

Conditional Use Permit Application for 4311 Vilas Hope Rd, Madison, WI 53527

Owner/Agent responses in blue.

Original submitted 2/16/2023 *Revised for ZLR review 5/09/2023*

Type of Conditional Use Permit:

Conditional Uses per 10.223(3) - Agricultural accessory uses:

- Agricultural Entertainment, 10 days/year or more
- Sale of agricultural products not produced on the premise
- Incidental sale of non-alcoholic beverages and snacks

Provide a short but detailed description of the proposed conditional use:

The existing site contains a prior garden and landscape center, with numerous commercial-scale greenhouses, 20 acres of farm land and more. This Conditional Use Permit application is to allow for Agricultural Entertainment to take place on site, 10 days/year or more. The business plan proposes bringing back pick-your-own strawberries (which was the original 1977 use of the business) as well as pick-your-own pumpkins, corn maze(s), sunflowers and more. The Fall season would include seasonal drinks and foods with apples from the sister farm – Warm Belly Farm in Fort Atkinson, WI – including but not limited to apple cider, donuts, caramel apples, coffees, etc. The location would be re-opened and re-positioned as a family-oriented Agricultural tourism and education offering to the community. The business is currently being proposed as ‘Warm Belly Adventure Farm’ with final name to be confirmed prior to Final approvals.

Written Legal Description of Boundaries

Large Parcel: A parcel of land located in the Northeast One-quarter (1/4) of the Southwest One-quarter (1/4) and in the fractional Northwest One-quarter (1/4) of the Southwest One-quarter (1/4) of Section Seven (7), Township Seven (7) North, Range Eleven (11) East, Town of Cottage Grove, Dane County, Wisconsin, more particularly described as follows: Commencing at the West quarter corner of said Section Seven (7), said quarter corner being North 01°10’58” West, 15.00 feet from a brass cap concrete witness monument on the West line of said Section Seven (7); thence North 85°30’31” East along said quarter line, 452.33 feet to a pipe set; thence South 00°47’51” East, 947.87 feet to a pipe set; thence North 85°32’08” East, 692.53 feet to a pipe set; thence South 00°47’51” East, 373.79 feet along the West line of said Certified Survey Map No. 2479 to the Southwest corner thereof being on the South line of the North One-half (1/2) of the Southwest One-quarter (1/4) of said Section Seven (7); thence South 85°32’08” West, along said South line, 1721.04 feet to a pipe set on the West line of said Section Seven (7); thence North 01°10’58” West along said West line, 983.42 feet to a pipe set; thence North 85°42’50” East, 584.99 feet to a 1” pipe found; thence North 01°10’58” West, 339.31 feet to the point of beginning of this description.

Small Parcel: Parcel A: Lot One (1) of Certified Survey Map No. 2479, recorded in the Office of Register of Deeds for Dane County, Wisconsin on July 13, 1977 in Volume 10, Pages 2-4 inclusive, as Document No. 1527496, of part of the Northeast One-quarter (1/4) of the Southwest One-quarter (1/4) of Section

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Seven (7), Township Seven (7) North, Range Eleven (11) East, Town of Cottage Grove, Dane County, Wisconsin.

Parcel B: A parcel of land located in the Northeast One-quarter (1/4) of the Southwest One-quarter (1/4) and in the fractional Northwest One-quarter (1/4) of the Southwest One-quarter (1/4) of Section Seven (7), Township Seven (7) North, Range Eleven (11) East, Town of Cottage Grove, Dane County, Wisconsin, more particularly described as follows: Commencing at the West quarter corner of said Section Seven (7), said quarter corner being North 01°10'58" West, 15.00 feet from a brass cap concrete witness monument on the West line of said Section Seven (7); thence North 85°30'31" East, along the East-West quarter line, 585.11 feet to a pipe set; thence continue North 85°30'31" East along said quarter line, 452.33 feet to a pipe set; thence South 00°47'51" East, 947.87 feet to a pipe set; thence North 85°32'08" East, 692.53 feet to a pipe set and the point of beginning of this description; thence continue North 85°32'08" East, 283.07 feet to the North-South quarter line; thence South 00°47'51" East, along said North-South quarter line, 66.14 feet to the Northeast corner of the Certified Survey Map No. 2479, recorded in Volume 10 of Certified Survey Maps of Dane County, on pages 2, 3 and 4; thence South 85°32'08" West along the North line of said Certified Survey Map No. 2479, 283.07 feet to the Northwest corner thereof; thence North 00°47'51" West, 66.14 feet to the point of beginning of this description.

Standards for Conditional Use Permits – Question Responses

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

Response: The requested conditional use for Agricultural Entertainment 10 days/year or more will not be detrimental to or endanger the public health, safety, comfort or general welfare of the local community. All activities will take place in the rear 30 acres of farm land, within the proposed farm store, or inside the updated existing greenhouse on site, all of which is behind any current residential structures along Vilas Hope Rd.

2. 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.

Response: The existing property originally operated as a horticultural business started in 1977 by selling strawberries and vegetables and eventually grew to the floral business it was up until a few years ago. The proposed use will breathe life back into its original usage while providing additional outlets for family entertainment including a pumpkin patch, corn mazes, apple and strawberry sales, and more. Hours of operation are planned to be Sunday through Saturday, open 9 AM to sunset to start, with future plans of increasing fall/winter hours once shop addition is completed. In addition, fall hours would be expanded until 9pm once the installation of outdoor lighting is complete in order to host night time events including, but not limited to, corn mazes and pick-your-own pumpkins.

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3. 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.

Response: Most immediate surrounding property is of agricultural and/or Farmland Preservation designation. The conditional use request adheres to the requirements of the FP-B Zoning and does not impede the normal and orderly development and improvement of the surrounding properties.

4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use.

Response: See proposed site plan documents for implementation of proposed business plan for the property at 4311 Vilas Hope Rd, Madison, WI 53527. Please note, the provided site plan shows the overall long-term goal for the growth of the business plan. This plan would be implemented in phases, over time, as the business grows and will go through the proper authorities having jurisdiction over each phase at that time.

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

Response: The existing driveway entrance was already approved by the Town of Cottage Grove for the prior business's use. Vilas Hope Rd is an improved roadway with centerline and minimal existing business-related traffic around proposed hours of operation. The existing driveway entrance is planned to be widened to 24' to accommodate proper two way traffic.

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

Response: The conditional use approval being requested is an Agricultural Accessory Use to the FP-B Zoning, for the uses listed at the start of this document.

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

Response: The conditional use approval being requested would greatly enhance the Town Comprehensive Plan's designation of an Agricultural Preservation Planning Area. The plan allows for expansion of existing businesses at the Town Board's discretion. The goal at 4311 Vilas Hope Rd is to not only re-open a previously existing, thriving business, but to continue to grow it and add new, modern agricultural tourism and education activities for the community to enjoy for years to come.

8. If the conditional use is located in a Farmland Preservation (FP) Zoning district, the conditional use is subject to the following additional standards found in section 10.220(1). Attach additional pages, if necessary.

- Explain how the use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district:

Response: Much like the response to #7, the proposed family agricultural entertainment and education aspect of the overall site plan aligns with the Town's comprehensive plan designation of an Agricultural Preservation Planning Area. The proposed adventure farm hopes to bring increased attention to various opportunities throughout the year to participate in the pick-your-own experience, whether through strawberries, pumpkins, flowers, or other endeavors as well as add an aspect of agricultural tourism and education to the community.

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- Explain how the use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations:

Response: The proposed location within the Farmland Preservation Zoning district is reasonable and appropriate given the prior use of the site and existing buildings. Utilizing an existing built infrastructure and re-purposing existing Agricultural buildings, the proposed Warm Belly Adventure Farm will breathe life back into an area that used to thrive as a commercial floral and pick-your-own business once.

- Explain how the use is reasonably designed to minimize the conversion of land from agricultural use or open space use:

Response: The proposed site plan does not change the existing layout of the parcel. A few existing, outdated/expired greenhouse structures will be removed and replaced by modernized structures to accompany the growth of the Adventure farm. All existing crop lands will be kept as-is and reused for various harvests. The existing parking lot will be re-stripped and utilized as it was prior. Two additional parking areas are to be defined on existing grass areas/garden beds with the proposal of gravel drive aisles following existing vehicular paths on site.

- Explain how the use does not substantially impair or limit the current or future agricultural use of surrounding parcels zoned for agricultural use:

Response: Following up on the prior response, the proposed business plan utilizes the existing fields as-is as well as maintains and/or enhances the existing build infrastructure. All adjacent agricultural parcels will continue their respective operations without any substantial impairment.

- Explain how construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible:

Response: The existing site is mostly to be re-used as-is with the removal of a few noted outdated greenhouses. The only construction within any on-site existing agricultural lands is for the addition of exterior lighting which will not affect the long term agricultural use of that land.

WRITTEN STATEMENT OF INTENT AND OPERATIONS PLAN

Warm Belly Farm is proposing an agricultural tourism and education farm to be located at 4311 Vilas Hope Rd. The prior use of the site was America's Best Flowers, which began in 1977 as a pick-your-own strawberries horticultural business before ultimately transforming into a commercial floral grower and landscape supply business over the past few decades. The intent of this business endeavor is to add agri-tourism related activities to the once flourishing site, including pick-your-own strawberries and pumpkins, corn maze(s), sunflower/ flower fields, hay rides, a petting zoo and more. The agri-tourism related activities will take place on the back 20 acres of the farm property, inside the proposed farm store, and within the existing greenhouses on site which are set back from Vilas Hope Rd and any adjacent residences.

An additional 1 +/- acre of parking towards the rear farm field(s) will be identified as well as access roads converted from existing vehicular paths/egress into gravel drive aisles. Additional retail and food preparation areas may be added within the proposed ~6000sf farm store next to the existing main greenhouse building, in place of adjacent existing, outdated greenhouse structures to be torn down. Agri-tourism related activities will take place 7 days a week from 9AM to sunset to start, with future plans of extending hours to 9PM during fall months once the addition of exterior lighting and/or the farm store are complete. There is a long-term growth plan to be able to employ upwards of 50 employees, with approximately 10 to remain full time year-round. The farm plans for daily, amplified, ambient music within the hours of operation, throughout the site, but focused on

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the rear fields as it is very quiet while out there. A 60DB level is proposed, which would only be a 15DB level at the nearest home to the rear field. In addition to this general noise plan, the area to be created between the existing building and proposed farm store, would want a slightly heightened noise allowance for outdoor live music events, from 4pm to closing, adjacent to the farm store. This would not be every evening. Any anticipated events with concentrated noises above this would be outlined within a specific event plan specific to that event (ex: music, marketed festivals, etc.) All activities within the property are furthest from adjacent living and/or business operations and are set back from Vilas Hope Road. Daily anticipated traffic will be primarily those attending the adventure farm and/or farm workers, utilizing standard vehicles. Occasional trash/refuse collection would take place, and a handful of farm-related deliveries throughout the year. All existing road conditions allow for all anticipated vehicular traffic use on site.

There will be no materials of concern stored externally on the site. Pesticides and herbicides associated with the production of corn, pumpkins, sunflowers/other flowering plants, and strawberries will be stored internally onsite and will meet any and all storage requirements/approvals at that time. See site plan documents for the location of a proposed ~2000sf storage building addition. See site plan documents for preliminary stormwater information. All required stormwater and erosion control will meet Dane County and WiDNR standards. Stormwater design and erosion control plan will be completed during final design and submitted for review per proper construction permitting process to Dane County and WiDNR. The existing restroom within the existing main greenhouse will be renovated for employee use. The addition of 10 porta-potties at the rear parking lot as well as a total of 6 proposed water closets/urinals within the farm store are to be utilized on site. The existing septic fields would be utilized, see site plan documents for location. Any additional add-ons would be introduced in the building plan phase. Manure from any petting zoo animals is to be recaptured and used as fertilizer in the growing fields. Dumpsters & required enclosures will be located on site for both trash and recyclable materials (refer to site plan documents for proposed location).

See proposed lighting plan and photometric plan for all outdoor lighting improvements including additional retrofitting of existing lighting structures not shown on plans may take place. All proposed outdoor lighting will meet county design standards/ requirements for light pollution. All proposed rear-field lighting will be situated so that the light fixtures themselves are facing away from Vilas Hope Road, to the West. Existing signage at ingress/egress to prior business will be redone to reflect the new Adventure Farm business. The storage barn at the entrance to the parking lot will be painted with a mural/ art piece representing the farm as well. All proposed lighting of rear field/parking area will be limited to harvest times of year, with access minimized during the winter months; all is outlined on proposed Event Plan.

Thank you for your consideration for this project. As a resident of the Town of Cottage Grove, I find this project to have the makings of a great opportunity for our community! Please do not hesitate to reach out with any further questions.

Sincerely,

A handwritten signature in black ink that reads "Joseph C Gallagher". The signature is written in a cursive, flowing style.

*Joseph C Gallagher, AIA - WI 12901-5
Ramaker Architectural Service Group Leader*