

Design Adjustment Application



DEVELOPMENT SERVICES DEPARTMENT

The purpose of this request is to seek a Design Adjustment from the Development Services Director, or designee, for a specific project only and, if granted, may be approved with special conditions and provisions. This application and all further action shall be consistent with Section 10.2.18 in the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based solely on the conformance of the findings, as outlined in Sec. 8.3.6, Sec. 8.4.1.E and Sec. 8.5.1.G of the UDO or the Raleigh Street Design Manual.

PROJECT	Project Name Pullen Arts Center Improvements	
	Case Number SR-70-17	
	Transaction Number 525991	
OWNER	Name City of Raleigh Parks, Recreation, and Cultural Resources (Scott Payne / Lora Greco)	
	Address 222 W. Hargett St. Suite 601	City Raleigh
	State North Carolina	Zip Code 27601
CONTACT	Name Graham Smith	Firm Site Collaborative
	Address 727 W. Hargett St. Suite 101	City Raleigh
	State North Carolina	Zip Code 27603
REQUEST	Phone 919-996-4771 (Lora Greco)	
	I am seeking a Design Adjustment from the requirements set forth in the following:	
	<input checked="" type="checkbox"/> UDO Art. 8.3 Blocks, Lots, Access	- See page 2 for findings
	<input type="checkbox"/> UDO Art. 8.4 New Streets	- See page 3 for findings
	<input type="checkbox"/> UDO Art. 8.5 Existing Streets	- See page 4 for findings
	<input type="checkbox"/> Raleigh Street Design Manual	- See page 5 for findings
	Provide details about the request; (please attach a memorandum if additional space is needed):	
Within a OX-3 zone, the requested linear foot of a block perimeter is 3,000 linear feet. However, Pullen Park and its recorded historic deed encompasses the vast majority of the block which has a perimeter of 8,105 linear feet. The parcel is bisected by a railroad easement and surrounded by roadways/rights of way that cannot be expanded or changed. Any further divisions, dissections, road creations, etc. would not be feasible nor practical given the existing conditions and historic nature of the park and deed restrictions. See attached page showing the existing block perimeter, which in turn is the proposed block perimeter. While not 'public' road, a private driveway that crosses the North portion of Pullen Park is proposed to link Pullen Road to Hillsborough Street. See attached explanation of Pullen Park's deed restriction.		

It is the responsibility of the applicant to provide all pertinent information needed for the consideration of this request. Applicant must be the Property Owner.

By signing this document, I hereby acknowledge the information on this application is, to my knowledge, accurate.

Owner/Owner's Representative Signature

5/23/18
Date

CHECKLIST	
Signed Design Adjustment Application	<input checked="" type="checkbox"/> Included
Page(s) addressing required findings	<input checked="" type="checkbox"/> Included
Plan(s) and support documentation	<input checked="" type="checkbox"/> Included
Notary page (page 6) filled out; Must be signed by property owner	<input checked="" type="checkbox"/> Included
First Class stamped and addressed envelopes with completed notification letter	<input checked="" type="checkbox"/> Included

Submit all documentation, with the exception of the required addressed envelopes and letters to designadjustments@raleighnc.gov.

Deliver the addressed envelopes and letters to:
Development Services, Development Engineering
One Exchange Plaza, Suite 500
Raleigh NC, 27601

For Office Use Only	RECEIVED DATE:	DA -
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Article 8.3, Blocks, Lots, Access

Administrative Design Adjustment Findings



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The Development Services Director may in accordance with *Sec. 10.2.18*, approve a design adjustment, subject to all of the following findings. Describe how each item is met:

A. The requested design adjustment meets the intent of this Article;

The intent of the Article is to ensure the creation of well-connected street network. Due to the 1887 deed for Pullen Park, there is no chance that a new public way will be able to be created across Pullen Park. Also, there are multiple pedestrian ways through the site and a new private drive across North Pullen Park is being created, improving vehicular accessibility.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;

Yes, this design conforms with the Comprehensive Plan, the 1887 Pullen Park deed, the Council Adopted Pullen Park Master Plan and the Council Adopted Schematic Design for Pullen Arts Center Renovation Project.

C. The requested design adjustment does not increase congestion or compromise Safety;

The requested design adjustment does not increase congestion or compromise safety. The new private drive crossing North Pullen Park should improve life safety access to the Pullen Arts Center, Theatre in the Park and the Gregg Museum. It will provide safer vehicular and pedestrian access to the North portion of Pullen Park.

D. The requested design adjustment does not create any lots without direct street Frontage;

No new lots are proposed, therefore the requested design adjustment does not create any lots without direct street frontage.

E. The requested design adjustment is deemed reasonable due to one or more of the following:

1. Topographic changes are too steep;
2. The presence of existing buildings, stream and other natural features;
3. Site layout of developed properties;
4. Adjoining uses or their vehicles are incompatible;
5. Strict compliance would pose a safety hazard; or
6. Does not conflict with an approved or built roadway construction project
7. adjacent to or in the vicinity of the site.

Due to deed restricted nature of the property, we are unable to meet the block perimeter requirements of UDO Article 8.3. In order to ensure that Pullen Park would be used exclusively for recreational purposes, the deed conveying the park property to the City contained restrictive language. This language, known as a reverter clause, prevents the City from conveying or converting any part of the Pullen Park property to non-public park use. The consequence of such a conveyance would be reversion of the entire park property to the heirs of Richard Stanhope Pullen. Following such a reversion, the City would no longer own Pullen Park.

Individual Acknowledgement



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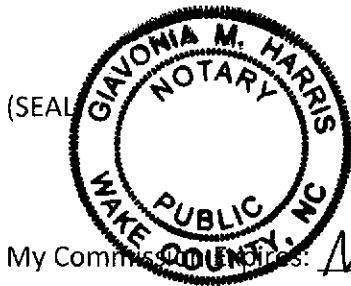
STATE OF NORTH CAROLINA

INDIVIDUAL

COUNTY OF Wake

I, Giaovonia M. Harris, a Notary Public do hereby certify that Scott Payne personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

This the 23 day of May, 2018.



Notary Public

Giaovonia M. Harris
Giaovonia M. Harris

My Commission Expires: November 22, 2019

Richard Stanhope Pullen founded Pullen Park on March 22, 1887. Mr. Pullen donated the land to the City of Raleigh and intended that the property be used solely for the recreational use of the citizens and visitors to the City of Raleigh. In order to ensure that Pullen Park would be used exclusively for recreational purposes, the deed conveying the park property to the City contained the following restriction:

“[P]rovided that if the City of Raleigh, the grantee herein, should at any time use or allow to be used the said lands or any part thereof, except as hereinafter provided for any purpose other than that of such public park, or shall alienate or convey or attempt to alienate or convey the said lands or any part thereof except as hereinafter directed, to any person or corporation, or if the charter of said City of Raleigh N.C. should at any time be surrendered, forfeited or repealed, then, and in either case, this conveyance shall become null and void and the said lands shall thereupon immediately revert and be vested in said Pullen, his heirs and assigns”

This language, known as a reverter clause, prevents the City from conveying or converting any part of the Pullen Park property to non-public park use. The consequence of such a conveyance would be reversion of the entire park property to the heirs of Richard Stanhope Pullen. Following such a reversion, the City would no longer own Pullen Park.

Proposed Pullen Park site – North Pullen Park (105 Pullen Road) (Pullen Park and Pullen Arts Center in red)
Existing Block Perimeter – 8,104' (in blue)
Proposed Block Perimeter – 8,104' (due to Existing Train Tracks + Park Deed + Designation as Park)

