

**Cherokee County Planning Commission  
Public Hearing Minutes  
Tuesday, March 1, 2011 7:00 PM**

The Cherokee County Planning Commission held its regularly scheduled meeting on March 1, 2011 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Chairman Bob Whitaker, Vice Chairman Tom Hill, members Scott Barnes, Betty Callahan, Thais Escondo, Garland Stewart and Elizabeth Semler. Charles Kirby and Rick Whiteside were absent. In Attendance for Cherokee County Staff were Vicki Taylor Lee Zoning Administrator and Judith Campbell, Administrative Assistant.

Chairman Bob Whitaker called the meeting to order at 7:30 pm.

**Case #11-03-004: Lafarge Building Materials, Inc.** - Request to rezone property (11.6 acres) from AG to HI. Property located in Land Lot 235, of the 4<sup>th</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and indicated as Parcel 041A on Tax Map 04N03. There will be no additional mining operations on any of the land; the surface mining will not change. The present mining operation is grandfathered in under AG (non-conforming), before present zoning regulations/requirements. Present EPD permit requires a 100' non-disturbed buffer. Applicant wants to re-submit for EPD permit showing the buffer moved back – no trees cut, etc. just having additional area for over-burden storage. Some of the over-burden materials will be 30' to 40' above present berm profile but will still not be able to be in view of surrounding property owners.

Vicki Taylor Lee presented the case.

Mark Lewinski, Land Manager for Lafarge represented the case.

Commissioner Johnston asked if it would be possible to put conditions on zoning to ensure area is to be used only as a buffer and not for storage.

Thais Escondo said with current zoning – AG – the buffer would be allowed, so why is it necessary to rezone to HI? Vicki Taylor Lee said over-burden cannot be in an AG zone. It must be in HI. The grandfathered use is limited to the parcel already in use. The EPD and the applicant's mining permit requires a 100' buffer.

Garland Stewart spoke and said there was no visual buffer if they go to the power line on the west side of the property.

Scott Barnes said the height would max out at 40' in the next 4 to 5 years. He asked for a commitment that the land would not be used for storage in the future.

Mr. Hill inquired regarding the existing and finished elevation and a short discussion ensued.

Garland Stewart stated that the EPA and EPD will make sure that they abide by their regulations/requirements and that nothing would get into the Etowah. Then he asked about the land use plan. Would this be spot zoning? You have AG, then HI, then AG again.

A question was posed about reverting the zoning back to AG at some point. Vicki Taylor Lee stated that you cannot undo zoning and make it go back to the original zoning without going through the request all over again.

Thais Escondo stated that this adds burdens to the existing property owners.

Betty Callahan said we must be willing to make some changes in light of the present economy, the County needs the income.

Bob Whitaker complimented the work done on the project but does not like the HI zoning and made a motion to recommend denial of changing the zoning.

Garland Stewart said if that was a motion to deny, then he would second.

Motion to recommend denial carried 6 to 1, with Betty Callahan opposed to the motion.

Betty Callahan made a motion to approve minutes from past meeting and Elizabeth Semler seconded motion. Motion carried.

Betty Callahan made a motion to adjourn. Scott Barnes seconded. Motion carried. Meeting was adjourn at 8:15 pm.

Next work session will be March 21, 2011 at 6:30PM.