



MECKLENBURG COUNTY  
Park and Recreation Department

MEMORANDUM

SENT ELECTRONICALLY THIS DATE  
NO HARDCOPY TO FOLLOW

**TO:** Michael Cataldo, Associate Planner  
Charlotte Mecklenburg Planning Department

**FROM:** Gwen Cook, Planner  
Capital Planning Division

**DATE:** November 16, 2012

**RE:** Rezoning Petition #2012-085 (Clems Branch Greenway)  
Charlotte Mecklenburg Planning Commission (PID #223-531-05, 223-531-06)

This is the sixth communication concerning this property. We encourage staff and the Planning Commission to consider Mecklenburg County Park and Recreation Department's (MCPR) comments. We suggest that these comments be incorporated into the 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.

Located in the South Park District near the intersection of Johnston Road and Marvin Road on the north side of a tributary of Clems Branch, this parcel includes a greenway corridor that has been approved as part of the 2008 Greenway Master Plan.

MCPR is in agreement with the conveyance of property per the revised site plan dated 10.5.12. The dedication of land and the greenway easement are noted on the site plan and in the Development Standard notes. MCPR appreciates the dedication of these areas for the future Clems Branch Greenway. Concerning the greenway trail itself, construction of the greenway by the petitioner as noted in Development Standards notes 4(g) can be discussed. The greenway must be publicly owned and operated. Private greenway trail on County property is not acceptable. Private construction and maintenance can be discussed and considered in a separate agreement. This possibility is being discussed with the County attorney, but recommendations are not available at this time. The timing of the dedication should be before the first C.O. The petitioner should contact Gwen Cook at 704.432.1570.

Two options are subsequently being considered to satisfy the requirement for a public sidewalk. The first option involves a sidewalk within the public ROW, requiring an encroachment from NCDOT and steps, which challenge ADA. The second option allows the public sidewalk to coincide with a proposed greenway trail to cross the ravine and return to the Marvin Road ROW with no steps. MCPR is agreeable to either option, however conformity with ADA is important for the residents of the County. Then if the second option is chosen, and trail and bridge constructed for public use, the

following must occur:

1. All sidewalks/trails must meet County greenway standards of 10' wide trail, 10,000 GVW bridge with 10' min. clear between handrails, 5' mowed shoulders per AASHTO guidelines, etc. Trail surface can be asphalt or concrete. County has a detail to provide for the trail.
2. Dedication of the indicated property to the County may require an overlaid City sidewalk easement to make the sidewalk system whole. The County would be willing to work out these details with the City and developer.
3. Maintenance within the dedicated County property would have to be by others (developer or City) until Clems Branch Greenway can be developed by the County as part of a larger greenway system. Again, this can be part of an agreement. **MCPR is willing to limit the terms of this agreement to 20 years.**

Copy to: James R. Garges, Director  
W. Lee Jones, Division Director, Capital Planning Services  
Jacqueline McNeil, Real Estate Coordinator  
Kevin Brickman, Planner