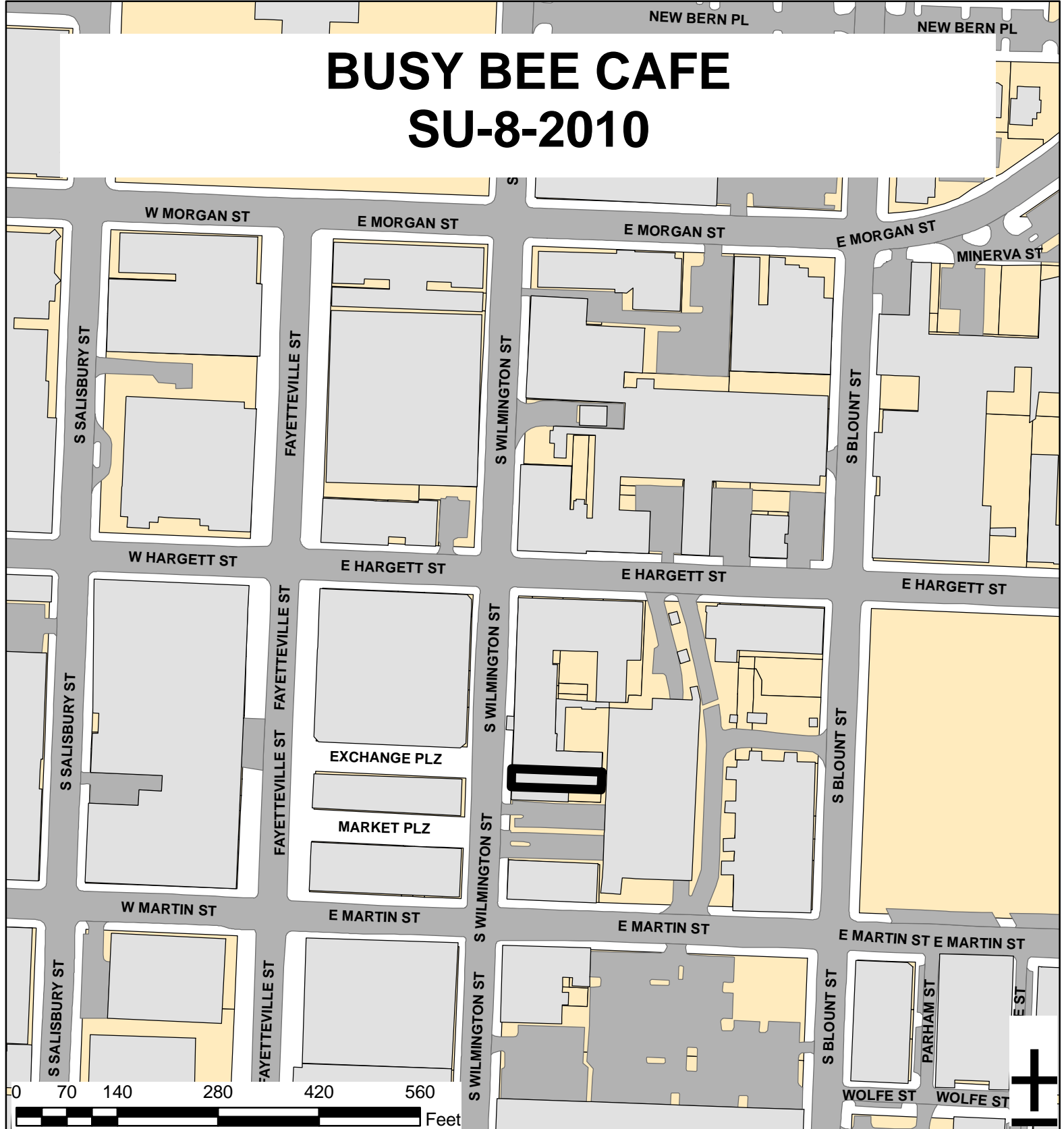


BUSY BEE CAFE

SU-8-2010



Zoning: **BUS, DOD, HOD**
CAC: **Central**
Drainage
Basin: **Walnut Creek**
Acreage: **0.07**

Use Request:
Planner:
Phone:
Applicant Contact:
Phone:

Outdoor Amplified Music
Eric Hodge
(919) 516-2639
Maurer Architecture
(919) 829-4969



City Of Raleigh
North Carolina

January 6, 2011

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

RE: SU-8-10 – Busy Bee Café – 225 South Wilmington Street

Dear Property Owner:

The Raleigh City Council in their meeting held December 7, 2010 approved your application for a special use permit to renew the special use permit for outdoor amplified entertainment. Enclosed is a copy of the Findings of Fact and Conclusions of Law adopted by the Raleigh City Council on January 4, 2011.

Please correspond with the Revenue Department to determine the necessary steps prior to proceeding. If you have any questions concerning the Council action or if I may be of assistance, please feel more than welcome to contact me at (919) 996-3040.

Sincerely,

Daisy H. Overby
Assistant Deputy Clerk

/dho

Enclosure

Cc: Revenue Collector

Mr. David Meeker
31 Fayetteville Street, Unit 2808
Raleigh, NC 27601

NORTH CAROLINA

WAKE COUNTY

BEFORE THE RALEIGH CITY COUNCIL
SU-8-10

IN RE: Busy Bee Cafe

On December 7, 2010, the Raleigh City Council held a hearing to receive evidence in the matter of Busy Bee Cafe, a request to be issued a special use permit for outdoor amplified entertainment. The request is to allow outdoor performances between the hours of 11:00 am and 11:00 pm Monday through Sunday. All events are proposed to be located entirely on the business premises on the second floor roof deck at the rear of the building, located at 225 S. Wilmington 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 225 S. Wilmington Street, on the east side of Wilmington with Hargett Street to the north and Martin Street to the south. The business has been in operation since May 2009. It is located in the Business zoning district and is surrounded by non-residential uses. The proposed location for the outdoor amplified music is on the second floor outdoor roof deck at the rear of the building. The building is adjacent to a retail store to the north, a bar (Slim's) to the south and the Moore Square parking deck to its rear. The closest residential dwelling is approximately 200 feet away, which is in the RBC Plaza Condominiums on Martin and Fayetteville Street, whose residential condos start on the 23rd floor. The closest school is about 3 blocks away on the Martin and Person Street. The closest church is about 2 blocks away at Edenton and Wilmington. There is no nearby healthcare facilities.

SU-8-10

City of Raleigh, NC
Development Plans Review Center

CITY OF RALEIGH
CITY PLANNING DEPT

P. O. Box 590, Raleigh, N. C. 27602
Telephone: (919) 516-2626 FAX: (919) 516-2684
www.raleighnc.gov

2010 NOV 15 PM 12: 20

SPECIAL USE PERMIT APPLICATION

FOR PUBLIC HEARING AND APPROVAL BY THE CITY COUNCIL

Section A.

SUBMITTAL CHECKLIST

AT THE TIME YOU SUBMIT YOU MUST VERIFY WITH A DEVELOPMENT PLANS REVIEW CENTER STAFF MEMBER THE PARCEL OR PARCELS THAT ARE THE SUBJECT OF YOUR PLAN, AND THE STAFF MEMBER WILL CHECK YOUR APPLICATION MATERIALS FOR COMPLETION.

THIS IS AN IMPORTANT STEP THAT WILL ENSURE THAT YOUR PLAN CAN BE REVIEWED AND APPROVED IN THE MINIMUM TIME POSSIBLE, SO PLEASE PLAN ON SPENDING A FEW MINUTES WITH US AT THE TIME YOU SUBMIT. PLEASE DO NOT SIMPLY LEAVE YOUR APPLICATION MATERIALS ON THE DESK.

PLEASE CALL AHEAD FOR AN APPOINTMENT IF YOU WISH THE MOST PROMPT SERVICE WHEN YOU ARRIVE.

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). If any information is missing from the application package, you will be asked to complete the application and re-submit the petition, so please check the list below carefully before you submit:

\$206 FILING FEE. Checks may be made out to the City of Raleigh. Payments may be made by cash or by check, but not by credit cards.

THREE ORIGINALS OF THIS APPLICATION FORM completed (Section B), **signed** by the property and **notarized**.

THREE COPIES OF PROPOSED PLANS. Maximum sheet size shall be 30" x 42". Plans must be to engineering scale (1" = 20', 1" = 100', etc.). Preliminary plans do not need an engineer's, surveyor's or landscape architect's seal. Information shown on the plan should relate to the findings that must be made by the City Council to grant this special use request. See Section 10-2145 or applicable parts of Chapter 12 of the Raleigh City Code for **specific findings** the Council is to make for this special use.

NEW! A DIGITAL COPY OF ONLY THE PLAN LAYOUT AND ELEVATIONS.

The purpose of this image is to illustrate the basic character of the preliminary plan. It should contain only such basic information as: building outline, landscaping, parking and drives, stormwater facilities, lot boundary. The digital image should be provided in the form of **pdf** on a CD or 3 1/2" floppy disk. **If the plan was not digitally created, provide an 8 1/2" x 11" reduction of the plan.**

PROCEDURE FOR HEARING AND APPROVAL OF A SPECIAL USE PERMIT BY CITY COUNCIL:

It is very important that this application be complete, the adjacent property owners list be accurate, and the signature of the property owner be notarized! A special use hearing is a quasi-judicial proceeding, and the special use permit may be invalidated if any information is inaccurate or incomplete.

If a preliminary site plan is submitted for approval along with this special use request, both plans will be forwarded to City Council approx. 6 weeks from submittal. If only the special use permit is being requested the case will be heard by City Council approx. 4 weeks from submittal.

You, or your representative must be present at the hearing to present the case for issuance of the special use permit. You will be notified as to the time and place of the proceeding. City staff will provide a written draft set of findings for the Council to consider. A coordinating planner will contact you and will provide a draft of the special use findings for you prior to the hearing.

Section B.

SUMMARY INFORMATION - (SHOW ON PLAN)

DEVELOPMENT NAME: Busy Bee Cafe

LOCATION: 225 S. Wilmington Street, Raleigh, NC 27601

SHOW WAKE COUNTY PROPERTY IDENTIFICATION NUMBER(S) ON PLAN. SUBMIT PIN MAP. SEE SUBMITTAL CHECKLIST ON FRONT PAGE.

ZONING DISTRICT: RML BUS

TOTAL SITE ACRES: .07

SPECIAL USE PERMIT REQUESTED:

- | | |
|---|--|
| <input type="checkbox"/> Telecommunication tower in a residential district. | <input type="checkbox"/> Parking facility in a residential district. |
| <input type="checkbox"/> Correctional / Penal facility. | <input type="checkbox"/> Recreation use (membership) in primary watershed |
| <input type="checkbox"/> Additional Density in O&I, TC, SC Districts. | <input type="checkbox"/> Recreation use (government) or camp (non-profit) in Primary watershed |
| <input type="checkbox"/> Outdoor Stadium (more than 250 seats). | |
| <input checked="" type="checkbox"/> Amplified Music (indoor / outdoor) (Code section 12-2120) | |

OWNER / DEVELOPER:

NAME(S): 225 S. Wilmington St. Landlord LLC
c/o David Meeker

ADDRESS: 301 Fayetteville Street, Unit 2808, Raleigh, NC 27601

TELEPHONE: 919-334-8976 **FAX:** N/A

E-MAIL ADDRESS: david@carpenterrealestatellc.com

PERSON TO CONTACT REGARDING STAFF COMMENTS OR QUESTIONS ABOUT THE PLANS:

NAME(S): Maurer Architecture, David Maurer

ADDRESS: 119 E. Hargett Street, Suite 300, Raleigh, NC 27601

TELEPHONE: 919-829-4969 **FAX:** 919-829-0860

E-MAIL ADDRESS: david@maurerarchitecture.com

THE OWNERSHIP OF THIS PROPERTY IS EVIDENCED BY DEED FROM:

Wake County Real Estate Data Ownership History

AND RECORDED IN THE WAKE COUNTY REGISTRY, BOOK 13197 **PAGE** 2189

OWNER'S SIGNATURE:

I hereby certify that the information contained herein is true and complete; and I understand that if any item is found to be otherwise after evidentiary hearing before the City Council, that the action of the Council may be invalidated.

Date: 11-15-10 Signed: [Signature]

STATE OF NC Wake
COUNTY OF Wake

I, a Notary Public, do hereby certify that [Signature] personally appeared before me this day and acknowledged the due execution of the foregoing instrument. This the 15 day of November, 2010. My commission expires: March 11, 2014

Signed: [Signature]



Section C.
APPLICANT'S STATEMENT

The zoning ordinance imposes the following SPECIFIC REQUIREMENTS before a special use permit may be issued. Please address each of the specific requirements noted in Section 10-2145 of the Raleigh Cite Code, in the area below as it relates to your request. The Development Plans Review Center staff can assist in listing the specific requirements. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications and other information presented to City Council, the proposed use will comply with each of the following specific requirements (You may attach additional sheets if necessary):

Existing Indoor Amplification Permit Number: 107445
See attached document for Applicant's Statement.

Lined area for the applicant's statement.

