

**PUBLIC SAFETY
COMMITTEE**

Wednesday, May 20, 2020

6:30 PM

McFarland Municipal Center
Conference Room A

AGENDA

You are invited to this meeting through a Zoom webinar. The Public is **strongly encouraged** to watch and participate in these meetings remotely through either the webinar or telephone options listed below.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85121896340>

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 (312) 626-6799 or +1 (929) 205-6099 or +1 (301) 715-8592 or +1 (346) 248-7799 or +1 (669)
900-6833 or +1 (253) 215-8782

Webinar ID: 851 2189 6340

1. CALL TO ORDER, ROLL CALL.
2. PUBLIC APPEARANCES.
3. APPROVAL OF MINUTES.
4. BUSINESS.
 - a. Discussion and recommendation to the Village Board on the expansion of the premise for the Class "B" Beer and "Class B" intoxicating Liquors License to add an outdoor seating area in the front of the McFarland House Cafe, located at 5923 Exchange St. for the license period ending June 30, 2020.
5. SCHEDULE NEXT MEETING DATE.
6. ADJOURNMENT.

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related to Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon

reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the McFarland Municipal Center at (608) 838-3153 or cassandra.suettinger@mcfarland.wi.us.



PUBLIC SAFETY COMMITTEE SUMMARY SHEET

MEETING DATE: Wednesday, May 20, 2020

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer

AGENDA ITEM: Discussion and recommendation to the Village Board on the expansion of the premise for the Class "B" Beer and "Class B" intoxicating Liquors License to add an outdoor seating area in the front of the McFarland House Cafe, located at 5923 Exchange St. for the license period ending June 30, 2020.

PREVIOUS ACTION:

ISSUE SUMMARY:

The McFarland House Cafe has applied to expand the licensed premise for their Class "B" Beer and "Class B" intoxicating Liquors License to include an outdoor consumption area in front of the restaurant. Attached is the memo outlining the request, and recommendations from Village Departments.

FINANCIAL/BUDGET IMPACT:

None.

VILLAGE PLAN REFERENCE:

N/A

ORDINANCE REFERENCE:

Chapter 11 of the Village Code of Ordinances, specifically section 11-64(n) regarding outdoor consumption areas.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Staff recommends approval of the expansion of licensed premise for McFarland House Café Inc to include an approximately 651 square foot outdoor consumption area in front of the McFarland House Café with the condition that the applicant be required to install adequate lighting.

ATTACHMENTS:

1. Review and Recommendation - McFarland House Cafe - 05.12.2020 - FINAL
2. Police Chief Recommendations - McFarland House Cafe
3. Building Inspector Recommendations - McFarland House Cafe
4. Fire Inspector Recommendations - Expansion of Premise
5. Expansion of Premise Application - McFarland House Cafe



6. Lighting Example - McF House Cafe

MEMORANDUM

To: Public Safety Committee and Village Board

From: Cassandra Suettinger, Village Clerk/Treasurer

Date: May 12, 2020

RE: Expansion of Premise for McFarland House Café, 5923 Exchange St

Background: The current licensed premise for the McFarland House Café is the 1st floor and Basement of the main building.

In 2019, the McFarland House Café had brought previous proposals to expand their licensed premise for the 2nd and 3rd floor of the McFarland House Café, the Greenhouse and Basement, as well as a 1,300 square foot area. That approval will sunset on June 30, 2020, and the McFarland House Café is not interested in pursuing this expansion at this time. They will potentially bring back a proposal for phase 2 of their expansion to include the green house and an outdoor consumption area in the back at a later time.

Proposal: The McFarland House Café is proposing to expand their licensed premise to include an approximately 651 square foot outdoor consumption area in front of the Café. Attached are the site plans showed the proposed site plan.

Review: Village Ordinance 11-64n outlines the conditions and requirements for outdoor consumption areas within the Village. Below is a review of the proposal and its compliance with the required conditions.

Any application for a new license, the renewal of an existing license or a change in the description of licensed premises which seeks to include an outdoor area within the licensed premises' description shall require notice to each person owning property within 500 feet of the proposed licensed premises. The applicant shall prepay the cost of sending such notice before the notices are sent. The notice shall include a copy of the application and the date, time and location of any public hearings or other public meetings at which the application is scheduled to be considered.

On May 7, 2020, a notice was sent to all property owners within 500 feet of the propose licensed premise notifying them of the dates and times of the Public Safety and Village Board meetings along with a copy of the proposed site plan.

2) The application shall be accompanied by detailed plans or drawings demonstrating the size, location, surface and building materials, and use of the outdoor area, including fencing and signage, and any other information necessary to determine compliance with this Subsection. The outdoor consumption application, along with associated plans and drawings, shall be

reviewed for a recommendation by the Public Safety Committee and a final decision made by the Village Board.

Attached are the detailed plans outlining all the required items for the review and recommendation of the Public Safety Committee.

3) The Village Board may impose conditions specific to any outdoor areas of the licensed premises as deemed necessary to prevent undue adverse impacts on neighboring property, the character of the surrounding neighborhood, traffic conditions, parking or any other matter to protect the public health, safety, welfare or convenience, including, but not limited to:

a. Restricting the hours during which alcohol consumption may be permitted within the outdoor area;

No restriction recommendations identified by staff

b. Requiring additional parking beyond the minimum required by the Zoning Code;

* Community Development Director Andrew Bremer has reviewed the parking and provided the following report and recommendation:

The parking requirements of Sec. 62-172(j) are advisory only in the C-C District. Without social distancing requirements, the owner anticipates the patio area may accommodate up to 50 people. The requirement is for parking spaces equal to 30% of the dining capacity, or 15 in this case. Staff recommends waiving the requirement for additional off-street parking due to the fact that the property location offers greater access to on-street parking opportunities, there is a public parking lot adjacent to the property, the request to expand the outdoor patio is in correlation with likely decreased indoor seating capacity due to COVID-19 safe distancing guidelines/requirements, use of the outdoor area is seasonal and weather dependent, and many customers travel to the restaurant by bike given the locations proximity to the Lower Yahara River Trail.

c. Regulation of lighting and screening;

In Chief Sherven's letter, he recommends adequate lighting for the outdoor consumption area. Mr. O'Hearn has provided the lighting that will be used in the outdoor area, which Chief Sherven has approved to be adequate. An example of the lighting is attached within the packet.

d. Any conditions recommended by the Public Safety Committee;

To determined by the Committee if applicable.

e. Any conditions imposed by the Plan Commission as part of its required site plan review under Section 62-310 of this Code.

Plan Commission will review the site plan on May 18th and provide recommendation to the Village Board.

In addition to any specific conditions imposed under Subsections (2) and (3), the following shall be minimum conditions of all licenses with respect to outdoor areas unless the Village Board makes a specific finding that the condition is not necessary to protect the public health, safety or welfare:

a. Outdoor areas are prohibited within 50 feet of the lot line of a parcel zoned, or lawfully used for residential purposes. This prohibition shall not apply to prohibit an outdoor area where an accessory apartment exists on the same parcel as the licensed premises.

Compliant. The McFarland Tavern has a living space above it within 50 feet of the lot line; however, the McFarland Tavern is not zoned residential.

b. The hours during which alcohol consumption may be permitted within the outdoor area is restricted to 11:00 a.m. to 10:00 p.m. Sunday through Thursday; and 11:00 a.m. to 11:00 p.m. on Friday and Saturday.

Compliant.

c. The perimeter of any outdoor portion of a licensed premises shall be enclosed by a permanent, secure fence not less than four feet in height. Such fence shall be constructed of wood, plastic, or metal and erected and maintained in accordance with all applicable Village ordinances. If the outdoor portion of a licensed premises is an outdoor sports area, the enclosure may instead be made by temporary netting not less than ten feet high during the applicable sports season. Such netting shall not be installed sooner than 14 days prior to, and shall be removed no later than 14 days after, the season or the period established under Section 11-69(f)(6)c., whichever is shorter. The outdoor area shall comply with all applicable building code requirements including the provision of readily distinguishable means of egress for fire and emergency purposes.

Proposed fence is compliant. However, see additional comments in Chief Sherven's letter regarding the fence.

d. Amplified music, speakers, microphones, televisions or other audio or video devices shall be subject to Chapter 20, Article III of the Village Code of Ordinances regarding Noise and Section 11-69(f) if applicable.

Compliant. See additional information in Chief Sherven's letter.

e. The outdoor area shall not have an undue adverse impact upon nearby property, the character of the neighborhood, traffic conditions, parking or other matter affecting the public health, safety, welfare, or convenience.

Compliant. See additional comments on this provision contained within Chief Sherven's review.

f. The size of the outdoor area may not be larger than 50 percent of the gross floor area of the licensed premises within a permanent building. Interior building capacity shall not be increased as a result of the addition of the outdoor area. The playing area of any outdoor sports area permitted under Section 11-69 shall not be included for purposes of determining compliance with this subparagraph so long as the playing area is not permitted to be occupied by persons not participating in the sporting activity for which the playing area is designed.

Compliant. The applicant has only listed the square foot of the Café. The calculation allows the gross floor area of both the main floor and the basement as they are both part of this premise. This takes the gross square footage of the indoor licensed premise to be approximately 2721.60 square feet allowing the outdoor consumption area to be up to 1360 square feet. The proposed outdoor consumption area is 651 square feet.

g. A conspicuous notice shall be posted at each fire exit stating: "No Beer, Liquor or Wine May Be Carried in an Open Container Beyond this Point."

Compliant. Applicant is aware of requirement.

h. No bar/counter service shall be permitted in outdoor areas, however, wait staff may serve in the outdoor area.

Compliant. Applicant is aware of requirement.

i Except for outdoor sports activities permitted under Section 11-69, the outdoor area shall not be used for any activities other than service and consumption of food and/or drink. Smoking may be permitted in accordance with applicable State and local regulations.

Compliant. Applicant is aware of requirement.

j. The outdoor area shall be accessible to the disabled, and the license holder shall at all times comply with all applicable federal, state and village laws, ordinances and regulation concerning accessibility.

Compliant. Both the Fire Inspector and Building Inspector reviewed the proposed plan and provided recommendation for approval.

k. Containers for refuse disposal and regular cleanup shall be placed inside of the outdoor area.

Compliant, applicant is aware of requirement.

I. If the outdoor area is used for outdoor sports activities as permitted under Section 11-69 and persons under the age of 21 are allowed to be present on the licensed premises, all persons 21 years of age or older who intend to consume alcohol beverages in the outdoor area, shall be issued a wristband that is bright in color which shall be issued only upon showing valid identification proving the person is 21 years of age or older.

Not applicable. No sports activities proposed.

Recommendation: Staff recommends approval of the expansion of licensed premise for McFarland House Café Inc to include an approximately 651 square foot outdoor consumption area in front of the McFarland House Café with the condition that the applicant be required to install adequate lighting for the period ending June 30, 2020.

Cassandra Suettinger

From: Craig Sherven
Sent: Tuesday, May 5, 2020 11:55 AM
To: Cassandra Suettinger
Subject: Comments - McFarland House Cafe' Expansion

Having reviewed the proposed outdoor expansion, I am generally fine with it, with the below comments and a few cautions relating to the proposed use of outdoor amplification and fencing requirements. My comments are reflective only of those related to law enforcement related security, and not of fire safety, zoning, construction, lot line requirements, etc. Other staff will comment from those standpoints.

- **Regarding section 11-64 (N) of Village Ordinances:**

- o **(4)(C)** – Note that while the fencing proposed appears to be in technical compliance with ordinance requirements in terms of physical construction requirements related to height and material, it is in my opinion of questionable sufficiency to prevent the passage of alcoholic beverages to individuals on the outside due to its limited height, open construction and proximity to a public walkway. Applicant should be aware that this type of fencing will increase the ability to pass beverages to individuals outside the area, and increased visual supervision of the area would be prudent and highly recommended.
- o **(4)(D)** – Applicant should be aware that Village ordinance restricts and/or prohibits sound or noise as follows:
 - ② “tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life, or limb of some person”
 - ② “The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound, which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.”
 - ② It’s important to understand that tolerance levels of other individuals vary greatly. What is reasonable to one may be completely unreasonable to another, thus it would be prudent to utilize any outdoor amplification cautiously and prudently.
- o **(4)(E)** – As an additional caution relating to relating to restrictions on noise and general character of the business, this section provides “The outdoor area shall not have an undue adverse impact upon nearby property, the character of the neighborhood, traffic conditions, parking or other matter affecting the public health, safety, welfare, or convenience”.
- o **(3)(C) Lighting** – Applicant should be required to install adequate lighting so as to clearly monitor the area for compliance with statute and ordinance.



Craig J. Sherven

Chief of Police

McFarland Police Department

5915 Milwaukee Street

McFarland WI 53558

608-838-2352

Cassandra Suettinger

From: Building Inspector
Sent: Tuesday, May 5, 2020 7:57 AM
To: Cassandra Suettinger
Subject: RE: McFarland House Cafe - Expansion of Premise

Cassandra,

I looked over his proposal and saw nothing of concern building wise. I was questioning 4' high fence in front, but it looks like this is allowable in a commercial district.

Jim T

-----Original Message-----

From: Cassandra Suettinger <Cassandra.Suettinger@mcfarland.wi.us>
Sent: Tuesday, May 5, 2020 6:10 AM
To: Craig Sherven <Craig.Sherven@mcfarland.wi.us>; Chris Dennis <Chris.Dennis@mcfarland.wi.us>; Building Inspector <Buildinginspector@mcfarland.wi.us>
Cc: Mitchell Sutter <Mitchell.Sutter@mcfarland.wi.us>; Karen Knoll <Karen.Knoll@mcfarland.wi.us>; Matt Schuenke <Matt.Schuenke@mcfarland.wi.us>; Tanya O'Malley <tanya.omalley@mcfarland.wi.us>
Subject: McFarland House Cafe - Expansion of Premise

Good Morning,

Attached is the expansion of premise for the McFarland House Café. As I had indicated yesterday, this did not make it in time to be on the May 13th Public Safety Agenda. We are also working through an issue with this request as Shaun would need permission to occupy the road right-of-way for what is proposed. That can likely be deal with this week.

Please review the attached plans and provide your feedback by Friday May 15th at noon. If the timeline for this does not work, please let me know. We are looking to potentially have a special Public Safety Committee meeting the week of May 18th. While we would not normally do something like this, because of COVID19, I think making them wait another month may be a substantial hardship. This would line up approval for May 26th potentially which would coincident with the lifting of the stay at home orders.

Please let me know if you have questions or concerns.

Cassandra Suettinger, WCMC
Village Clerk/Treasurer
Village of McFarland
608-838-3153



McFarland Fire & Rescue Department

5915 Milwaukee Street • PO Box 110 • McFarland, WI 53558-0110

(608) 838-3278 • Fax: (608) 838-3619

Emergency: 911

Date: May 6, 2020

To: Public Safety Committee

From: Mitchell Sutter, Fire Inspector/Public Education Specialist

RE: McFarland House Cafe - Expansion of Premise

I have reviewed the proposal in the Expansion of Premise requested by McFarland House Café. At this time, McFarland Fire & Rescue do not observe any occupancy or fire hazards with the expansion and recommend approval of the application.

If you have any questions regarding the above, please contact me via phone at 608-838-3278 or via email at mitchell.sutter@mcfarland.wi.us

Sincerely,

A handwritten signature in black ink that reads "Mitchell Sutter".

Mitchell Sutter

Fire Inspector/Public Education Specialist

Cc: Chris Dennis, Fire & EMS Chief (McFarland Fire & Rescue Department)



Application for an Outdoor Consumption Area
Pursuant to Village Ordinance Chapter 11

***Any physical change to a licensed premise requires Village board approval.**

No Fee

1. Applicant Information

Name of Individual, Partnership, LLC, or Corporation that holds the current Alcohol Beverage License:

McFarland House Cafe Inc.

DBA:

McFarland House Cafe

Address of establishment:

5923 Exchange St

City, State and Zip Code:

McFarland WI 53558

Contact Name::

Shawn O'Hearn

Contact Telephone Number:

608 217 6356

2. Premise information

Gross floor area of the indoor licensed premise within a permanent building:

1568

Proposed Square Footage of Outdoor Area:*

651

**Outdoor area may not be larger than 50% of the gross floor area of the licensed premise within a permanent building without a variance granted by the Village Board. To request a variance, please see section 8 of the application.*

3. Outdoor Consumption Section

Is the proposed outdoor consumption area within 50 feet of the lot line of a parcel zoned, or used for residential purposes?*

☒ - No ☐ - Yes, see section 8 of application to request a variance

**This prohibition shall not apply to an outdoor area where an accessory apartment exists on the same parcel as the licensed premise.*

Will the outdoor area have amplified sound including but not limited to live music, loud speakers, call systems, etc.?

☐ - No ☒ - Yes.

Hours of operation for an outdoor consumption area shall be limited to Sunday through Thursday 11:00 a.m. to 10:00 p.m., and Friday and Saturday 11:00 a.m. to 11:00 p.m. Will the proposed outdoor consumption area meet this standard?

☒ - Yes ☐ - No, ☐ - Yes, see section 8 of application to request a variance

Is the proposed outdoor area directly connected to the indoor licensed premise?

☒ - Yes ☐ - No

If no, please attach a security plan that explains how alcohol will be served, and how alcohol consumption will be monitored. Provide specific details on how you intend to prevent consumption outside of the licensed premise and how you will prevent underage alcohol consumption.

4. Outdoor Sporting Activity Section

Will the proposed expansion involve an outdoor sporting activity area:?

☐ - Yes ☒ - No

If yes, you will need an outdoor sporting activity application in addition to this application.

5. Attachments/Requirements

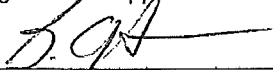
The following must be submitted with your application:

☒ - Site Plan or drawings demonstrating the size, location, surface, and building materials, fencing (not less than 4 ft in height), signage including proposed use of the outdoor area.

6. Certification

I certify that the information contained in this application is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Village Code of Ordinances and State Law.

Signature of Applicant:



Date:

4/30/2020

7. Standards for Outdoor Consumption Area

a. The perimeter of any outdoor portion of a licensed premises shall be enclosed by a permanent, secure fence not less than four feet in height. Such fence shall be constructed of wood, plastic or metal and erected and maintained in accordance with all applicable Village Ordinance. If the outdoor portion of a licensed premises is an outdoor sports area, the enclosure may instead be made by temporary netting not less than ten feet high during the applicable sports season. Such netting shall not be installed sooner than 14 days prior to, and shall be removed no later than 14 days after, the season or the period established under Section 11-69(f)(6)c., whichever is shorter. The outdoor area shall comply with all applicable building code requirements including the provision of readily distinguishable means of egress for fire and emergency purposes.

b. Hours of outdoor consumption are restricted to 11:00 a.m. to 10 p.m. Sunday through Thursday, and 11:00 a.m. to 11:00 p.m. on Friday and Saturday.

c. Amplified music, speakers, microphones, televisions and other audio video devices shall be subject to Chapter 20, Article III of the Village Code of Ordinances regarding Noise and section 11-69(f) if applicable. Commercial zoned shall be limited to 70 db at all times. Noise is measured at the property line. Outdoor amplification of noise is not allowed after 10 p.m.

d. A conspicuous notice shall be posted at each fire exit stating: "No Beer, Liquor or Wine May Be Carried in an Open Container Beyond this Point."

e. No bar/counter service shall be permitted in outdoor areas, however, wait staff may serve in the outdoor area.

f. Except for outdoor sports activities permitted under Section 11-69, the outdoor area shall not be used for any activities other than service and consumption of food and/or drink. Smoking may be permitted in accordance with applicable State and local regulations.

g. The outdoor area shall be accessible to the disabled, and the license holder shall at all times comply with all applicable federal, state and village laws, ordinances and regulation concerning accessibility.

h. Containers for refuse disposal and regular cleanup shall be placed inside of the outdoor area.

i. If the outdoor area is used for outdoor sports activities as permitted under Section 11-69 and persons under the age of 21 are allowed to be present on the licensed premises, all persons 21 years of age or older who intend to consume alcohol beverages in the outdoor area, shall be issued a wristband that is bright in color which shall be issued only upon showing valid identification proving the person is 21 years of age or older.

j. The outdoor area shall not have an undue adverse impact upon nearby property, the character of the neighborhood, traffic conditions, parking or other matter affecting the public health, safety, welfare, or convenience.

USER ACCESS & USE PLAN

2019-007

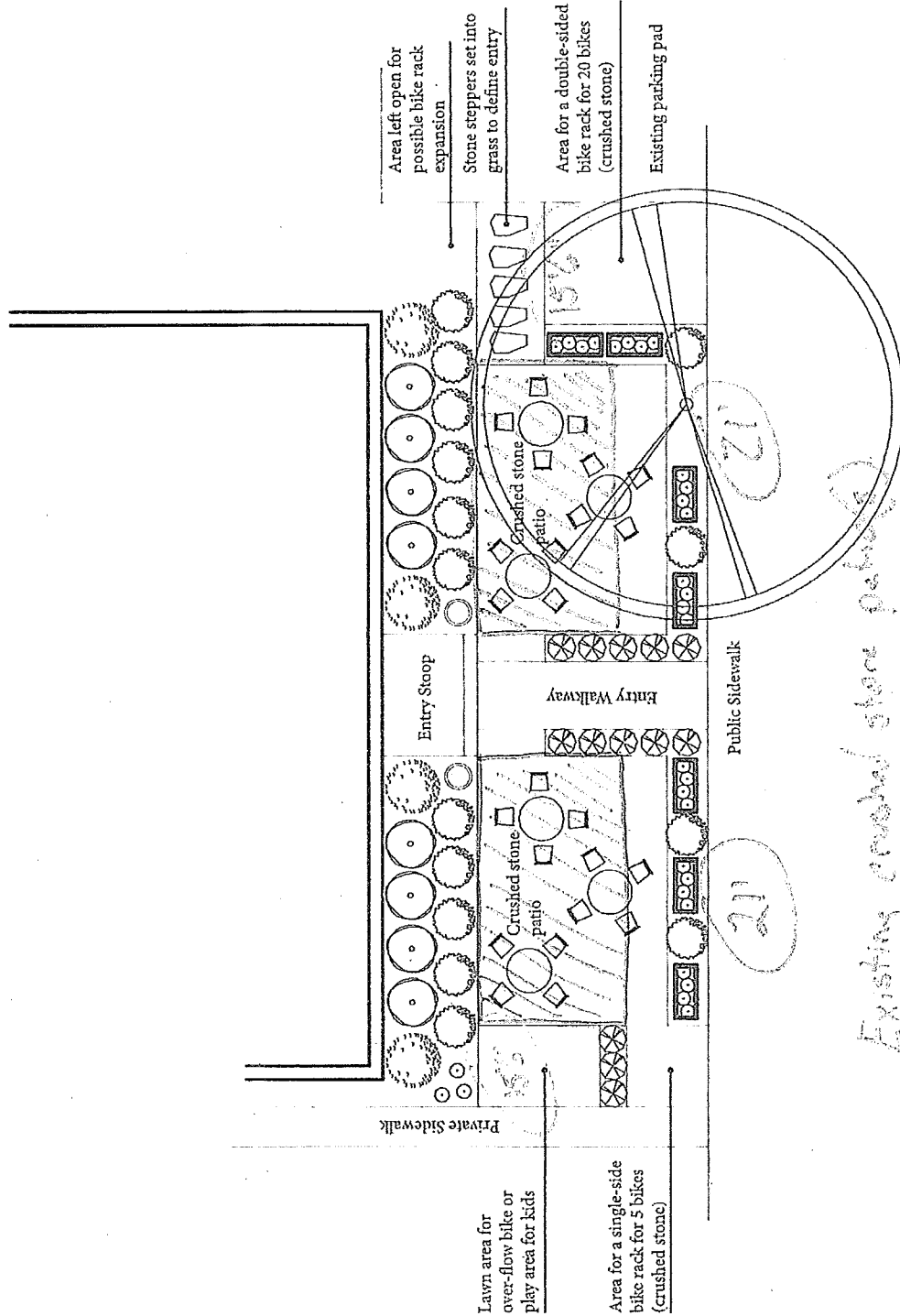


5.9.2019

McFarland House
Cafe

McFarland WI

SCALE 1/8"=1'-0"

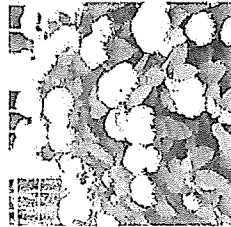


Existing crushed stone parking = 651 sq ft
 Proposed outdoor dining area = 1868 sq ft
 Footprint for cafe interior = 1868 sq ft
 Outdoor percentage = 27.15 %

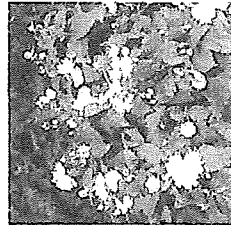
FRONT ACCESSORY AND PLANTING PLAN

VEGETATION KEY:

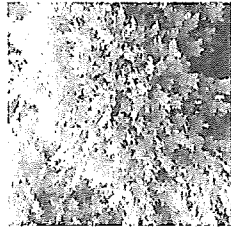
QTY	COMMON NAME
4	Hydrangea 'Annabelle'
8	Boxwood 'Green Velvet'
15	Mockorange 'Miniature Snowflake'
13	Cranesbill Geranium 'Rozanne'
31	Daylily 'Stella de Oro'



Annabelle Hydrangea
- Summer Bloom



Miniature Snowflake Mockorange
- Early Spring Bloom



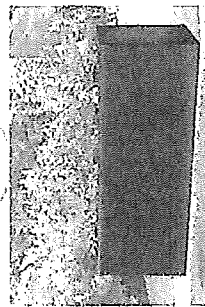
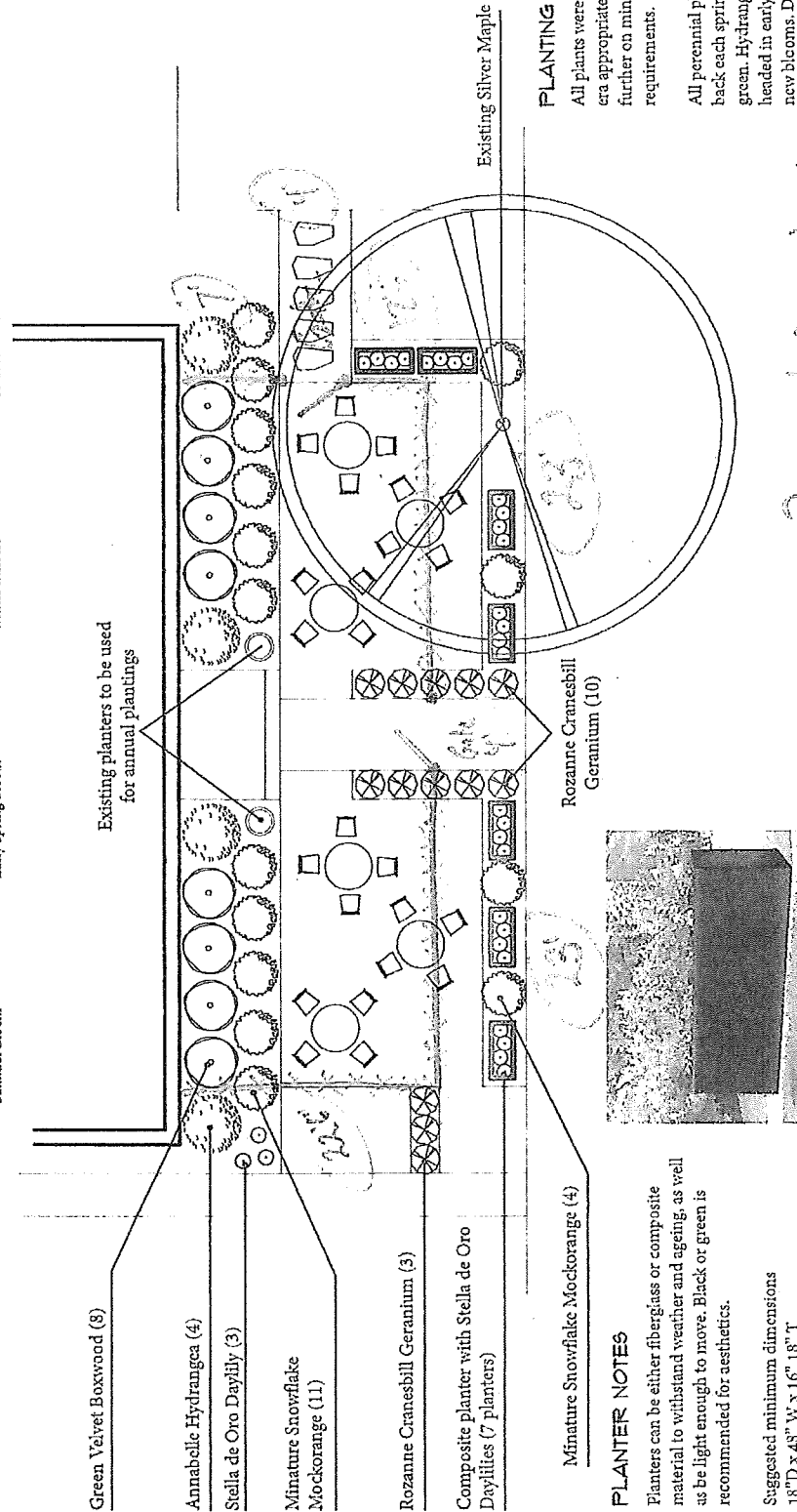
Green Velvet Boxwood
- Winter Interest



Rozanne Cranesbill Geranium
- Summer Bloom



Stella de Oro Daylily
- Summer and Fall Bloom



PLANTER NOTES

Planters can be either fiberglass or composite material to withstand weather and ageing, as well as be light enough to move. Black or green is recommended for aesthetics.

Suggested minimum dimensions
18" D x 45" W x 16" H

PLANTING NOTES

All plants were selected to be era appropriate and were chosen further on minimal maintenance requirements.

All perennial plants should be cut back each spring before they begin to green. Hydrangeas should be dead-headed in early spring to allow for new blooms. Do not cut hydrangea back to ground.

SCALE 1/8"=1'-0"

Planned River Location

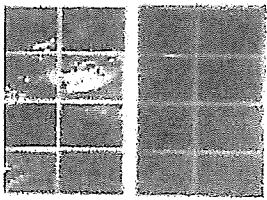
2019-007



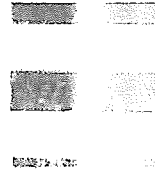
5.9.2019

McFarland House
Cafe

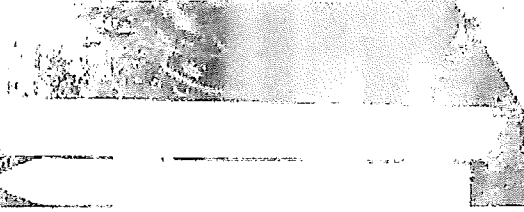
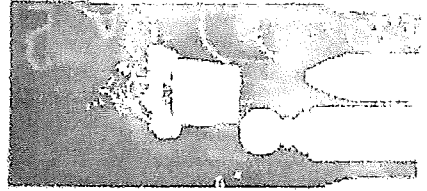
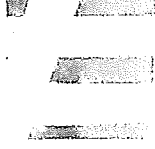
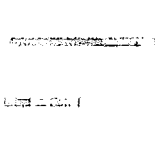
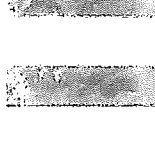
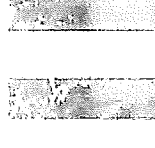
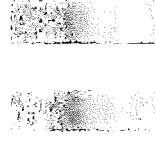
McFarland WI



4' Fencing
- White
- Wood



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MCFARLAND HOUSE -- VILLAGE OF MCFARLAND

PROPOSED SITE PLAN

SHEET: C-2
DATED: JUNE 11, 2019

SHEET: C-2
DATED: JUNE 11, 2019
REVISED: JUNE 20, 2019

REV

QUAM ENGINEERING, LLC

Perceptual and Cognitive Design Considerations

www.ck12.org

104 Slocum Road, Suite A - Norfolland, Warren, NJ 07055

SITE ADDRESS:	5037 INDIAN STREET
OWNER:	CHERRY COUNTRY, LLC
	ATTN: SHAWN O'BERRY
	5203 LINDEI PARKWAY
	MEGARLAND, WY 83358
LOT AREA:	25,345 SQFT
PAVED AREA:	8,435 SQFT
TOTAL IMPERVIOUS AREA:	11,892 SQFT
EXISTING AND PROPOSED ZONING:	18-0
ADJACENT AREAS:	C-C
	1,376 SQFT
	1,376 SQFT
	2,485 SQFT
	741 SQFT
	512 SQFT
	8 (0.020D)
	PROVIDED PARKING STALLS:

