

Monday, May 6, 2024

6:30 PM

McFarland Municipal Center
5915 Milwaukee St, McFarland
Community Room

AGENDA

The public may attend in-person or remotely through the Zoom webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/81181760200>

Or by Telephone: +1 (312) 626-6799

Webinar ID: 811 8176 0200

Press *9 to raise/lower hand. Press *6 to mute/unmute.

1. CALL TO ORDER, ROLL CALL.

2. PUBLIC APPEARANCES.

- a. This is an opportunity for members of the public to address the Public Safety Committee for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Committee about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. When you are called upon to speak, state your name, address, and provide your comments to the Committee for their consideration. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to public.safety@mcfarland.wi.us to be included as part of the meeting.

Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.

3. APPROVAL OF MINUTES.

- a. Motion to approve the minutes of the February 5, 2024, meeting.

4. BUSINESS.

- a. Discussion and recommendation on a request for American Legion Post No. 534, 4911 Burma Rd, to expand their licensed premise for the consumption of alcohol for an approximately 525 sq. ft. outdoor area adjacent to the dance hall.

5. SCHEDULE NEXT MEETING DATE.

- a. June 3, 2024, at 6:30 p.m.

6. ADJOURNMENT.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the McFarland Municipal Center at (608)838-3153, 5915 Milwaukee Street, McFarland, Wisconsin, or village.clerk@mcfarland.wi.us by 2:00 p.m. at least 5 business days prior to the meeting so that any necessary arrangements can be made to accommodate each request. If the meeting or request is less than 5 business days from the meeting, requests for accommodations may still be made and reasonable efforts will be made to accommodate each request.

VILLAGE OF MCFARLAND
Public Safety Committee Minutes

Monday, February 5, 2024 - 6:30 PM

1. CALL TO ORDER, ROLL CALL.

Village Trustee Wreh called the regular meeting of the Public Safety Committee to order at 6:31 PM in the Community Room.

Members present: Edward Wreh, Shannon Morrison, Meredith Hughey, Hilary Brandt

Members not present: Dottie Olson, Rich Staley, Alisa Leamy

Staff Present: Police Chief Aaron Chapin

2. PUBLIC APPEARANCES.

a. This is an opportunity for members of the public to address the Public Safety Committee for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Committee about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. When you are called upon to speak, state your name, address, and provide your comments to the Committee for their consideration. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to public.safety@mcfarland.wi.us to be included as part of the meeting.

Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.
There were no public appearances.

3. APPROVAL OF MINUTES.

a. Motion to approve the minutes of the 12/4/23 meeting.
Motion by Village Trustee Edward Wreh, second by Village Trustee Hilary Brandt, to approve the minutes of the 12/4/23 meeting. Motion carries 4 - 0 - 0 by acclamation.

4. BUSINESS.

a. Discussion and recommendation on an event permit and a Temporary "Class B"/Class "B" license for the Madison Curling Club to hold the U.S. Wheelchair Curling Charity Event on February 17, 2024 from 5:00 p.m. to 8:00 p.m.

Village Trustee Edward Wreh introduced the item. Chief Chapin gave a summary of the first wheelchair curling event at the Madison Curling Club and recommended approval of the event. Chief Dennis also did not have concerns regarding the event.

Motion by Village Trustee Edward Wreh, second by Village Trustee Hilary Brandt, to recommend approval of an event permit and a Temporary "Class B"/Class "B" license for the Madison Curling Club to hold the U.S. Wheelchair Curling Charity Event on February 17, 2024 from 5:00 p.m. to 8:00 p.m. with the conditions provided by staff

included in the packet. Motion carries 4 - 0 - 0 by acclamation.

5. SCHEDULE NEXT MEETING DATE.

a. March 4, 2024 at 6:30 p.m.

6. ADJOURNMENT.

Motion by Village Trustee Edward Wreh, second by Village Trustee Hilary Brandt, to adjourn at 6:37 p.m.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin board in accordance with Open Meetings Law.

Respectfully submitted,
Tricia Reimer
Office Manager

Application for an Expansion of Licensed Premise, Outdoor Consumption Area, and/or Outdoor Sporting Activity License

Pursuant to Village Ordinance Chapter 11

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

No Fee

Applicant Information

Name of Individual, Partnership, LLC, or Corporation Michael Brennan

Trade Name/Doing Business As Name McFarland American legion

Address of Establishment 4911 Burma Rd. McFarland

Contact Name [REDACTED]

Contact E-mail Address [REDACTED]

Contact Phone Number [REDACTED]

Do you currently hold an Alcohol Beverage License for this location?	Yes
Are you requesting to expand your existing premise?	No
Are you requesting an outdoor consumption area?	Yes
Are you requesting an outdoor sporting activity area?	No

Premise Information

The premise is the area where alcohol beverages are to be sold, served, consumed and/or stored. The applicant must include all areas including living quarters and outdoor spaces, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. Alcohol beverages may be sold, served, consumed and/or stored only on the premises described.

Current Premise - This can be found on the Alcohol Beverage License posted in the establishment

American Legion Post 534

Proposed Premise

We would like to have an area outside the back door to the American legion fenced off with the ability For people to stand there and talk and consume an alcoholic beverage on nights that we have bands. This area is approximately 25' x 21'.

Site Plan/Drawings

You must submit a site plan or drawings demonstrating the size, location, surface and building materials. including signage, and any other information.

Site Plan or Drawings - You may attach more than one document.



Outdoor Consumption Information

Is the proposed outdoor consumption area within 50 of the lot line of a parcel zoned, or used for residential purposes other than an accessory apartment on the same parcel??

No

Will the hours of operation for the outdoor consumption area be limited to Sunday through Thursday, 11 a.m. to 10 p.m. and Friday and Saturday, 11 a.m. to 11 p.m.?

Yes

Will the perimeter of the outdoor area be enclosed by a permanent, secure fence not less that 4 feet in height and constructed of wood, plastic, or metal?

No

The applicant will need to submit a request for a variance, which can be found later in this application.

Picture of proposed fencing/fencing material.



Square footage (gross floor area) of premises located within the permanent building 4000

Proposed square footage of outdoor area 525

Will the size of the outdoor area exceed 50 percent of the gross floor area of the licensed premises within a permanent building?

No

If you need assistance in calculating the percentage of gross floor area, please contact the Deputy Administrator/Clerk at village.clerk@mcfarland.wi.us

If you also will have an Outdoor Sporting Activity area, please note that when calculating the gross floor/ground area, you do not need to include the actual playing area of the Outdoor Sporting Activity area, so long as the playing area is not permitted to be occupied by persons not participating in the sporting activity.

Will the outdoor area have amplified music, speakers, microphones, televisions, and/or other audio/video devices?

No

Will the outdoor area be directly accessible utilizing a door from the interior of the building?

Yes



Outdoor Consumption Standards

I acknowledge the following:

- The Village will be required to send notice of this application to all property owners within 500 feet of the propose licensed premises and the applicant will be required to prepay the cost of sending such notices.
- The outdoor area shall comply with all applicable building code requirements including the provision of a readily distinguishable means of egress for fire and emergency purposes.
- 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.
- The Village Board may impose conditions specific to any outdoor areas of the licensed premises as deemed necessary to prevent undue adverse impacts, including but not limited to: restricting hours, requiring additional parking beyond the minimum standards, regulation of lighting and screening, conditions recommended by the Public Safety Committee, and/or conditions imposed by the Plan Commission as part of its site plan review.
- 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."
- No bar/counter service shall be permitted in outdoor areas, however, wait staff may serve in the outdoor area.
- Except for outdoor sports areas 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.
- 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.
- Containers for refuse disposal and regular cleanup shall be placed inside of the outdoor area.



Variance(s) Requested

Enclosure Variance:

The perimeter of any outdoor portion of a license premises shall be enclosed by a permanent, secure fence not less than four feet in height. The fence shall be constructed of wood, plastic, or metal.

The applicant requests a variance from the minimum standards.

Proposed fence height and materials

Metal fence 4' tall

Explain why the variance is needed/requested and why it will not cause a nuisance or concern for public health, safety, and welfare.

We are requesting a variance to allow an outdoor area outside the rear door to the American legion leading to the parking lot. We would like to fence off an area of 525 ft.² approximately for overflow for people to step out side on nights that we have band to talk, and consume an alcoholic beverage this will be seasonal only.



By signing this application, 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



Date

04/10/2024

MEMORANDUM

To: Public Safety Committee and Village Board

From: Tanya O'Malley Clerk, Andrew Bremer, Community Development Director, Aaron Chapin, Police Chief, and Chris Dennis Fire & Rescue Chief.

Date: April 9, 2021

RE: Expansion of Premise for American Legion Post No. 534, 4911 Burma Road

Background: The current licensed premise for the American Legion Post No. 534 is: entire building at 4911 Burma Road, McFarland WI and an approximately 576 square foot outdoor consumption area on the Burma Road side of the building.

Proposal: The American Legion Post No. 534 is proposing to add an additional approximately 525 square foot outdoor consumption area directly adjacent to the dance hall area for nights they have bands.

Review: 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 April 23, 2024, a notice was sent to all property owners within 500 feet of the proposed licensed premise expansion 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;*

Staff Comments: No restrictions recommended.

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

Staff Comments: No restrictions recommended.

c. *Regulation of lighting and screening;*

Staff Comments: No restrictions recommended.

d. *Any conditions recommended by the Public Safety Committee;*
To be determined by the Committee as applicable.

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.*

- Staff Comments: The proposed location is approximately 90 feet from the adjacent residential property line (4907 Burma Road).

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.** Applicant intends to operate within specified restrictions related to hours.

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.*

- **Variance Requested.** We are requesting a variance to allow an outdoor area outside the rear door to the American legion leading to the parking lot. We would like to fence off an area of 525 ft.² approximately for overflow for people to step outside on nights that we have band to talk, and consume an alcoholic beverage this will be seasonal only.
- **Staff Report.** Proposed fencing meets the other specifications of the ordinance.

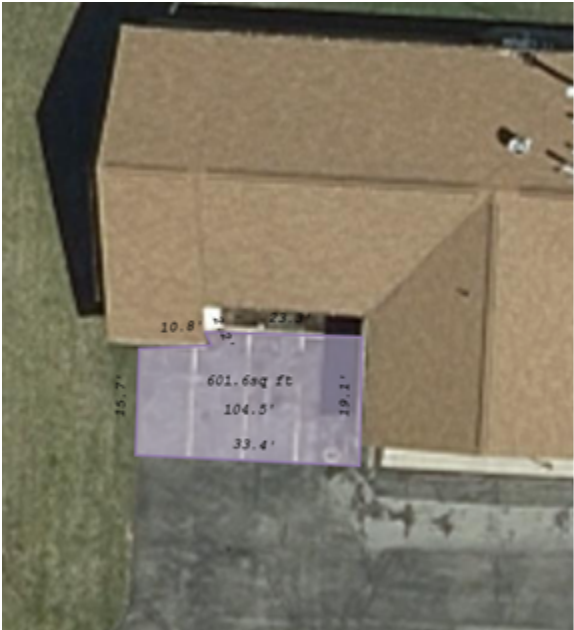
d. *Amplified music, speakers, microphones, televisions or other audio or video devices shall be subject to Chapter 20, Article III of the Village Code of Ordinances regarding Noise and Section 11-69(f) if applicable.*

- Applicant Response: The American legion does not intend to have amplified sound in the outdoor consumption area.
 - Staff Comments: Likely the door from the outdoor area to the interior will be propped open during events. This might result in disturbance to the adjacent residential properties, particularly 4907 Burma Road, during live music events. It is not clear whether that amount of noise would be an exceedance of Chapter 20 requirements; however, if that were to occur, the provisions of Chapter 20 are sufficient and provide a means to enforce any noise violations.

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.*

- Staff Comments: The application does not provide a site plan showing the precise location of the outdoor area. The proposed location (purple area in first image below) appears to remove four off-street parking stalls, one of which is a designated as a disabled stall. Staff has some concerns about the loss of these four stalls, presumably during high-volume events that are designed to attract more customers to the Legion. This may create more pressure for on-street parking in the neighborhood. This may or may not be a concern for adjacent property owners. The Legion has ~46 off-street parking spaces and no on-street parking allowed in front of the Legion on both sides of Burma Road. The Zoning Code requires off-street parking spaces equivalent to 30% of the building's

occupancy. For example, a maximum occupancy of 140 individuals would require 42 off-street parking spaces. The second image is a map showing portions of Burma Road signed and curb painted to prohibit parking 24/7 (yellow lines). Staff is recommending that the area in front of the Legion on the south side of Burma Road (between the two green lines) could be signed to allow for on-street parking. In speaking with the School District administrative staff, they requested that if the Village did that to continue to prohibit parking from 8AM-4PM on school days. This seems reasonable to Village staff as the need for additional on-street parking for the Legion is likely highest at night and weekends. This area would likely provide 8-9 on-street parking stalls depending on parking behaviors (i.e. stalls would not be painted on the street). This would more than off-set the loss of the four off-street parking stalls for the seasonal outdoor consumption area. As a condition of approval, staff would request that the Legion reimburse the Village for the cost of two poles and two parking signs.





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 total gross floor area of the current indoor licensed area is 5184 square feet, the proposed 525 square foot patio along with the already existing 576 square foot outdoor area is well within the 50% limitation.

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."

- Applicant Comments: Applicant is aware of the requirement and will adhere to the requirement.

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

- Applicant Comments: Applicant is aware of the requirement and will adhere to the 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.

- Staff Comments: Not applicable, no outdoor sports planned.

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.

- Applicant Comments: Applicant is aware of the requirement and will adhere to the requirement.

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

- Applicant Comments: Applicant is aware of the requirement and will adhere to the requirement.

l. 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.

- Applicant Comments: Applicant is aware of the requirement and will adhere to the requirement.

Recommendation: Staff recommends approval of an expansion of premise for the Edwards-Foye Post No. 534 of the American Legion, D/B/A, American Legion Post 534 for the property located at 4911 Burma Road to include an approximately 525 square foot outdoor consumption area with the following conditions to be satisfied before the license can be issued:

1. The maximum occupant load of the area will be required to be posted per International Building Code 2015 edition 1004.3 (IBC). Staff will assist in determining permissible load and posting location with the applicant.

2. Any latches for the egress gates shall swing with the path of travel and be operable in accordance with ADA and IBC requirements.
3. There needs to be security cameras installed to capture this space. The live video needs to be viewable by the bartender or other staff to ensure underage people are not in that space.
4. Applicant to obtain a fence permit from the Building Inspector.
5. Applicant to reimburse the Village for the cost of up to two on-street parking restriction poles and signs to be installed by the Public Works Department.