

2010 JUN 22 PM 3:00



*City Of Raleigh*  
North Carolina

June 22, 2010

Tarlton Properties, LLC  
126 Glenwood Avenue  
Raleigh, NC 27603-1704

Re: SU-2-10 – Mosaic et Wine Lounge

Dear Sir or Madam:

In its meeting held on June 1, 2010 the Raleigh City Council approved the application submitted by Tarlton Properties, LLC for a Special Use Permit to allow outdoor amplified entertainment at Mosaic Wine et Lounge located at 517 West Jones Street in Raleigh. The request was to allow amplified music on the Mosaic Wine et Lounge patio area along the adjacent railroad tracks between the hours of 1:00 p.m. and 11:00 p.m. Monday through Saturday for a period of one year. Enclosed is a copy of the Findings of Fact and Conclusions of Law adopted by the Council on June 15, 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: Samad Hachby  
704 Dorothea Drive (27603-2104)  
Planning – Eric Hodge  
Inspections – Larry Strickland  
Police – Joette Holman  
Revenue – Kimsu Harrington

NORTH CAROLINA

WAKE COUNTY

BEFORE THE RALEIGH CITY COUNCIL  
SU-2-10

**IN RE: Mosaic Wine Lounge**

On June 1, 2010, the Raleigh City Council held a hearing to receive evidence in the matter of Mosaic Wine Lounge, a request to be issued a special use permit for outdoor amplified entertainment. The request is to allow outdoor amplified musical performances to occur during the hours of 1:00 to 11:00 p.m. on Monday thru Saturday for a 12 month period at Mosaic Wine Lounge located at 517 West Jones 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 517 West Jones Street, on the corner of Jones Street and Glenwood Avenue, and has been in operating since June 2006. It is located in the Business zoning district and the Pedestrian Business Overlay zoning district. It is surrounded by non-residential land uses. The proposed location for the outdoor amplified music is on a former loading dock now used as a patio and situated adjacent a railroad corridor. The closest residential dwelling is approximately 300 feet west on West Jones Street. The closest church is approximately 450 feet from the establishment. There is nearby school or health 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.

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

This corner location is within the Glenwood South Pedestrian Overlay District and located along on West Jones Street and Glenwood Avenue, a major thoroughfare. Public sidewalks exist along the streets adjacent this building and almost all others within a several block radius. The proposed events will not be located within the public right-of-way. All proposed activity will be on private property adjacent the railroads tracks.

Fifteen parking spaces are available on site. On-street parking, off-street surface parking lots and a deck are available within walking distance of the establishment.

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

The request is for outdoor amplified music to be located on the establishment's property on a patio of approximately 950 square feet in size on a former loading dock adjacent railroad tracks. All amplification is to be directed towards the building from free standing speakers on the patio. The applicant requests to have the ability to stage outdoor amplified events on Monday thru Saturday evenings from 1:00 to 11:00 p.m. The applicant states that occupancy will be within limits established by the Fire Department.

**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 proposed location of the outdoor music events is directly adjacent the railroad tracks. Landscape buffering is not required by City Code between the establishment and the railroad. The applicant has not provided any evidence to address protection of adjacent properties.

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

The application states that amplified music will be directed towards the building from free standing speakers on the patio.

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

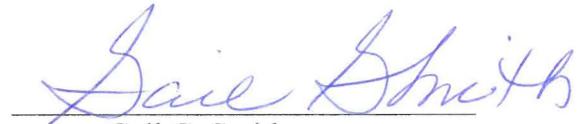
## CONCLUSIONS OF LAW

1. The requirements of the Raleigh City Code 12-2120 have been met and the applicant Mosaic Wine Lounge is entitled to an amplified entertainment permit for twelve months.

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-2-10 as set out and modified in this order is hereby approved.

This the 15 day of June, 2010.



Gail G. Smith  
City Clerk

*Prepared by the Raleigh City Attorney's Office*

