



**MECKLENBURG COUNTY**  
Park and Recreation Department

MEMORANDUM

SENT ELECTRONICALLY THIS DATE

NO HARDCOPY TO FOLLOW

**TO:** Tim Manes,  
Charlotte Mecklenburg Planning Commission

**FROM:** Joe Mangum, Greenway Planner  
Greenway Planning & Development Division

**DATE:** September 28, 2009

**RE:** Rezoning Petition # 2009-074 (6.19 acres at the corner of West 6th St. and North Sycamore St.)

This is the second correspondence (8/20/09) from Mecklenburg County Park and Recreation (MCPR) regarding rezoning petition #2009-074. We suggest that these comments be incorporated into the Planning Commission staff review notes and written into the Pre-Hearing Staff Analysis to the fullest extent possible. These steps should ensure MCPR's notes are conveyed to and incorporated by the petitioner during plan revision.

The properties referenced in this petition are located in the Central Park Region and include Ray's Splash Planet, a water park owned and operated by MCPR, and a developed section of Irwin Creek Greenway. The proposed rezoning would create a significant impact to both the greenway and Ray's Splash Planet. MCPR has met with the petitioner previously and has expressed some concerns over the proposed development

**Greenway**

The schematic site plan indicates that a portion of Irwin Creek Greenway would have to be redesigned and reconstructed to fit with the proposed development. If so, the petitioner would be financially responsible for both design and development. The petitioner must submit construction drawings to MCPR for approval and MCPR must accept the final construction. This note should be reflected on all future rezoning plans. The redesigned greenway must maintain 10' unobstructed width (12' if greenway is

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against a retaining wall).

The redesigned greenway must meet AASHTO standards.

A well-defined 10' wide greenway path must extend to the proposed pedestrian bridge, across the bridge, and extend to the existing gate and path at Elmwood Cemetery. Please add the words in bold to the note on Sheet SP-1 "Extension of **10' wide** greenway path to align with existing cemetery path and gate".

A well-defined 10' wide greenway path must extend from the proposed pedestrian bridge to the entrance to Ray's Splash Planet. On Sheet SP-1, it appears that a seating area and retaining wall could interrupt flow of the greenway. MCPR suggests using a different surface or color from the remainder of the plaza to differentiate the greenway trail. The greenway trail connection to Ray's Splash Planet must be unobstructed and easily distinguished from the larger plaza.

Appropriate greenway signage from MCPR new greenway wayfinding and signage program must be integrated into the site. This includes directional signage between the greenway, parking deck and Ray's Splash Planet.

New buildings should be constructed to embrace and provide "eyes on the greenway" to increase visibility and safety.

### **Ray's Splash Planet**

**We are not okay with the liability that is created from the open water area.** The relocation of the very large storm pipe and creation of the open water seems to bring liabilities onto the property. The "open" plan leads itself to an invitation for public exploration in the water. Unlike it is now, where there is a substantial barrier of thick and high greenery. This liable area of open water will be on CMS "elementary school" land and does not seem to be a good match. In addition, we don't know how much water is expected to come down the pipes on heavy flood days. Comments were made at our September 21<sup>st</sup>, 2009 meeting with John Arciero and Vincent James, in reference to a fencing or undefined large barrier. This will need to be significant and well defined to eliminate some of the liability concerns.

**Parking enforcement, looks to be a major issue.** During the September 21, 2009 meeting with John Arciero and Vincent James, Mr Arciero articulated a plan to provide Ray's Splash Planet (RSP) customers access to the parking deck when it is not staffed, this could create traffic/pedestrian flow problems. His parking concept placed some responsibility on RSP staff to monitor parking from an electronic grid based on availability, having each vehicle customer call from a parking deck call box to the RSP front desk to be allowed access to the parking area. RSP can not take on this added responsibility during any peak times that includes any weekends, holidays, CMS no-school days and all summer season. He also explained that customers may have to drive up to RSP, go into RSP get a pass, enter the deck or park on the street for two hours then remember to feed the meter after 2 hours. This could create another customer service nightmare. **A detailed written parking plan for RSP visitors will need to be submitted to MCPR for review and parking plan criteria need to be stated in the contract .** And the question remains, **How will the general public (downtown work force) not use up all the spaces allotted for Ray's Splash Planet patrons & employees?** Sycamore has stated in the contract and agreed to designate 59 parking spaces for "RSP, its employees, visitors, representatives, agents, **and the general**

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**public**". We would have to eliminate the general public from these 59 spots b/c we currently have to enforce public towing on folks who park at Ray's and leave the premises. If the parking is done in a garage, out of site from Ray's Staff, we will no longer be able to enforce this effectively.

**The easement/driveway by Ray's is too close to the front door.** On a very busy day, it is often Ray's can admit large groups of over 100 kids and entrance lines extend out the front door. According to the plan these folks would be standing on or very close to the entrance road.

**This development project still plan on relocating the Arts & Science Council Art Work, which would have to be approved by the ASC. What would happen if the ASC does not approve moving the art work?** The Arts & Science Council Art work at Ray's consists of 5 small walls just outside the front door. The location of the art work was extremely vital to the artist and the flow of the facility. To quote the Artist "the walls weave into the flow" of the facility.

It states in the preliminary contract that "Sycamore agrees to repair any/all damages to RSP caused by blasting or seismic disturbance used during construction." **Park and Rec would like it to be stated in the contract that the monitoring of these conditions be done by a 3<sup>rd</sup> party, unbiased and unconnected to the sycamore development group.**

Feel free to contact me at (704) 353-1911 if you should have any further questions.

Copy to: James R. Garges, Director  
Julie Clark, Division Director, Greenway Planning & Development  
W. Lee Jones, Division Director, Capital Planning  
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