

*City Of Raleigh*  
North Carolina

September 24, 2010

Mr. David Maurer  
Maurer Architecture  
119 East Hargett Street – Suite 300  
Raleigh, NC 27601-1580

Re: Special Use Permit SU-4-10 – Bu-Ku

Dear Mr. Maurer:

In its meeting held on September 7, 2010 the Raleigh City Council approved the application submitted by WST Coast, LLC for a special use permit to allow outdoor amplified entertainment at Bu-Ku, 110 East Davie Street. The approval is to allow outdoor amplified entertainment between the hours of 6:00 p.m. to 11:00 p.m. seven days a week. Enclosed is a copy of the Findings of Fact and Conclusions of Law adopted by the Council on September 21, 2010.

Please contact the City of Raleigh Planning Department (516-2626), Inspections Department (516-2495), and Revenue Services (996-3200) to determine the steps necessary to proceed. If you have any questions concerning the Council's action, please do not hesitate to call me at 996-3040.

Sincerely,

Leslie H. Eldredge, CMC  
Deputy City Clerk

Enclosure

c: Planning – Eric Hodge  
Inspections – Larry Strickland  
Revenue – Kimsu Harrington



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Dear Mr. Maurer:

In its meeting held on September 7, 2010 the Raleigh City Council approved the application submitted by WST Coast, LLC for a special use permit to allow outdoor amplified entertainment at Bu-Ku, 110 East Davie Street. The request is to allow outdoor amplified entertainment between the hours of 5:00 p.m. to 2:00 a.m. seven days a week. Enclosed is a copy of the Findings of Fact and Conclusions of Law adopted by the Council on September 21, 2010.

Please contact the City of Raleigh Planning Department (516-2626), Inspections Department (516-2495), and Revenue Services (996-3200) to determine the steps necessary to proceed. If you have any questions concerning the Council's action, please do not hesitate to call me at 996-3040.

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\* Request denied by CC\*  
See revised. Time is  
6pm to 11pm.

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NORTH CAROLINA

BEFORE THE RALEIGH CITY COUNCIL  
SU-4-10

WAKE COUNTY

**IN RE: Bu-Ku**

On August 3, 2010, the Raleigh City Council held a hearing to receive evidence in the matter of Bu-Ku, a request to be issued a special use permit for outdoor amplified entertainment. The request is to allow outdoor amplification for the existing outdoor patio seating area via the existing indoor speakers by opening the exterior doors which would allow the entertainment to be heard outdoors. The request allows these doors to remain open during the hours of 5:00 p.m. to 2:00 am. On Monday thru Sunday located at 110 East Davie Street. As a result of that hearing and the testimony and other evidence received there the City Council makes the following findings of fact and conclusions of law.

#### **FINDINGS OF FACT**

1. All parties necessary to the determination of this request were properly notified and were or had the opportunity to be represented at the hearing.
2. Raleigh City Code §12-2120 requires the following conditions be satisfied before an amplified entertainment permit may be issued.
  - a. **The establishment's proximity to residential areas, schools, churches, and health care facilities.**

The business is located at 110 E. Davie Street, on the southeast corner of E. Davie and S. Wilmington Street, on the first floor of the Progress Energy Building. It is located in the Business zoning district. The closest residential dwelling is rear side of The Hudson condominiums at 319 Fayetteville Street, approximately 150 feet from this establishment and on the opposite side of the street. The closest school is the Moore Square Middle School at 301 S. Person Street, whose property starts approximately 2 blocks away. The closest church is the Davie Street Presbyterian Church at 300 E. Davie Street, located 2 blocks away. There is no near-by healthcare facility.

- b. **The establishment's history of compliance with noise and nuisance law.**

The Raleigh Police Department and the Inspections Department have no reported complaints or observations of noise or nuisance law violations associated with this establishment.

- c. Access with respect to pedestrian and automotive safety, traffic flow, emergency service.**

The building is located directly on E. Davie Street, a two-way street traveling east and west, providing adequate access for emergency services. A continuous public sidewalk exists along this street, providing pedestrian access. Public on-street parking and public off-street parking lots and decks are available within walking distance of the establishment. The closest parking deck is the City Center parking deck, which is located just behind the Progress Energy building on the same block, with vehicular access off of S. Wilmington Street, E. Cabarrus Street and S. Blount Street.

- d. Intensity including such considerations as size, location, hours and/or conditions of operation, and number of participants.**

This request is to allow outdoor amplification for the existing patio seating area via the existing indoor speakers. The indoor amplification has previously been approved. This establishment would like to open its exterior doors to allow the indoor amplification to convey to the exterior patio seating area. The patio is approximately 700 square feet in size. The applicant requests to have the ability to utilize outdoor amplification on Monday through Sunday from 5:00 pm to 2:00 am.

- e. Landscaping, screening, fencing with respect to protecting affected properties from anticipated noise, loss of privacy, and glare; preserving of important natural features, or harmonizing the request with affected properties.**

The outdoor patio seating area acts as a buffer between the establishment and the public sidewalk.

- f. Control or elimination of noise, dust, vibration, and lighting.**

The amplification originates from the interior of the establishment. There is no direct amplification on the outside of the building, as no outdoor speakers will be installed.

- g. The proposed use will not adversely impact public services and facilities such as parking, traffic, police, etc., and that the secondary effects of such uses will not adversely impact on adjacent properties. The secondary effects would include but not be limited to noise, light, stormwater runoff, parking, pedestrian circulation and safety.**

The use of the outdoor amplification will not produce noise that will adversely impact the adjacent properties, since there is no direct

amplification on the outside of the building and due to the nature of the surrounding properties, which are mostly commercial use.

The City Council may consider additional evidence to determine conformance with this or other findings.

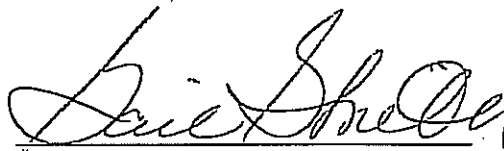
### CONCLUSIONS OF LAW

1. The requirements of the Raleigh City Code 12-2120 have been met and the applicant Bu-Ku is entitled to an amplified entertainment permit for one year. Doors are allowed to be open from 6:00 p.m. to 11:00 p.m. Monday through Sunday instead of 5:00 p.m. to 2:00 a.m. as originally requested.

2. Pursuant to the provisions of G.S. 160A of the North Carolina General Statutes, the City Council is empowered to place conditions upon an amplified entertainment permit.

3. The request made in SU-4-10 as set out and modified in this order is hereby approved.

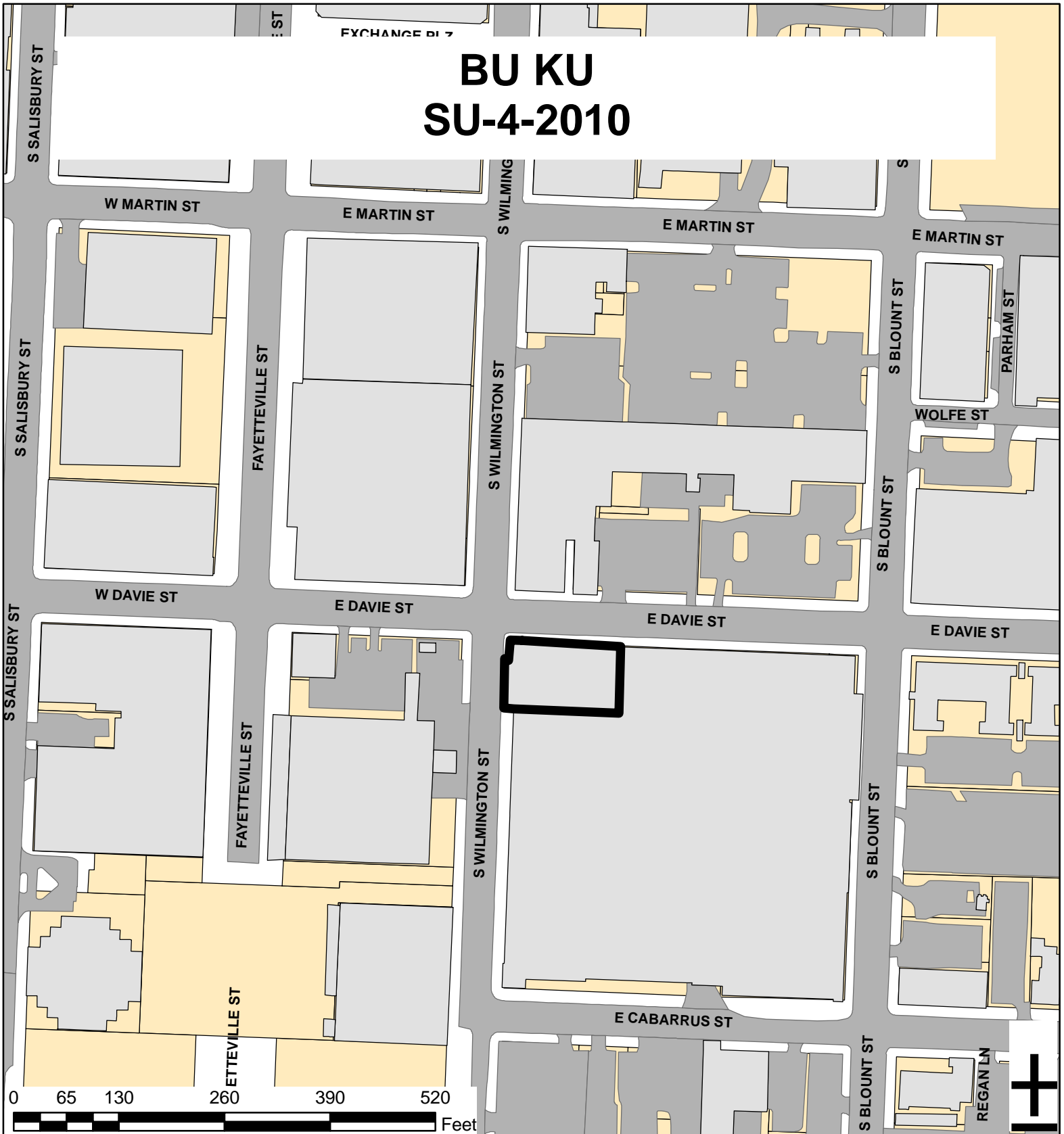
This the 21st day of September, 2010.



Gail G. Smith  
City Clerk

*Prepared by the Raleigh City Attorney's Office*

# BU KU SU-4-2010



Zoning: **BUS DOD**  
CAC: **Central**  
Drainage Basin: **Rocky Branch**  
Acreage: **1.72**

Special Use: **Outdoor Amplification**  
Planner: **Eric Hodge**  
Phone: **(919) 516-2639**  
Applicant Contact: **David Mauer**  
Phone: **(919) 829-4969**