

**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**

**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.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Zoning & Inspections	<u>AMG</u>	_____	<u>5/20/15</u>
2. Old Town Winchester	<u>PG B</u>	_____	<u>5/20/15</u>
3. City Attorney	<u>[Signature]</u>	_____	<u>5/20/2015</u>
4. City Manager	<u>[Signature]</u>	_____	<u>20 May 2015</u>
5. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: [Signature]      5/20/15  
 (Planning Dept)



**APPROVED AS TO FORM:**  
[Signature]      5/20/2015  
**CITY ATTORNEY**

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council

**From:** Tim Youmans, Planning Director

**Date:** May 20, 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

**BUDGET IMPACT:**

N/A

**OPTIONS:**

1. Approve as recommended by Planning Commission
2. Approve with modified conditions
3. Deny

**RECOMMENDATIONS:**

Recommend Option 1

**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 19<sup>th</sup> & 20<sup>th</sup> 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.



Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

Telephone: (540) 722-7576  
FAX: (540) 722-7570  
Website: [www.winchesterva.gov](http://www.winchesterva.gov)

May 4, 2015

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,

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

## **Taylor Pavilion 2015 Programming**

Taylor Pavilion Classic Movie.....	June 13 <sup>th</sup>
Friday Night Live.....	June 19 <sup>th</sup>
Taylor Pavilion Concert.....	June 21 <sup>st</sup>
SU Community Day.....	June 27 <sup>th</sup>
Taylor Pavilion Classic Movie.....	July 11 <sup>th</sup>
Friday Night Live.....	July 17 <sup>th</sup>
Taylor Pavilion Concert.....	July 19 <sup>th</sup>
Children’s Literacy Day .....	August 8 <sup>th</sup>
Taylor Pavilion Classic Movie.....	August 8 <sup>th</sup>
Friday Night Live.....	August 21 <sup>st</sup>
Taylor Pavilion Concert.....	August 23 <sup>rd</sup>

Saturday Farmers Market each Saturday 9a.m. – 1 p.m. May 16 – October 31

**Josh Crump**

---

**From:** Josh Crump  
**Sent:** Friday, May 15, 2015 11:17 AM  
**To:** Aaron Grisdale; Anthony Williams; Eden Freeman; Timothy Youmans; Jennifer Bell; David Smith; Dr. Richard Fieo; John Tagnesi; Kelly Wolfe; Mark Loring; Martha Shickle; Steve Slaughter  
**Subject:** FW: Taylor Hotel - Taylor Pavilion activities

Commissioners:

Please find below a message from a resident of the Taylor hotel regarding the Taylor Pavilion CUP.

Have a good weekend,

--

**Josh Crump**

Planner  
City of Winchester  
15 N. Cameron Street  
Winchester, VA 22601  
Phone: (540) 667-2117 (direct)  
Email: [Josh.Crump@winchesterva.gov](mailto:Josh.Crump@winchesterva.gov)



[www.winchesterva.gov/planning](http://www.winchesterva.gov/planning)

**From:** William Bolton [mailto: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

**CUP-15-219**

**From:** [Rotundo, Debra](#)  
**To:** [Josh Crump](#)  
**Cc:** [Rotundo, Debra](#)  
**Subject:** Taylor Hotel  
**Date:** Monday, May 18, 2015 10:17:40 AM

---

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