

Minutes of The Dalton/Whitfield County Planning Commission
Monday, January 24, 2011

MEMBERS PRESENT

Sherwood Jones, Chairman
Lane Lewis
Pat McCoy
Virgil Cook
Cortland Zimbrick

VISITORS PRESENT

Michael Lock
Mary Ellen Dillard
Dan Strain

STAFF PRESENT

Kevin Herrit, City/County Planner
Robert Smalley, County Attorney

Board of Commissioners

Chairman, Mike Babb
Vice-chairman, Harold Brooker
Robby Staten
Greg Jones
Gordon Morehouse

I. Call to Order

Chairman of the Whitfield County Board of Commissioners opened the meeting at 7:00 P.M. and turned the meeting over to the Whitfield County Planning Commission Chairman Sherwood Jones.

II. Pledge of allegiance to the U.S. Flag and explanation of proceedings

Chairman Jones asked all to stand and join him in the pledge of allegiance to the United States of America Flag. After the pledge staff presented the explanation of proceedings.

III. Roll Call and Determination of a Quorum

Chairman Jones asked all members to raise their right hand to determine if there was a quorum and upon signifying that there were five members present Chairman Jones stated that a quorum was present.

IV. . Approval of Minutes

Chairman Jones called for a motion to approve the regular meeting minutes of the Dalton-Whitfield County Planning Commission for December 2010. They were approved with a unanimous vote.

V. Old Business

1. Hillside and Tree Protection Resolution

Staff brought forth the resolution and asked that the planning commission make a recommendation so as to remove this item from their docket and comply with their time limitations. The Whitfield County Board of

Commissioners had several questions regarding this resolution. Chairman Babb asked if this was a state law. Staff replied that this was part of the DNR's Environmental Protection Division Rules and could be found in state code section 391-3-16.05 (Criteria for Mountain Protection). Staff also stated this new resolution would only affect new subdivisions of property and that the Planning Office had administrative approval rights to issue variances.

Planning Commissioner Cook spoke to the need of this resolution and his experiences working with these types of regulations in North Carolina. He stated that he was in favor of this resolution.

Chairman Jones asked for a motion and Lane Lewis made the motion to recommend approval. This motion was seconded by planning commissioner Cortland Zimbrick.

VI. Zoning and Subdivision Cases

1. Case 01-24-2011-001WC (zoning case) - Michael Lock - Rezoning from C-2 to R-3

Staff presented the Power Point presentation showing current zoning, permitted uses and Future Development Map. Concluding staffs presentation, staff recommended approval for parcels 12-244-03-049 & 12-244-03-050 containing 1.94 (+/-) acres from General Commercial (C-2) to Rural Residential (R-3). Staff then turned the floor back over to the Chairman.

Chairman Jones asked the petitioner Michael Lock if he wished to add any information to staff presentation. Mr. Lock stated that staff had covered all relevant points. He then turned the floor back to the Chairman.

Planning Commission Chairman then asked if there was any opposition to the zoning change. None come forward. Chairman then stated that if no other opposition or support was offered the Planning Commission would consider this public meeting closed.

2. Case 01-24-2011-002wc (zoning case) - Mary Ellen Dillard – Rezoning from C-2 to R-3.

Staff presented the Power Point presentation showing current zoning, permitted uses and Future Development Map. Concluding staffs presentation, staff recommended approval of parcel 12-212-05-000 containing 5.99 (+/-) acres to be rezoned from Rural Residential R-3 to General Agricultural AG. Staff then returned the floor to the Chairman.

Chairman Jones then asked Mary Ellen Dillard if she had anything to add to staff's presentation. She indicated that she had nothing further to add. She then turned the floor back over to the Chairman.

Planning Commission Chairman then asked if there was any other support or opposition. None came forward so the Chairman closed the public meeting. The Board of Commissioners for Whitfield County made a motion to adjourn their meeting and it was passed unanimously.

3. Case 01-05-2011-001s (subdivision case)-James Marcus Boring III – Final Minor Subdivision Plat

Staff presented the plat to the Planning Commission and indicated that it contained 3.71 acres on one lot and due to its configuration as a flag lot it needed Planning Commission approval. Chairman Jones asked why this area was being subdivided off from the original tract. Staff indicated that this parcel contained a saw mill and was requested by the owner's lawyers to be subdivided for insurance purposes. The Chairman then asked for a motion and one was made by Virgil Cook for approval with the variance included. Lane Lewis seconded the motion and it received an affirmative vote 4-0.

4. Case 01-05-2011-002s (subdivision case)-James Marcus Boring III & Susan Carol Boring – Final Minor Subdivision Plat

Staff presented the plat before the Planning Commission and motioned to the two parcels showing that lot one was 19.83 acres and lot two was 19.56 acres indicating that the two parcels were being split from the original configuration into these two lots. Lot one contains a single-family detached dwelling that would be encroaching over the 25' front setback line. Staff explained that this house preexisted the county subdivision regulations and would be grandfathered in but do to the reconfiguration of the lots this would require a variance.

VII. Recommendations

1. Case 01-24-2011-001WC (zoning case) - Michael Lock - Rezoning from C-2 to R-3

Virgil Cook made a motion to approve the rezoning to R-3. The motion was seconded by Lane Lewis and approved 4-0

2. Case 01-24-2011-002wc (zoning case) - Mary Ellen Dillard – Rezoning from C-2 to R-3.

Dr. Cortland Zimbrick made a motion to approve the rezoning to AG. Lane Lewis seconded the motion and was approved 4-0.

3. Case 01-05-2011-001s (subdivision case)-James Marcus Boring III – Final Minor Subdivision Plat

Virgil Cook made a motion to approve the plat with the variance and was seconded by Lane Lewis. The motion was approved 4-0.

4. Case 01-05-2011-002s (subdivision case)-James Marcus Boring III & Susan Carol Boring – Final Minor Subdivision Plat

Lane Lewis made a motion to approve the plat with the variance and was seconded by Dr. Cortland Zimbrick. The motion was approved 4-0.

VIII. Other business

1. Staff recommended February 22, 2011 as a date for the work session. All commissioners agreed and the date was set.

IX. Adjournment.

Chairman Jones asked for a motion to adjourn. Lane Lewis made the motion and was seconded by Pat McCoy. Unanimously approved the Planning Commission adjourned until their next scheduled meeting on February 28, 2011.

Respectfully Submitted by:

Planning Commission Chairman: Sherwood Jones

Planning Commission Secretary: Kevin L. Herrit