appeals at a public hearing to allow a particular use. The proposed business operation is reviewed to see how it would affect the neighboring properties and fit in the area. Staff reviews noise generation, outdoor lighting, hours of operations, and the amount of traffic generated by a proposed or, in this case, existing business. The special exception process also allows the board to apply conditions to the approval.

Staff is only reviewing the requested change of zone in this report. Because the former riding stable was in place prior to the AA zoning and the site has not been used for row crop production in over 50 years, staff can support this request. Petitioner has shared no reason for this rezone other than to work toward permitting rodeos and concerts. However, since the A zone allows several agricultural appropriate uses, staff can support this request.

STAFF RECOMMENDATION:

Approval