

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 10/28/14 (work session)
11/11/14 (regular mtg)

CUT OFF DATE: 10/22/14

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING X

ITEM TITLE:

CU-14-558 Request of VFW Post 2123, Inc. for a conditional use permit for a private club at 121 Bruce Drive (Map Number 311-01-5) zoned Highway Commercial (B-2) District.

STAFF RECOMMENDATION:

Approval with conditions.

PUBLIC NOTICE AND HEARING:

Public hearing for 11/11/14 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval with conditions

FUNDING DATA: N/A

INSURANCE: N/A

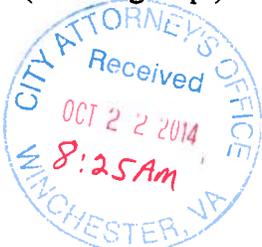
The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

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

Initiating Department Director's Signature: (Planning Dept)

Handwritten signature of the initiating department director.

10/21/14



APPROVED AS TO FORM:

Handwritten signature and date 10/22/14 above the text CITY ATTORNEY.

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: October 21, 2014

Re: **CU-14-558** Request of VFW Post 2123, Inc. for a conditional use permit for a private club at 121 Bruce Drive (*Map Number 311-01-5*) zoned Highway Commercial (B-2) District.

THE ISSUE:

Establishing a private lodge for VFW Post 2123 Inc. on a vacant lot on Bruce Drive.

RELATIONSHIP TO STRATEGIC PLAN:

None

BACKGROUND:

See attached staff report

BUDGET IMPACT:

Property and improvements will likely become tax exempt.

OPTIONS:

1. Approve with conditions as recommended by Planning Commission
2. Table request
3. Deny due to potential parking impacts on neighborhood and City Park

RECOMMENDATIONS:

Recommend Option 1

Council Work Session
October 28, 2014

CU-14-558 Request of VFW Post 2123, Inc. for a conditional use permit for a private club at 121 Bruce Drive (Map Number 311-01-5) zoned Highway Commercial (B-2) District.

REQUEST DESCRIPTION

The request is for a conditional use permit (CUP) to allow use of the property and proposed building as a private club pursuant to Section 8-2-7 of the Winchester Zoning Ordinance.

AREA DESCRIPTION

Located along Bruce Drive off South Pleasant Valley Road, the subject property is zoned B-2 and is bounded to west by a commercial business and to the south by a vacant lot, both also zoned B-2. To the north, on the opposite side of Bruce Drive, it is zoned Limited Industrial District (M-1) with uses including residential and repair businesses. To the east, is a City park (Weaver Park) which is zoned Education, Institution and Public Use District (EIP).



STAFF COMMENTS

Currently the site is a vacant lot. The proposed use as a private club requires a conditional use permit within the B-2 District under section 8-2-7 of the Zoning Ordinance and is defined in the Ordinance as follows:

- 1-2-21 CLUB, PRIVATE: Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as a business.

Within the applicant's letter of intent dated August 29, 2014, Post Commander Rodney Cowles notes that the club wishes to establish a Post Home for VFW Post 2123. Currently the Post meets at the Elks Lodge at 466 Front Royal Pike, Winchester, VA. **The proposed hours of operation for the club are 4pm to 10pm Tuesday through Thursday, 1pm to midnight Friday and Saturday and 1pm to 8pm Sunday.**

The proposed use of this property as a private club with its defined hours of operation is likely to have a minimal impact on surrounding properties during business hours, however after business hours and on weekends is where the most impacts would occur. In their letter, the applicant noted they would seek to do live entertainment "**up to eight days per month**" generally on Friday/Saturday evenings and/or Sunday afternoons. In an email with Quartermaster Charles M. Hunter stated historically these social events (at most) have around 75 to 100 members and guests attend. With the potential number of events per month and expected attendance, this could cause potential parking issues. Currently on their proposed site plan, 34 parking spaces are called for on-site.

Staff sought comments from city agencies & outside agencies regarding this CUP request. Jennifer Jones of the Parks and Recreation has no issues with this request as long as the private club doesn't impede access to Weaver Park and their events do not disturb events occurring at the park. She did comment that when Weaver Park has events (typically on Saturdays) parking is very limited. The Chief of Police

also has no issues with this request stating, "We have no history of problems with this group so there is no reason to believe they would not be responsible in managing this (request)." Staff also contacted the Blue Ridge Youth Soccer Association (BRYSA) and Winchester Rugby who utilize Weaver Park for games and practices. The BRYSA and Rugby groups responded that they see no conflict with the proposed use. BRYSA indicated the park is utilized as a practice field only which typically are scheduled Monday – Thursday from 5pm to dusk (depending on the time of year).

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.

One property owner, Norma Tindle, residing at 136 Bruce Drive across from the proposed lodge site expressed concerns about the narrowness of the street and the problems with parking associated with the Rugby Club's use of Weaver Park. She noted that participants park on the subject site and have parked in her front yard in the past.

At the October 21, 2014 meeting, the Planning Commission forwarded **CU-14-558** to City Council recommending approval because the use, as proposed, should 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 recommendation is subject to:

1. The applicant taking into consideration the concerns of all of the neighbors and addressing them as they come up;
2. Strict obedience with all local and state laws, especially those pertaining to ABC licensing; and,
3. Use to end no later than **8 pm** Sunday through Thursday and no later than **12 am** Friday and Saturday.
4. Use allowed no more than **8** days of live entertainment per month.
5. The establishment is precluded from parking along Bruce Dr. or at Weaver Park unless permission is given to VFW Post 2123 from the City.
6. Staff review and approval of the required site plan.

If Council does not agree with the Commission recommendation, then an unfavorable motion by Council should cite the reasons why the proposal as submitted or modified could negatively impact the health, safety or welfare of those residing or working in the area and/or why it could be detrimental to public welfare or damaging to property or improvements in the neighborhood such as the concern raised at the October 21st Planning Commission public hearing pertaining to the issue of parking impacts during large events.



VETERANS OF FOREIGN WARS OF THE UNITED STATES

Winchester Post 2123

P. O. Box 4095

Winchester, VA 22604

August 29, 2014

Aaron Grisdale, Director of Zoning and Inspections
City of Winchester
15 North Cameron St
Winchester, VA 22601

Dear Mr. Grisdale:

This application is for a conditional use permit to establish a Post Home for VFW Post 2123 at 121 Bruce Drive, Winchester, Virginia. The property is zoned B-2, and the proposed use is allowed with a conditional use permit in accordance with paragraph 8-2-7 of the city zoning ordinance.

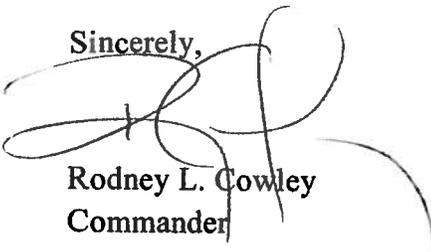
The property is bounded on the west by a commercial business. The adjacent property to the south is vacant, zoned B2. The eastern neighbor is a public park (Weaver Park). To the north, the properties are mixed business and residential.

All VFW posts are incorporated nonprofit associations. However, each post must be self supporting and is responsible for its own expenses. The post's primary income would come from canteen (club) operations, including food and beverage sales, tip jars and raffles. Traffic would be minimal during the week except for monthly meeting nights. Committee meetings, which may be held more frequently, host smaller contingents and would have negligible traffic impact.

In order to generate enough revenue to pay its expenses, the post envisions hosting live entertainment up to eight days per month. These events would normally be held on Friday or Saturday evening or on Sunday afternoon, when adjacent businesses are closed. We believe the exterior noise would be minimal from these events and should not disturb our residential neighbors. The border with Weaver Park is buffered by a wood line along the existing storm drainage easement.

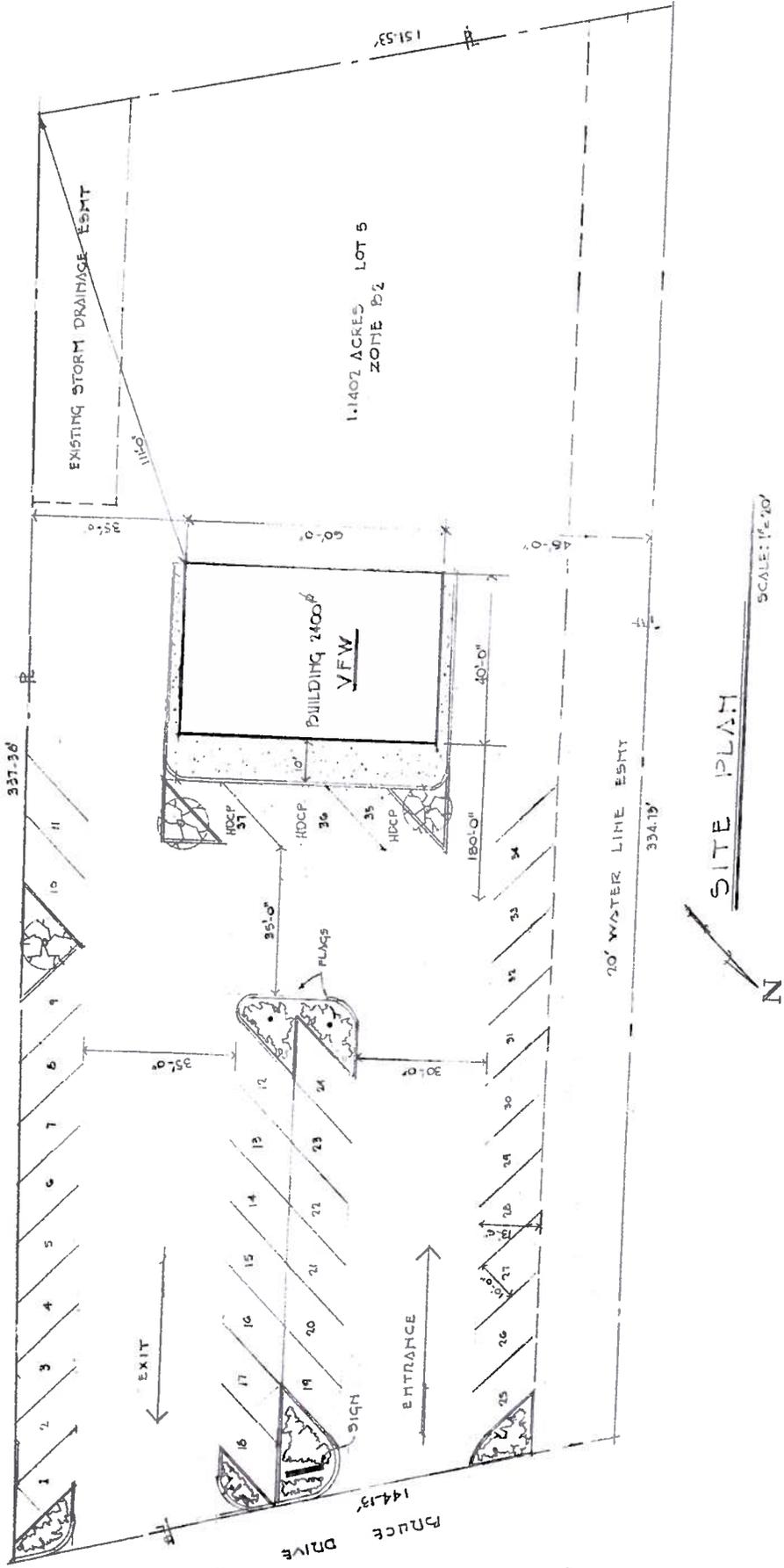
The proposed use does not impact the Southeast Planning Area Redevelopment Concept 2.

Sincerely,



Rodney L. Cowley
Commander

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 SITE PLAN
 SCALE: 1/4" = 10'

CU-14-558