

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/26/14 (work session)
9/9/14 (regular mtg)

CUT OFF DATE: 8/20/14

RESOLUTION ___ **ORDINANCE** ___ **PUBLIC HEARING** X

ITEM TITLE:

CU-14-415 Request of Dale A. Massey dba Piccadilly's Public House and Restaurant for a conditional use permit for entertainment establishment use at 121-125 East Piccadilly Street (*Map Number 173-01-P-8*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. *Request to renew and continue entertainment uses in the outdoor dining area previously reviewed and approved as a Nightclub.*

STAFF RECOMMENDATION:

Approval with conditions

PUBLIC NOTICE AND HEARING:

Public hearing for 9/9/14 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval with conditions

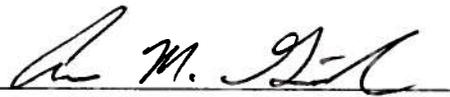
FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Planning Director			8/20/14
2. City Attorney			8/21/2014
3. City Manager			21 August
4. Clerk of Council			

Initiating Department Director's Signature:
(Zoning and Inspections)



8/20/14



APPROVED AS TO FORM:

 8/21/2014
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections
Date: August 26, 2014
Re: CU-14-415 – Entertainment Establishment – 121-125 E. Piccadilly St

THE ISSUE:

The property owner is applying for a CUP for an entertainment establishment for their outdoor dining area at 121-125 E Piccadilly Street.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1 – Grow the Economy, Objective 5 – More Diverse Local Economy

BACKGROUND:

The request by Dale Massey dba Piccadilly Public House and Restaurant for a conditional use permit for an entertainment establishment for the outdoor dining area. This CUP will serve as a renewal and replacement of the previously approved Nightclub conditional use permit. There are no proposed changes to the operation or configuration of the outdoor entertainment.

(Full staff report attached).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Approve the conditional use permit
- Approve the conditional use permit with conditions
- Deny the conditional use permit

RECOMMENDATIONS:

The Planning Commission unanimously recommended approval.

City Council Work Session
August 26, 2014

CU-14-415 Request of Dale A. Massey dba Piccadilly's Public House and Restaurant for a conditional use permit for entertainment establishment use at 121-125 East Piccadilly Street (*Map Number 173-01-P-8*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

REQUEST DESCRIPTION

This request is for a conditional use permit for an entertainment establishment at 121-125 East Piccadilly Street, currently occupied by Piccadilly's Public House and Restaurant. The business has previously been operating with a conditional use permit for a nightclub in addition to the restaurant use.

AREA DESCRIPTION

The property is located entirely within the Central Business (B-1) district with Historic Winchester (HW) district overlay. The immediately surrounding properties on all sides are similarly zoned B-1.

STAFF COMMENTS

Following notification that their conditional use permit expiration date was coming soon, the applicant submitted a new CUP application for an *Entertainment Establishment*.

At City Council's meeting on October 22, 2013, a text amendment to the Zoning Ordinance was adopted that changed the provisions of regulating Nightclubs and Entertainment Establishments. In several commercial districts, buildings and related parking facilities that are located at least 200 feet away from residentially zoned parcels allow for Entertainment Establishments by-right; and such uses that are located closer than 200 feet from residentially zoned parcels must obtain a conditional use permit (CUP).



Several minimal standards were included within the adopted text amendment which includes the following:

Section 18-24 Entertainment Establishments

All entertainment establishments must meet the following minimum standards. Failure to maintain compliance shall result in the operation being declared in violation of the Zoning Ordinance. If an establishment desires to deviate from any of these standards, a conditional use permit shall be required.

- 18-24-1 General Standards
- 18-24-1.1 All exterior doors and windows must remain closed during operating hours.
- 18-24-1.2 No more than three criminal police calls, as determined by the Chief of Police, may be attributable to the establishment within a thirty day continuous period; after which private security shall be required in a manner approved by the Chief of Police.
- 18-24-1.3 Hours of operation on Sundays through Thursdays shall not occur outside of 8:00 a.m. to 11:00 p.m. and Fridays and Saturdays shall not occur outside of 8:00 a.m. until 2:00 a.m. the following day.
- 18-24-1.4 The business shall comply with applicable noise and maximum sound level regulations per Chapter 17 of Winchester City Code, as amended.

This property is located at least 200-feet away from the closest residentially zoned property (approximately 270 feet) on East Fairfax Lane, and therefore any entertainment that occurs internal to the building is permitted by right as long as it operates in conformance with the General Standards outlined in Section 18-24. However, the Zoning Ordinance requires that any regular entertainment that will be conducted outdoors to obtain a conditional use permit through City Council.

The applicant states that the restaurant is open at 11:30a for lunch, 7 days a week and closes by midnight Sunday through Thursday and before 2:00a Thursday through Saturday. Typically the business has live music outside, weather permitting, on Friday and Saturday evenings, typically ending before midnight.

RECOMMENDATION

At their August 19, 2014 meeting, the Planning Commission forwarded **CU-14-415** to Council recommending approval because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The recommended approval is subject to the following conditions:

1. No more than three criminal police calls, as determined by the Chief of Police, may be attributable to the establishment within a thirty day continuous period; after which private security shall be required in a manner approved by the Chief of Police.
2. Hours of operation on Sundays through Thursdays shall not occur outside of 8:00 a.m. to 12:00 a.m. the following day, and Fridays and Saturdays shall not occur outside of 8:00 a.m. until 2:00 a.m. the following day.
3. The business shall comply with applicable noise and maximum sound level regulations per Chapter 17 of Winchester City Code, as amended.

Piccadilly's
PUBLIC HOUSE
AND
RESTAURANT

125 East Piccadilly Street • Winchester, VA 22601 • (540) 535-1899 • (540) 535-1882 Fax

June 17, 2014

City of Winchester

RE: Conditional Use Permit

Piccadilly's Public House & Restaurant



Dear City Council:

Piccadilly's Public House & Restaurant is requesting a Conditional Use Permit for live entertainment on the outside deck and patio area.

This area of the restaurant is open at 11:30 for lunch, 7 days a week and closes by midnight Sunday through Thursday and before 2:00 AM on Thursday through Saturday. We currently have live music outside, weather permitting, on Friday and Saturday evenings, ending before midnight.

During the winter months the live music is moved inside to the pub area or the banquet room.

Occasionally there are special shows scheduled on Sundays. This summer there are 3 special shows – one in May, one in July and one in September.

Live bands are scheduled on weekends only.

Thank you for your consideration on this matter. I welcome any questions or comments.

Sincerely,

Dale Massey

Dale Massey

540-481-6118 cell

540-535-1899 ext.102 office

Piccadilly's
Public House

PICCADILLY STREET

Flower Bed



12' x 60' Deck

SEVERAL TABLES

37'

- ADD 3 WOODEN FANS
- ADD 4 POST LIGHTS
- ADD 2 WALL LIGHTS
- REMOVE DOOR

BRICK PAVES TO MATCH CARP SIDEWALK

COURT YARD PATIO

LANDSCAPED BEDS

BRICK PAVES

BRICK WALL

Flower Bed

White Fence

Fence Bed

BRICK PAVES

BRICK LANE WAY

Flower Bed

15'

14'

1-6'



Pavement