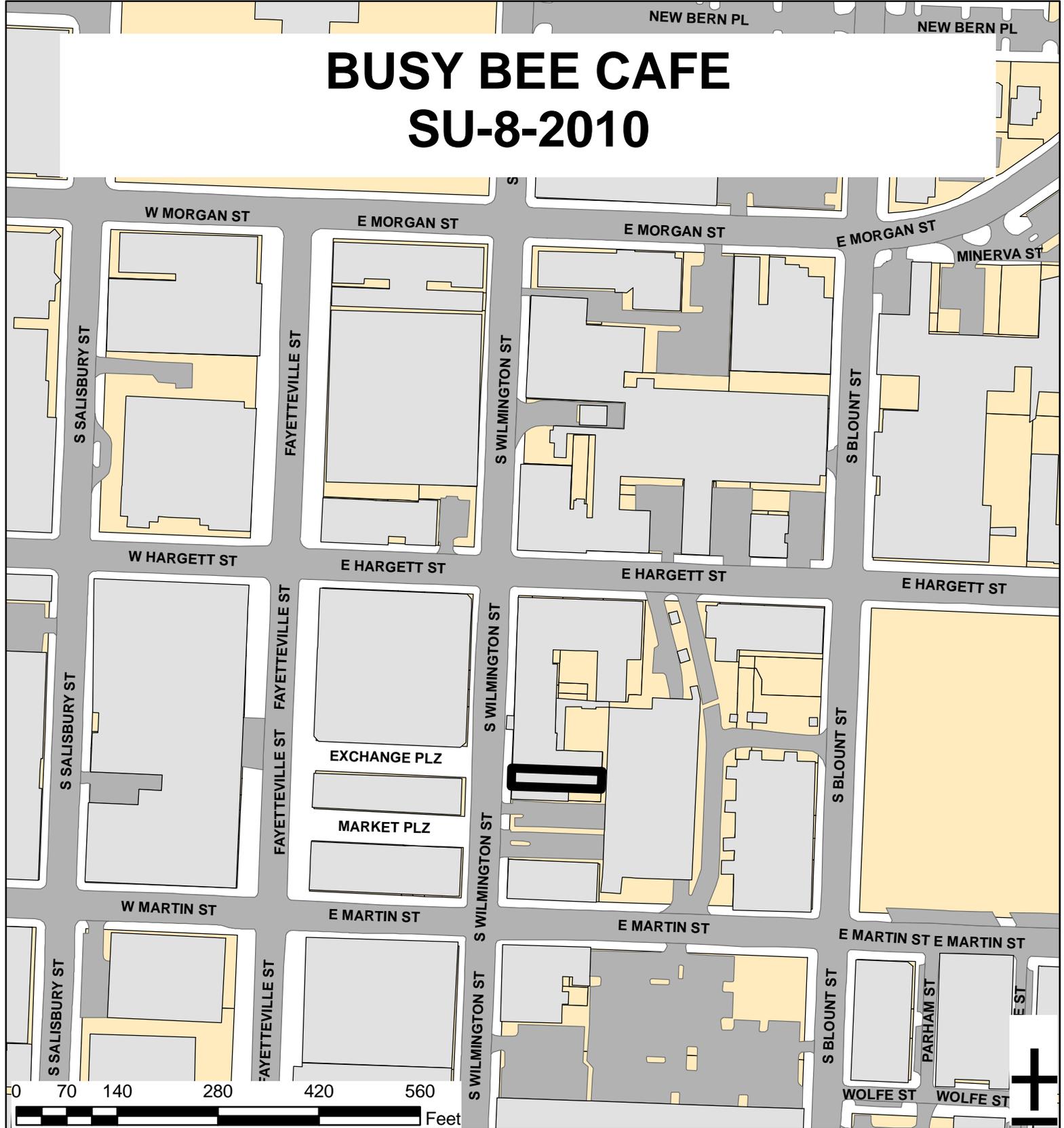


# BUSY BEE CAFE

## 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**

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## SPECIAL USE PERMIT APPLICATION

FOR PUBLIC HEARING AND APPROVAL BY THE CITY COUNCIL

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### Section A.

#### SUBMITTAL CHECKLIST

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***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.***

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***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 ½" floppy disk. If the plan was not digitally created, provide an 8 ½" 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.

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## **Section B.**

### **SUMMARY INFORMATION - (SHOW ON PLAN)**

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**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

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**OWNER'S SIGNATURE:**

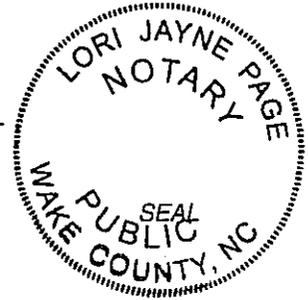
I hereby certify that the information contained herein is true and complete; and I understand that if any item is found to be otherwise after evidentiary hearing before the City Council that the action of the Council may be invalidated.

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

STATE OF NC  
COUNTY OF Wake

I, a Notary Public 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 applicant's statement]



## **Special Use Permit – Busy Bee Cafe**

Request for a Special Use Permit for Outdoor Amplified Entertainment,  
City Code Section 12-2120  
Section C Applicant's Statement

### **Documentation in regard to the seven factors Council shall consider when acting on this request**

#### **1. 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 land 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 the RBC Plaza Condominiums on Martin and Fayetteville Street, whose residential condos start on the 23<sup>rd</sup> floor. The closest school is about 3 blocks away on Martin and Person Street. The closest church is about 2 blocks away at Edenton and Wilmington. There is no near-by healthcare facility.

#### **2. The establishment's history of compliance with noise and nuisance laws.**

The Raleigh Police Department and the Inspections Department have no reported complaints or observations of noise or nuisance law violations. The applicant has had previous approval for outdoor amplification and has had no issues in their first year with this permit.

#### **3. Access with respect to pedestrian and automotive safety, traffic flow, emergency service.**

The building is located directly on S. Wilmington Street, a one-way street traveling north, 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 Moore Square parking deck, which is located just behind the property, with vehicular access off of Wilmington Street.

The proposed outdoor amplification will not be located within the public right-of-way; it will be on private property.

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

The request is for outdoor amplification to be located on the establishment's property, on the second floor outdoor roof deck at the rear of the building. The deck is approximately 900 square feet in size and accommodates up to 100 occupants. All amplification is to be directed towards the outdoor deck from wall-mounted speakers on the east exterior wall of the second floor. The applicant requests to have the ability to utilize outdoor amplification on Monday thru Sunday from 11:00 am to 11:00 pm. The applicant also requests an outdoor amplification permit for a period of three (3) years in lieu of one (1) year.

**5. 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 deck has inherent screening to the north in a full-height brick party wall. East of the outdoor deck is the Moore Square parking deck and south of the outdoor deck is the outdoor patio of the bar Slim's which is located at the 1<sup>st</sup> floor level, one-story below the outdoor deck.

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

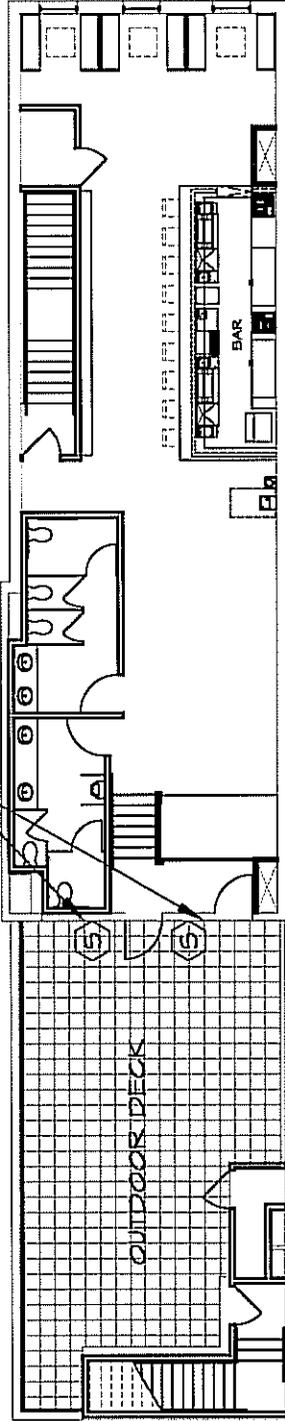
The amplified music will be directed to the east, towards the outdoor deck (facing the parking deck at the rear of the building).

**7. 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 the deck is at the rear of the building and factoring in the nature of the surrounding properties.

WILMINGTON STREET

SPEAKERS LOCATED AT REAR WALL

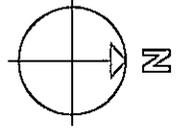


FULL HEIGHT BRICK PARTY WALL

SECOND FLOOR PLAN

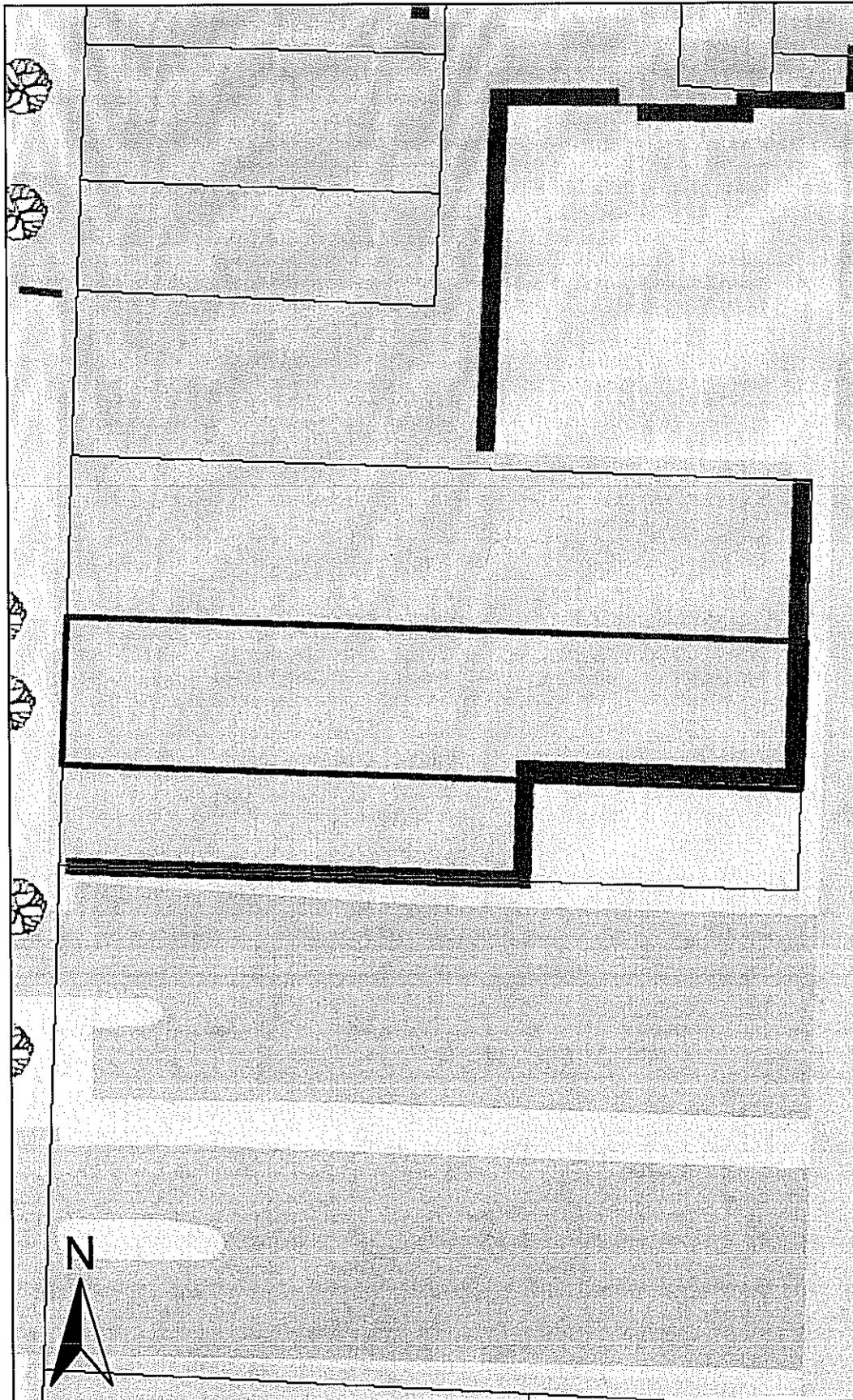
1/16"=1'-0"

MOORE SQUARE  
PARKING DECK



BUSY BEE CAFE: 225 S WILMINGTON STREET

11-15-10



Field	Value
PIN	1703783098
Real Estate ID	0011375
Map Name	170334
Owner	225 S WILMINGTON LANDLORD LLC
Mailing Address 1	301 FAYETTEVILLE ST UNIT 2808
Mailing Address 2	RALEIGH NC 27601-2177
Mailing Address 3	
Deed Book	13197
Deed Page	2189
Deed Date	07/31/2008
Deeded Acreage	0.07
Assessed Building Value	\$224,190.00
Assessed Land Value	\$152,450.00
Total Assessed Value	\$376,640.00
Billing Class	CORPORATE LISTING
Property Description	225 S WILMINGTON LANDLORD LLC BM2008-01483
Heated Area	7500
Site Address	225 S WILMINGTON ST
City	Raleigh
Township	RALEIGH
Year Built	1910
Total Sale Price	\$800,000.00
Sale Date	7/31/2008 12:00:00 AM
Type and Use	Single Tenant
Design Style	Conventional
Land Class	COMMERCIAL
Old Parcel Number	A021-A0047-0007

225 S Wil Pin Map

