

**PARTIAL MINUTES OF THE
ZONING COMMISSION
November 15, 2021**

PL(P) 21-39: Zoning, Planning and Development Text Amendment: Amending Subsection (C) of Section 30-12-8.1. Drainageway and Open Space for Subdivisions to provide standards for vehicular access through drainageways.

Mr. Kirkman advised this request was to amend the Land Development Ordinance in reference to dedicated drainage way and open space. Typically, these spaces are dedicated to the City as part of the subdivision process. When new development involving subdivision of land occurs, dedication of drainageway and open space is one of the requirements. The spaces are used for both public benefit in terms of controlling flooding and storm water management and open space that could also be used for recreational purposes for the public. The request to the City was to allow an opportunity for vehicular access across the dedicated drainage way and open space from adjacent property. The proposed amendment creates that opportunity with certain tests or standards that must be met to grant access. The three tests are; (1) The vehicular access to the adjacent property is considered to be necessary to enhance public safety to and from the property with no other practical method that would achieve the same level of access; (2.) That the access does not change the function of the drainageway for benefit as open and recreational space so that the access does not create adverse drainage impacts to other properties or increase downstream flooding through design or with mitigation measures. Mr. Kirkman advised the tests would be evaluated by the departments dealing with land development, such as, Transportation, Parks and Recreation, and Water Resources. Mr. Kirkman stated he had sent a separate email to the Commission to make them aware that staff did take this text amendment to the Greensboro Parks & Recreation Commission. That Commission is involved with evaluating property offered for dedication for drainage and open space. Discussion resulted in a split vote with no consensus in approving the amendment. Mr. Kirkman referred to the notes indicating what the concerns were and the things that were positive as noted by the Greensboro Parks & Recreation Commission. The purpose for the hearing this evening is to take any public comments and make a motion to approve the text amendment as presented, make a motion to approve the amendment with changes, or recommend denial of the text amendment.

Chair O'Connor inquired if there were questions or clarifications from the Commissioners. Ms. Skenes stated she viewed the request as a cleanup of the LDO. Ms. Skenes stated future items and conditions cannot be anticipated. By clarifying if there is no other access to this property and the ordinance was kept as it is currently written, the city would, in effect, be taking property. Ms. Skenes felt this was a way of cleaning it up, fixing the problem and letting it take its course. The property owners would have to prove their case that it fit into one of the molds. Mr. Jones asked in terms of how the Transportation Director's determination would be captured, would there be an amendment to the plat if it was not done at the time the plat was recorded. How would the Commission confirm the access is granted going forward and would it be placed into the Register of Deeds. Mr. Kirkman responded there would need to be an easement established across the drainage way for the purpose of vehicular access and would be done as part of a site plan review process with a development proposal indicating that access. There would have to be a recorded plat showing where vehicular access was established and the size of it. Mr. Jones asked if the ordinance spelled out what was just said would have to happen, or would there need to be additional information. Mr. Jones referred to #2, regarding drainage way and open space must be dedicated by a recorded plat. Mr. Jones asked in terms of the extent that vehicular access was granted, especially if done at a time subsequent to the recording of the initial plat, would that be an opportunity to further spell out how the vehicular access approval would be documented. Mr. Kirkman responded it was felt the information defaulted back to the normal site plan review process and spelling it out was not needed. The provision noted by Mr. Jones serves a different function than discussed in a previous conversation regarding the thoroughfare. Mr. Jones stated he only brought it up as a consideration and deferred to staff. Chair O'Connor closed the public hearing. Mr. Egbert made a motion to approve the amended text as presented. Seconded by Ms. Magid. The Commission voted 8-0. (Ayes: Jones, Skenes, Alford, Magid, Egbert, Peterson, Vice Chair Bryson, and Chair O'Connor; Nays: 0). Chair O'Connor advised this constituted a favorable recommendation and subject to a public hearing at the December 21, 2021 City Council meeting.