

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 5/26/15 (Work Session) CUT OFF DATE: 05/22/15
6/09/15 (Regular meeting)

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING X

ITEM TITLE:

CU-15-219 Request of the City of Winchester for a conditional use permit for amphitheater use for the Taylor Pavilion at 119 N. Loudoun Street (Map Number 173-01-F-26) zoned B-1 (HW).

STAFF RECOMMENDATION:

Approval.

PUBLIC NOTICE AND HEARING:

Public hearing for 06/09/2015 Council meeting.

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval with conditions by a vote of 3-2.

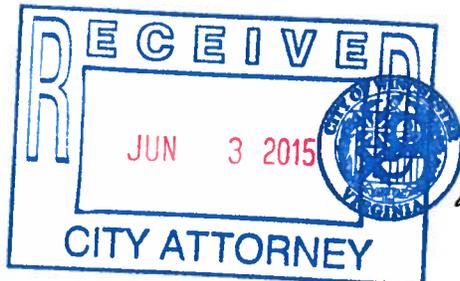
FUNDING DATA: N/A

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.

Table with 4 columns: DEPARTMENT, INITIALS FOR APPROVAL, INITIALS FOR DISAPPROVAL, DATE. Rows include Zoning & Inspections, Old Town Winchester, City Attorney, City Manager, and Clerk of Council.

Initiating Department Director's Signature: [Signature] 6/3/15 (Planning Dept)



APPROVED AS TO FORM: [Signature] 6/3/2015 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: June 3, 2015

Re: **CU-15-219** Request of the City of Winchester for a conditional use permit for amphitheater use for the Taylor Pavilion at 119 N. Loudoun Street (Map Number 173-01-F-26) zoned B-1 (HW).

THE ISSUE:

The City is requesting a conditional use permit (CUP) for amphitheater use for the Taylor Pavilion at 119 N. Loudoun Street.

RELATIONSHIP TO STRATEGIC PLAN:

Vision: Active, healthy entertaining city (cultural hub)

Goal # 3: Advance Quality of Life for Winchester residents

BACKGROUND:

See attached staff report which has been updated following discussion at the May 26, 2015 Council work session.

BUDGET IMPACT:

N/A

OPTIONS:

1. Approve as recommended by Planning Commission
2. Approve with modified conditions (see options in staff report update)
3. Deny

RECOMMENDATIONS:

Recommend Option 2 as suggested in the updated staff report

CUP-15-219 Request of the City of Winchester for a Conditional Use Permit for amphitheater use for the Taylor Pavilion at 119 N. Loudoun Street (Map Number 173-01-F-26) zoned Central Business (B-1) District with Historic Winchester Overlay (HW).

REQUEST DESCRIPTION

The request is for Conditional Use Permit (CUP) approval under Section 9-2-25 of the Zoning Ordinance pertaining to Arenas, Amphitheaters, and Stadiums. The City owned outdoor venue was part of the Taylor Hotel Renovation project and is planning to host the Old Town Farmers Market and other outdoor events.

AREA DESCRIPTION

The site sits between two historic buildings; the Taylor Hotel which contains five apartment units and a restaurant located on the Loudoun Street Pedestrian Mall and the Fly Tower which contains two apartment units and a restaurant on the ground floor located along Indian Alley. The Taylor Pavilion contains a concrete stage area with a tiered pocket park for seating, as well as a wood frame covered pavilion. Land to the north and south contains a mixed-use of residential and commercial retail. The subject property and all surrounding properties are zoned Central Business and within the Historic Winchester overlay District.



STAFF COMMENTS

The history of the site goes back to 1848 when the Taylor Hotel first opened as a hotel for visitors traveling through Winchester. Over the 19th & 20th centuries, the Taylor Hotel was used as Stonewall Jackson's headquarters during the Civil War, a theater, department store, and telecom center before becoming vacant in 2004. Subsequently, the building significantly deteriorated over time, most notably after a partial roof collapse in 2007 and in 2010 the City Council condemned the property as blighted and unsafe. In 2011, the Winchester Economic Development Authority (EDA) purchased the Taylor Hotel with the intent to restore the building into a successful and contributing member of the Old Town Mall. Through the use of historic tax credits, federal and state grants, and private investment, the EDA began the restoration efforts in the fall of 2012 and which was completed in the fall of 2014.

In a letter (see attached) from Jennifer Bell, Downtown Manager of Old Town Winchester (who operates and manages the Taylor Pavilion), outlined her request for a CUP for amphitheater use. Ms. Bell also provided a list of list of events and dates for live entertainment Taylor Pavilion. Generally events at the Taylor Pavilion would occur between the May through October coinciding with the Saturday Farmer's Market and a variety of events during the summer months. **The proposed hours of operation for amphitheater use would be from 9 AM to 10 PM Sunday through Wednesday and 9 AM to midnight Thursday through Saturday.** Staff sees the most frequent times of this particular use being weekends (Fridays thru Sundays) and generally evening hours.

Staff also contacted Erik Wishneff of Brian Wishneff & Associates, who manages the apartments at the Taylor Hotel and Fly Tower, seeking comments from adjoining residents to the Taylor Pavilion regarding the CUP request. Two residents of the Taylor Hotel emailed staff in favor of the CUP proposal and having no objections to the events or proposed hours of operation (see attached). City staff has no concerns for this proposed use and supports this use as envisioned with the Taylor Hotel restoration project.

RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood.

At the May 19, 2015 meeting, the Planning Commission forwarded **CU-15-219** to City Council recommending approval because the use, as proposed, will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is subject to:

1. Use to begin no earlier than 9 AM and end no later than 10 PM Sunday through Wednesday and begin no earlier than 9 AM and end no later than midnight Thursday through Saturday and on New Year's Eve.
2. All events are coordinated through the Downtown Manager or other City official designated by the City Manager.

At the May 26, 2015 Council work session, the request was reviewed. Concerns were raised regarding noise impacts and the proposed midnight ending time on Thursday nights. Concerns were also raised about competition with private entertainment establishments. Staff was asked to verify what hours were established for the Piccadilly Public House CUP that was reapproved in the fall of 2014 since it too includes an outdoor venue. City staff researched the conditions associated with that CUP and the information was distributed to City Council by the City Manager on May 27th. The relevant conditions of the Piccadilly Public House CUP approval read:

- a. 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;
- b. The business shall comply with applicable noise and maximum sound level regulations per Chapter 17 of the Winchester City Code, as amended.

A favorable motion including revised conditions for the Taylor Pavilion CUP could include: **MOVE**, that City Council approve **CU-15-219** because the use, as proposed, will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is subject to:

1. Use to begin no earlier than 9 AM every day and end no later than 10 PM on Sunday through Wednesday nights, no later than **{11:00pm, 11:30pm, midnight}** on Thursday night, and no later than midnight on Friday and Saturday nights and on New Year's Eve.
2. All events **and amplification proposals** are coordinated through the Downtown Manager or other City official designated by the City Manager.
3. Operations shall comply with applicable noise and maximum sound level regulations per Chapter 17 of the Winchester City Code, as amended

Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 722-7576
FAX: (540) 722-7570
Website: www.winchesterva.gov

May 4, 2015

FILE COPY

Dear Chairman Slaughter,

It is my hope that a Conditional Use Permit for amphitheater use will be granted for the Taylor Pavilion, 119 N. Loudoun Street. This area which once housed a theater, which was destroyed by neglect, now has the potential to become a cultural hub in the downtown. Through the Taylor Project a new community space was created with a wooden market pavilion building, terraced seating, green space and a stage-like area which could once again host entertainment and contribute to the City Council Goal to Continue Revitalization of Old Town. In order for this to be fully utilized as a performance space, a CUP is required.

As part of the dynamic programming to serve the broader community within the downtown it is my intention to relocate several existing events from parking lots to this location as well as adding new programming. The events will range from the Friday Night Live bands to a new Classic Movie series. Each month a free concert will be performed on a Sunday afternoon. We will also host the Old Town Farmers Market which will run May 16 – October 31 Saturday mornings from 9 – 1. During the market times, we would like to have local musicians perform on the stage area and possibly showcase cooking demonstrations.

I have requested the permit to run until midnight on Thursdays through Saturdays to allow the maximum potential for programming. Having the ability to use the space until midnight does not mean we plan on using it as a rule, however, we would like to have that flexibility. City Council, the City Manager and I have oversight as to the actual hours of operation. Friday Night Live concerts would end no later than 11 p.m. However, many classic movies run more than two hours and as dusk falls around 9 p.m. in summer having the hours restricted to 11 p.m. would limit our ability to show movies such as Gods and Generals, Gone With the Wind and other popular long movies even in late summer. A Conditional Use Permit allowing amphitheater use in this location is a crucial step in actively programming this area to be a contributing resource in the on-going revitalization of Old Town Winchester.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Bell".

Jennifer Bell
Downtown Manager
City of Winchester
33 E. Boscawen Street
Winchester, VA 22601

From: Rotundo, Debra
To: Josh Crump
Cc: Rotundo, Debra
Subject: Taylor Hotel
Date: Monday, May 18, 2015 10:17:40 AM

CUP-15-219

FILE COPY

Good morning- Eric had sent me an e-mail stating that you all were interested in what the residents of the hotel felt about the activities planned for the pavilion. I don't have any problem with the activities scheduled for there. I knew that that's what was planned for there and I think its an awesome idea to put it to use for the community. It doesn't sound like anything is scheduled for too late in the evening and anyone living in the hotel should have had the foresight to know that that space would be used for activities. I look forward to all that is planned there this summer. Thank you for asking for my input. Have a good day. Debra Rotundo- Taylor Hotel

Josh Crump

From: William Bolton <william.bolton.jr@gmail.com>
Sent: Thursday, May 14, 2015 7:25 PM
To: Josh Crump
Subject: Re: Taylor Hotel - Taylor Pavilion activities

Hi Josh,

Thank you for the response and additional information. Unfortunately I will be traveling this coming week for work, but I am generally supportive of the conditional use permit. I say this under the following premise:

- I believe if one chooses to live in the downtown area, specifically in such a prominent location overlooking a public space, you are doing so because you are looking for a lively atmosphere. If you want quiet, you do not live in this environment.
- I also believe proposed events will help foster a better Downtown Winchester community; as a tenant of a surrounding building, I also enjoy these benefits.
- Events are planned with discretion (as it notes that all events will go through a City official); I am certainly not promoting entertainment late into the evening every night of the week, but believe the hours and types of events listed in the report are appropriate.
- I speak only for my unit, not the building as a whole.

I would be happy to provide any additional feedback.

Thank you,
Will Bolton

On Wed, May 13, 2015 at 4:09 PM, Josh Crump <Josh.Crump@winchesterva.gov> wrote:

Mr. Bolton,

Thank you for contacting me. In [this link](#) you can find our agenda packet for the upcoming Planning Commission meeting which includes our staff report and additional information regarding the Conditional Use Permit for the Taylor Pavilion Amphitheater use (see pages 8-11). We welcome you to either speak at the public hearing next Tuesday May 19th at 3:00pm in Council Chambers at City Hall (15 N. Cameron St.) or reply back to this email with your comments.

We would particularly like to hear your thoughts on the proposed hours of operation and types of events that are proposed at the pavilion and if any of those are a cause for concern.

Feel free to contact me with any further questions or comments.

Thank you for your time.

Josh Crump

Planner

City of Winchester

15 N. Cameron Street

Winchester, VA 22601

Phone: (540) 667-2117 (direct)

Email: Josh.Crump@winchesterva.gov



www.winchesterva.gov/planning

From: William Bolton [mailto:william.bolton.jr@gmail.com]

Sent: Wednesday, May 13, 2015 3:26 PM

To: Josh Crump

Subject: Re: Taylor Hotel - Taylor Pavilion activities

Hi Josh,

I am a tenant in the Taylor Hotel and received the below email from our landlord; coincidentally, I also met a Martha yesterday (who I believe is involved in the planning community) who filled me in on a high-level description of the planned events. I would be interested to hear more about the proposed events and would be happy to provide any feedback.

Best,

Will Bolton

Unit 201 (2nd floor facing pavilion)

On Wed, May 13, 2015 at 12:37 PM, Erik Wishneff <erik@wishneff.com> wrote:

Taylor Hotel Tenants,

The City of Winchester is looking for feedback from Taylor Hotel tenants related to their plan to hold events in the pavilion space going forward. They are particularly interested in feedback or concerns related to permitted time of events, type of events, etc. If you are interested in providing feedback, please contact Josh Crump with the City. His contact information is below. If you have any questions for me, please do not hesitate to contact me.

Thanks,

Erik

Josh Crump

Planner

City of Winchester

15 N. Cameron Street

Winchester, VA 22601

Phone: (540) 667-2117 (direct)

Email: Josh.Crump@winchesterva.gov

Erik M. Wishneff

Vice President & General Counsel

Brian Wishneff & Associates

3179 Wilson Boulevard

Arlington, VA 22201

Office: 703-567-6923

Cell: 540-312-5923

Fax: 540-982-1568