

Other aspects of the business would remain unchanged, including:

- Hours of operation: Sunday to Saturday 9:00am to 7:00pm year-round, with option to extend to 9:00pm during fall festivals (once outdoor lighting or the farm store are completed)
- Allowance for amplified music (festival background music and small-scale live music acts, with decibel limits).

A site lighting plan was previously approved (see [lighting plan link](#) for current CUP #2626). However, lighting will need to be adjusted based on the new changes proposed, mostly to provide adequate lighting for the seasonal parking area. See comments below under CUP Standards and Staff Recommendation sections.

No changes are proposed to existing grades or drainage, and no mechanical compaction or graveling would occur, within the expanded lease area.

OBSERVATIONS / FACTUAL INFORMATION: The property is a 34-acre tract consisting of two parcels zoned FP-B Farmland Preservation-Business, plus the 20 acres to be rented on adjacent farm land zoned FP-35 Farmland Preservation. The site is located half a mile south of the intersection of Vilas Hope Road and County Highway BB. The nearest homes are 80 ft to the north, 35 ft to the south, and 160 ft to the east (across Vilas Hope Road). From the front parking lot, the homes are 140 ft away to the north, 75 ft to the south, and 335 ft to the east. (See image below for approximate 500 and 1,000 ft distance buffers.) The property's western edge is the current Town boundary with the City of Madison, and lands adjacent to the west are in agricultural use.

RESOURCE PROTECTION: Door Creek runs through the north end of the property, with Shoreland zoning, mapped wetlands, floodplain, and resource protection corridors in this area (roughly within 300' of the creek). No concern since this area is not proposed for buildings or improvements.

DNR mapped wetlands are present on the Homburg farm property. The applicants have located the rented area to entirely avoid the wetlands and 75' wetland buffer.

COMPREHENSIVE PLAN: The property is [designated](#) as an agricultural preservation area in the comprehensive plan. The property is also in a designated potential expansion area for the City of Madison under an [intergovernmental agreement](#) (IGA) between the Town of Cottage Grove



and City of Madison. For the initial approval of CUP #2592, city staff had indicated that the proposal did not trigger city review or approval requirements under the IGA. Comprehensive plan objectives and policies generally support agricultural enterprises and agri-tourism within the agricultural preservation area. As noted, the business was previously approved under CUP 2592 for agricultural entertainment and the operation has been ongoing.

The town's comprehensive plan provides direction for the review of conditional use permits, indicating that, "In their consideration of conditional use permit requests, the Plan Commission and Town Board will also evaluate the specific timing of the conditional use permit request, its relationship to the nature of both existing and future land uses, and the details of the proposed development." Given that the property is in an agricultural preservation area, and that the proposal is a modest expansion of the current use, the proposal appears reasonably consistent with comprehensive plan policies. The same or similar conditions of approval from CUP 2592 and 2626 should be imposed, along with any that may be required by the town of Cottage Grove regarding the additional uses. (For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or allan.majid@danecounty.gov.)

CONDITIONAL USE PERMIT STANDARDS AND DECISION MAKING: “Conditional uses” are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and determine whether the proposal, with any recommended conditions, meets all of the standards required to obtain a CUP. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant’s testimony with regards to meeting the standards.

1. *That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The CUP application describes the proposed operations plan. The applicant states all activities will take place in the rear of the property, within the proposed farm store, or inside greenhouses. Outdoor storage will consist of picnic tables and plants, otherwise all storage will be indoors.

Staff notes that the potential nuisances for this type of operation are most likely traffic management, noise, lighting, and manure management. The site plan provides ample space on site for vehicle parking and queuing, and has been vetted and improved in coordination with the town. Because noise could be a factor for the neighboring homes, outdoor amplified sound levels were previously limited via CUP conditions (60dbA at 100 feet from the speakers, which applicant has indicated would not be placed within 200 feet of any property line. Applicant provided a sound study in 2024 for the CUP. See lighting comments below.

2. *That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.*

The applicant states that garden center hours would be Sunday to Saturday 9:00am to 7:00pm, with fall and winter festival hours extended to 8:00pm to host events such as corn mazes and pick-your-own pumpkins. The hours were previously approved by the Town of Cottage Grove.

As noted above, a [site lighting plan](#) was approved as part of prior CUPs. This included pole-mounted lights in the parking lots, driveways, and the back field (directed downward and westward), with pole height up to 20 feet tall. However, most of the lighting has not yet been installed, as the building plans are still being implemented over time. Current CUP condition #17 specifies that any additional lighting requires an amendment to the permit. The Town of Cottage Grove also has specific lighting standards in its ordinances. At a minimum, the lighting plan needs to be updated based on the changes proposed, to provide adequate lighting for the seasonal parking area. This has been discussed with the applicants.

Noise should also be considered with regard to this standard, see comments above under standard #1.

3. *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The applicant states that most immediate surrounding property is designated for agriculture and/or Farmland Preservation, that the conditional use adheres to the requirements of the FP-B zoning and does not impede the normal and orderly development and improvement of surrounding properties.

This standard pertains to whether the proposed use would affect *how the surrounding properties could be developed and improved, considering what they are currently zoned for*. The proposed use is similar to how the property has been used for decades, except with more variety of events and the inclusion of amplified music. The surrounding lands are zoned for a mix of farmland preservation, rural residential and mixed-use, one commercial property (to the east), and agricultural zoning (to the west in City of Madison). The FP-35 zoning on lands to the south restricts development to certain pre-existing homes, and allows ag entertainment.

4. *Adequate utilities, access roads, drainage and other necessary site improvements have been/are being made.*

Applicant states that the updated site plan shows a revised site circulation plan that better accommodates the addition of 626 temporary grass parking stalls. They note this area includes gentle slopes of less than 4% and are situated at the back of the property. This plan would be implemented in phases over time as the business grows.

The site improvements appear adequate to serve the proposed use. Site access drives and parking lots were first improved in 2023, though the new plan would modify these. The stormwater facilities were approved and installed in 2023; modifications and additional permits can be obtained as-needed as site improvements are built. Toilet facilities consist of moveable trailers for visitors, and a future bathroom using the existing septic system if/when they build the store—both options were approved with the current CUP.

5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

The parking plan was previously deemed adequate; however, the proposed changes would double the site's parking capacity. Currently, off street parking is provided in 452 parking stalls in two separate parking lots. The driveway was widened to 40 feet wide in 2023 to accommodate two-way traffic. The proposed changes would move the planned storage building to what is now the rear parking lot, widen the southern driveway to 3 lanes of incoming traffic, adjust traffic flows throughout the site for more one-way drives and a counter-clockwise flow (vs. current clockwise flow), and add 5 acres of turf parking for ~626 vehicles. This would provide a net increase of 512 parking stalls, and more of Warm Belly's parking would be seasonal/turf spaces.

Applicants' goal is to spread out the incoming traffic more over time and provide more queuing space. The owner estimates event attendance to be 200+ people, but with seasonal variation. They estimated the business saw ~800 people at the 2023 fall festival, and the site could accommodate up to 1,500 people at a time, up to 4,000 visitors/day with an average stay of 3 hours.

Dane County Highway Department Staff have noted concerns regarding traffic associated with this business, because traffic would flow to two county trunk highways – CTH BB to the north, and south where Vilas Hope Road meets Buckeye Road and connects to CTH AB (see Road Network exhibit). The intersection at BB already has a widened turn lane; however, the intersection at AB does not have a turn lane, which could post safety concerns at that intersection during the peak season. Town staff confirm the intersection of Vilas Hope Road and Buckeye Road has poor visibility. More information is needed to determine compliance with this standard. See also Staff Recommendations below.

6. *That the conditional use shall conform to all applicable regulations of the district in which it is located.*

The proposed use conforms to the applicable regulations of the FP-B and FP-35 zoning districts. The requested use is listed as an allowable Agricultural Accessory Use in both zoning districts, with an approved CUP. Business signage has already been approved (Zoning Permit DCPZP-2023-00469) for a ground sign that meets the signage requirements in the zoning ordinance. Any future signage would be subject to permit requirements.

7. *That the conditional use is consistent with the adopted town and county comprehensive plans.*

As noted above, the proposal appears consistent with the Town and County Comprehensive Plans. The applicant states that the use would greatly enhance the town plan's designation of an Agricultural Preservation Planning Area and the plan allows for the expansion of existing businesses at the Town Board's discretion.

8. *If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).*

In addition to the requirements of s. 10.101(7)(d), the zoning committee must find that the following standards are met before approving any conditional use permit in any Farmland Preservation zoning district.

a) The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district.

Applicant states the proposed agricultural entertainment and education aspect of the plan aligns with the town's comprehensive plan designation of an agricultural preservation area. The FP-B district is intended for a wide range of agriculture, ag-accessory and ag-related uses, at various scales. It accommodates uses that are commercial or industrial in nature; are associated with agricultural production; require a rural location due to extensive land area needs or proximity of agricultural resources; and do not require urban services. The FP-35 district is intended for a wide range of agriculture and ag-accessory uses at various scales, as well as incidental processing and other activities intended to add value to agricultural products produced on the premises.

b) *The use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.*

Applicant states the proposed location within the Farmland Preservation Zoning district is reasonable and appropriate given the prior use of the site and existing buildings. Using the existing infrastructure and re-purposing existing buildings, they are creating a thriving commercial floral and pick-your-own business.

c) *The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.*

Applicant has stated the existing crop lands will be kept as-is and reused for harvests. This new CUP would add 15 acres of additional farmland, which as proposed would be seasonal and temporary in nature.

d) *The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.*

Applicant states that the surrounding parcels are zoned similarly for agricultural use, and the proposed changes will not impact their current or future agricultural use.

e) *Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.*

Applicant states that there are no proposed additions of impervious surfaces, so construction and disturbance will not impact agricultural use. The temporary grass parking (currently agricultural land) will be converted to grass and will not impact site drainage or impervious surface area. This amended CUP is not expected to impact stormwater facilities, and new stormwater and erosion permits are being obtained as construction progresses.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: The potential nuisances that pertain to agricultural entertainment most commonly involve vehicle traffic, noise, lighting, and manure management. The application contains information on how those potential nuisances are handled, and these are also discussed above.

Potential conditions of approval can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Common topics include but are not limited to: hours of operation, limits on amplified sound and lighting, and site access provisions.

Under Zoning Code section 10.103(3), there are special requirements for agricultural entertainment that are intended to address the potential conflicts with the land use activity. These are not required as CUP “permit conditions” unless the Town or ZLR Committee wish to impose conditions based on these. See below for the requirements and staff comments:

(a) For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, the landowner shall file an event plan, approved by the zoning administrator, addressing, at a minimum the following issues: 1. the number of events proposed each year; 2. the maximum expected attendance at each event; 3. off-street parking, to meet standards in s. 10.102(8); 4. days and hours of operation; 5. ingress and egress; 6. Sanitation; 7. trash / recycling collection and disposal; 8. proposed signage; 9. other public safety issues

(b) Event plans must be filed with the following: 1. the zoning administrator, 2. town clerk, 3. servicing fire department, 4. emergency medical service provider, 5. Dane County Sheriff's Department and 6. any local law enforcement agency.

(c) Event plans for such activities must be filed at least 30 days prior to the start of any activities in each calendar year.

The event plan submitted provides general information on the required items above. Typically, an event plan is finalized after a CUP approval, added to the permit file, and distributed by County zoning staff to other agencies. It is important that the event plan designate a location for emergency service providers to go to in the event of an emergency.

TOWN ACTION: On April 7th the Town Board approved the CUP subject to the town reviewing the CUP every two years.

STAFF RECOMMENDATION: Pending any comments at the public hearing, Staff recommends that the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards listed above. If the Committee requires

additional information on which to base a decision, they could request specific information of the applicant or staff at the public hearing.

Staff believes that the applicant will need to provide further evidence to address the CUP standards and mitigate the concerns regarding lighting and traffic safety (to address CUP standard #2 and #5, respectively). Staff recommends postponement at this time, to allow the applicant time to address these concerns. Other aspects of the proposal appear sufficient to address the CUP standards—this includes the site and parking plan, event plan details, the approved stormwater management plan, the decibel limits on outdoor amplified music, as well as the town’s approval and conditions.

Potential recommended conditions of approval are listed below, which reflect Warm Belly’s current CUP conditions, with some additions based on the requested changes, the town approval, and the concerns noted above.

CUP 2657 Potential Conditions of Approval:

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. Any conditions required for specific uses listed under s. 10.103 (see below).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
5. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner’s expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. 10.102(8).
9. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
10. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
11. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
12. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit.

Conditions specific to CUP # 2657:

13. There shall be no parking on either side of Vilas Hope Road. The applicant shall be responsible for the installation of “No Parking” signs and shall coordinate with the Town Highway Superintendent to determine the signage location and details. The applicant shall be responsible for the cost of the signage.
14. A stormwater management plan shall be approved by Dane County Land and Water Resources Department. The management features shall be installed prior to the use of the rear parking lot.
15. The applicant shall be responsible for any driveway improvements required by the Town Highway Superintendent including but not limited to size of the culvert and the design of the driveway where it meets Vilas Hope Road.
16. The applicant shall install “No Parking” signs on the traffic lane on the north side of the buildings.

17. The exterior lighting shall conform to the operations plan, as well as Dane County and Town of Cottage Grove ordinances. All lighting must be dark sky compliant/downward facing. Any additional lighting would require an amendment to the conditional use permit.
18. Applicant shall provide adequate restroom facilities, in accordance with the Department of Health requirements.
19. Public hours of operation shall be limited to Sunday to Saturday 9:00am to 7:00pm year-round, with the option to extend to **8:00pm** during fall festivals (once outdoor lighting or the farm store are completed).
20. Amplified music volume shall be limited to 60dbA at 100 feet from the speakers.
21. Landscaping shall be installed per Town requirements, subject to written confirmation from Town Planner Mark Roffers.
22. The CUP area may include the additional leased acreage as long as an active lease is in place.
23. Design review will be required by the Town upon application for a building permit for the farm store.
24. **The business shall use staggered arrival times for customers, to mitigate traffic congestion during festival events.**
25. **A traffic control officer shall be present to direct traffic during busy festival arrival and departure times.**
26. **The CUP shall be subject to Town of Cottage Grove review every two years, to ensure compliance.**

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.