

Minutes of AARC April 12, 2017 Meeting

Call to Order

Roll Call

Skip Phillips, Lori Garkovich, Lindy Huber, John Wilhoit, and Pattie Wilson (Planning Director)

Applicant and Attorney

Hunter Davis and John M. Sosbe

New Business

Application # 004-006-2017 - Harlex, LLC dba Three Fields Farm located at 1865 Carpenter Pike - A-1 Zone - is seeking a review and recommendation for an agricultural enterprise for agri-tourism in order to host a limited number of events in order to sustain and develop the property as a vineyard.

Background

On Monday, April 10, 2017, the members of the AARC visited the applicant's property of 34.5 acres to assess the physical layout and the plans to minimize the impacts of the proposed agri-tourism activity on neighboring agricultural operations and the rural quality of life.

Currently, the applicant is raising corn and has planted 2,000 grape vines on approximately 4 of the 34 acres. The applicant may apply for a small winery license or choose to produce juice. The back of the applicant's property directly abuts a farm that has raised cattle and crops but is winding down production. Along a portion of the east of the property is a farm with alpacas and the northern boundary of the property has two adjoining farms - one raising cattle and the other horses. Across Carpenter Pike from the applicant's property is a rural subdivision.

The entry to the property is along Carpenter Pike with a clearly observed farm sign and with sufficient sight line from the entrance along Carpenter Pike. From the entrance it is several hundred feet through an initial open area back to a barn that is the proposed site of the agri-tourism activities. The barn is located within 100 ft of the Three Fields Farm property fence line. From this point, it is another 325 ft. to the nearest adjacent residence.

Approximately two years ago, the applicant planted 20 pine trees along this fence line and these are now approximately 8 ft high. The applicant will plant a second staggered row of pine trees to provide additional buffering. Proposed agri-tourism activities will occur in the barn and outside the north side of the barn. Nearly all deliveries will occur

behind the barn and to the north of the barn and this is also where the rest room trailer and the tent for outdoor activities will be located.

The Agri-Tourism Proposal

The agri-tourism proposal is to host 16 unique events between May 1 and October 31. The owner will be present at all events for the full time of each event. The 16 events will be divided as follows:

- 10 large events with the option of amplified music and a maximum of 200 persons each;
- 3 smaller events with non-amplified but possibly live music; and
- 3 intimate events with non-amplified but possibly live music.

The applicant has an extensive rental contract as well as a noise mitigation plan. According to both, all amplified music must occur within the barn.* All events will end by 10 PM and removal will be completed by 5 PM the first business day following the event.

Parking for event attendees will be on the north side of the barn between the barn and the vineyard. All activities associated with any event must occur within the barn or on the north side of the barn which would serve as a buffer to the closest neighbor.

*The applicant did offer to move the amplified music to the tent on the north side of the barn if that would help mitigate the sound.

Applicant's presentation

The applicant noted that given the costs of starting and fully developing a vineyard, his intention is to use the agri-tourism events to fund the growth of the vineyard and related operations.

Discussion

Is there a business plan for the full operation of the winery and/or the production of grape juice?

Not at this time because this is dependent on the approval of the conditional use which is essential to fund the full development of the agricultural activities.

Who will be managing the vineyard?

Currently the owner and eventually a hired manager.

The applicant stated that there will be no open bar. This is correct. The rental contract for the site indicates there will be a cash bar but not an "open bar." So the potential 25 pts for this question should be awarded.

The AARC then reviewed the scoring on the decision tree. Then the committee compared their individual scoring based on both the application and the site visit to arrive at a score of 460 on the decision tree.

The applicant asked what is necessary to get this farm approved for conditional use as an agri-tourism site. The AARC members noted these concerns:

- The close proximity of the venue to the nearest residence
- The fact that the owner will not be residing on the farm, even though present as all events.
- The fact that the agri-tourism activities will be used to fund a future agricultural activity.
- The proximity of the amplified music to the adjacent properties.

The applicant's attorney raised concerns about the decision tree being slanted to large farm operations thereby making it impossible for small acreage farms to qualify for a conditional use permit.

Motion

A motion was made by Lori Garkovich and 2nd by John Wilhoit that the AARC recommends to the Board of Adjustment not approving a conditional use permit for Application # 004-006-2017 - Harlex, LLC dba Three Fields Farm located at 1865 Carpenter Pike - A-1 Zone for the following reasons:

- A score of 460 points on the decision tree.
- The close proximity of the event venue to the nearest residence
- The owner will not be residing on the farm, even though he will be present at all events.
- The use of the event-based agri-tourism activities to fund a future agricultural activity rather than the agri-tourism activity being secondary to the agricultural uses of the land.
- The proximity of the amplified music to the nearest residential neighbor.

If the Board of Adjustment chooses to approve the conditional use application, the AARC recommends the following conditions:

Proposed Conditions related to agricultural use

The grape vines previously planted have not all survived. At the present time there is not an active agricultural enterprise to attract visitors which raises the question of whether this is an agri-tourism enterprise. Therefore, the AARC recommends:

1. In the application under "Current Vineyard State" it states that 1000 vines were planted on 2.5 acres and in 2016 an additional 1000 more vines have been planted for a total of 2000. Applicant shall replant all vines that did not survive.
2. It is reasonable to expect production of wine or juice to occur on the property within the next 3 (three) years. If the production of wine has not begun at this time, the Conditional Use Permit should be reconsidered.

Proposed Conditions related to tourism use

1. Applicant will fully abide by the conditions presented in their Statement of Intent, Rental Agreement, and Noise Mitigation Plan (attached to the application).
2. Any amplified music shall be confined to the interior of a tent located on the north side of the barn. This allows the barn to serve as an additional sound buffer for the nearest residence.
3. Paul Hunter Davis, owner of Harlex, LLC dba Three Fields Farm, will be present during the entirety of every event, as well as set up and take down.
4. No new structures will be constructed that are visible from Carpenter Pike that are related to the agri-tourism business.
5. The Site Plans attached to the application shall be followed including the following additions and/or corrections:
 - a. The proposed parking area is very close to where the current vineyard area is located. This is not obvious on the Site Map. Grape vines need to be protected from any encroachment of vehicles.
 - b. Outdoor wedding ceremonies will be held in the grass meadow on the east side of the barn.
 - c. Any tent utilized for any event will be placed on the north side of the barn.
6. There will be three types or tiers of events (16 total per year) as follows:
 - a. 8 "Tier 1" events- such as weddings*
 - b. 4 "Tier 2" events – non-amplified music, events such as corporate dinner.
 - c. 4 "Tier 3" events – non-amplified music, events such as rehearsal dinner or children's birthday party.

* Rehearsal dinners are considered separate events.

Other Conditions

1. A physical boundary needs to be established (e.g., low fencing or roped off areas) along both sides of the driveway on the south side of the barn to prohibit visitors and vendors from parking in this area. Directional signage will also be provided during each event.
2. The planting of a second row of evergreen trees staggered and offset from the existing evergreen trees shall be planted along the area between driveway and property line on south side of barn. Evergreen trees must be at least six feet tall (installed height). All trees shall be planted prior to the first event in **2017**.

3. Assure that the line of road trees and shrubs along Carpenter Pike to the left of the entrance needs to be continually trimmed to maintain an adequate sight line of oncoming traffic.

4. All contiguous property owners and the Planning Director shall be notified in writing of all events at least 7 days prior to all scheduled events.

General Comment

“1. Legal Obligations”- This statement needs to be revised as follows:
Harlex, LLC. dba Three Fields Farm has a Conditional Use Permit (CUP) from the Versailles-Midway-Woodford County Board of Adjustment to conduct specific Agri-tourism events on this property. All conditions associated with this CUP must be adhered to or the CUP can be revoked, causing all events to be cancelled.

The Motion passed with all four members voting in favor.