

## **AARC Minutes April 13, 2016**

### **Present:**

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

### **Representatives of Applicants**

Steve Ruschell, Attorney and Randy Hemker, Project Coordinator

### **Approval of October 2015 AARC meeting minutes**

### **New Business**

Consideration of application #004-006-2016 by Brown-Forman Corporation dba Woodford Reserve for property at 960 Georgetown Rd., Firegate 13, Midway, A-1 District.

On Wednesday, April 6, the members of the AARC met with representatives of the applicant and a representative of the EDA at the farm located at 960 Georgetown Rd where the project is proposed. The purpose of this site visit was to visually evaluate the possible impacts of the proposed agricultural enterprise on the character of the surrounding land owners.

#### Background

The applicant is seeking to construct a bourbon warehouse and transfer facility to compliment the applicant's Woodford Reserve distillery plant, an agricultural enterprise, to meet the worldwide demand for applicant's brand. The project will be constructed over 12 years and all land not developed shall continue to be used for farming.

Two years ago, the applicant received conditional approval to construct 5 warehouses on McCracken Pike near to the Woodford Reserve facility. However, only 4 warehouses have been constructed on that site because a portion was on the National Historic registry. This has limited the storage capacity available to the applicant.

#### Description of the project and observations on the site

The actual site for the warehouses is on @113 acres, the center Tract 3 of the Homer Michael Freeny Jr. Trust farm. Tract 1 (@208 acres) and Tract 2 (@193 acres) are on the northern and southern borders of Tract 3. The western boundary of the proposed site fronts onto Georgetown Rd just north of the Midway Industrial Park, while the eastern boundary of the proposed site is South Elkhorn Creek. A tenant currently farms all three Tracts and will continue to do so until Tract 3 is fully developed, at which time the tenant will farm Tracts 1 and 2.

The applicant has conducted geological surveys to evaluate the suitability of Tract 3 for the proposed warehouses. Tract 3 rises from Georgetown Rd. to a hill crest and then drops gradually toward South Elkhorn Creek. The warehouses will be constructed below the hill crest in an area that is essentially a large bowl prior to the flood plain of South Elkhorn Creek. Because of the natural landscape, the architectural renderings of the siting of the warehouses

indicates that only a portion of the roofs will be seen from Georgetown Rd, I-64, and South Elkhorn Creek.

The proposed warehouses will be located 1,050 feet from the nearest residence, which is the tenant's residence. The proposed warehouses will be located 300 feet from the nearest agricultural activities on the remainder (401 acres) of the Homer Michael Freeny Jr. Trust Farm (cattle and crops) and nearly 1,000 feet from the fence line of the Glen Crest Farm (cattle, crops, horses) in Scott County. This distance includes South Elkhorn Creek which runs along the boundary of both parcels. In both situations, the warehouses will be buffered by ridge lines as well as clusters of mature trees. Indeed, even if canoeing on South Elkhorn Creek, the depth of the creek bed combined with the height of the mature trees along the creek, it would be difficult if not impossible to see much more than the top of the roof of a warehouse.

Currently, Woodford Reserve plans to purchase and use in excess of 100,000 bushels of quality Woodford County corn (@600 acres). The corn used in bourbon distilling must meet specific production and storage requirements. As more corn is raised in Woodford County that meets these requirements, the applicant intends to purchase more of this specialty harvested corn.

The warehouses will be constructed one or two at a time over a 10-12 year period. The warehouses will be concrete tilt-up construction with low profile (not gabled) non-reflective roofs. There will be windows on the buildings but these will be for aesthetic purposes. In addition to the warehouses, the following buildings and facilities will be constructed: a barrel transfer station, two water tanks with an attached fire pump building (875 sq feet), and four boiler buildings (two that are 1125 sq feet and two that are 700 sq feet). All lighting on the property will be downward box lighting to promote security.

Each warehouse will have a retention wall to contain any accidental spillage. Any further liquid migration would then be channeled to a retention pond with a 3 million gallon capacity and then removed for proper off-site disposal. This double system will eliminate any possibility of liquid moving into South Elkhorn Creek or affecting downstream property owners.

The storm water management plan is designed to maximize retention as the build out occurs. Each warehouse will have its own storm water basin with outlets connected in a series to provide for a single outfall to the bordering creek. These individual basins will be sized so that the storm water runoff from each warehouse block will be limited to the pre-development flows.

There will be no visitors to this property. Visitors will be directed to the Woodford Reserve Visitor Center on McCracken. A security guard will be present on the property 24/7.

When fully built out, there will be 6 - 9 round trips per day (Monday - Friday) to the facility. Barrels will be filled at the distillery on McCracken Pike and brought to the warehouses, while fully aged barrels will then be loaded on to the now empty truck to be removed for final processing.

The completed AARC decision tree earned between 650, 660 and tow at 695 points.

## **Presentation by applicant**

Brown-Forman proposes to acquire 113 acres of land on Georgetown Road to build 12 rick houses (warehouses) to store 190,000 barrels of bourbon. These will be built over a 10-12 year period and when fully built out will lead to 6-9 round trips by trucks per day.

This location is ideally suited for the location of the distillery.

The first warehouse will be 1,100 ft from Georgetown in a natural bowl that buffers its visual impact on both Georgetown Rd and I-64.

2 warehouses will be built every 2 years to meet world demand for the bourbon. There will be no visitors at this site.

New rendering of access to the property presented showing the view of the facilities from Georgetown Rd.

Interior emergency system to collect any spilled bourbon as well as a 3 million gallon pond.

Storm water management will be captured in a pond associated with each warehouse and will be released consistent with current runoff.

Mr. Martin, current tenant will continue operating the farm and will have access to cross the road that will be developed for the warehouses. He will continue to operate the farm under lease.

When fully developed, there will be 3-5 employees at the site (this includes 24/7 security).

Mrs. Wilson questioned what will be the hours of construction in order to not be a nuisance to neighbors? This can be addressed as a condition and the applicant will come up with some language for this.

### Conditions agreed to by the applicant:

Use only down box lighting which will not illuminate from the applicant's property.

Use directional signage only and include "No Visitors" language on all signage.

Limit truck traffic to 7AM – 7PM Monday through Friday as well as construction traffic will be limited to 6AM – 7PM seven days a week.

All outdoor activities will be at least 300 feet from any adjoining property lines, including that of the farmer leasing the remainder of the property.

Maintain existing landscaping and to plant new landscaping based on development plan.

Maintain all improvements to ensure compliance with all local, state and federal regulations applicable to bourbon storage facilities.

Not to use reflective roofs on the rick houses.

Develop the property in conformance with its development and site plan.

To construct on-site containment facilities to prevent contamination of South Elkhorn Creek including underground spillage control and a retention pond with a 3 million gallon capacity. To construct and maintain individual storm water management basins at strategic locations to address storm water runoff so that it does not exceed what it is currently in agricultural use.

To ship barrels to and from the McCracken distillery using I 64 and US 60.

## **Discussion**

To what extent is bourbon an agricultural product which would justify the location of the warehouses in an agricultural zone?

Not manufacturing in the sense of taking cotton grown in Woodford County and shaping it into clothing. Instead the bourbon is “resting” in the warehouses to age and is a passive use of the land.

What is the difference between hanging tobacco in a barn and the bourbon is processed from corn (an agricultural product) grown locally and elsewhere. Neither is truly “food and fiber” yet both tobacco and bourbon are part of the agricultural history of Woodford County. From the perspective of the applicant, there is no difference between storing the bourbon and storing tobacco or this year’s crop production

The existing 4 warehouses on McCracken Pike are much more intrusive than it seemed when first presented and the truck traffic that has occurred in that area has diminished the quality and safety of the roads. So in the minds of some members of the AARC, there is a concern about the visual impact of these warehouses.

Moreover, this proposal is to take 113 acres of prime agricultural land out of production whereas the intention of this ordinance is to preserve the use of agricultural land by providing additional funding sources. Does this set a precedent that undermines the purpose of the ordinance? Or does the increased sale of corn to Woodford Reserve offset this loss?

At the maximum use of the warehouse there will be 190,000 barrels that will produce \$2 of local taxes for local government or \$1.8 million.

## **Recommendation**

A motion was made by Lori Garkovich and seconded by Skip Phillips based on the above record that the AARC recommend to the Board of Adjustment, conditional use approval of Application #004-006-2016 by Brown-Forman Corporation dba Woodford Reserve for property at 960 Georgetown Rd., Firegate 13, Midway, A-1 District.

The recommended conditions would be:

Use only down box lighting which will not illuminate from the applicant’s property.

Use directional signage only and include “No Visitors” language on all signage.

Limit truck traffic to 7AM – 7PM Monday through Friday as well as construction traffic will be limited to 6AM – 7PM seven days a week.

All outdoor activities will be at least 300 feet from any adjoining property lines, including that of the farmer leasing the remainder of the property.

Maintain existing landscaping and to plant new landscaping based on development plan. Maintain all improvements to ensure compliance with all local, state and federal regulations applicable to bourbon storage facilities.

Not to use reflective roofs on the rick houses.

Develop the property in conformance with its development and site plan.

To construct on-site containment facility to prevent contamination of South Elkhorn Creek including underground spillage control and a retention pond with a 3 million gallon capacity.

To construct and maintain individual storm water management basins at strategic locations to address storm water runoff so that it does not exceed what it is currently in agricultural use.

To ship barrels to and from the McCracken distillery using New Cut Road, I-64 and US 60.

**Motion carried with 3 in favor (Garkovich, Phillips & Huber) and 1 opposed (Wilhoit)**

#### Discussion of the motion

The concern remains about removing 115 acres of productive agricultural land from active production. The AARC might want to hold a work session on this topic in the future.