

# **Planning Board / Board of Adjustments and Appeals**

## **Regular Meeting**

**April 30, 2019**

### **Minutes**

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, April 30, 2019 at 6:00 p.m. in the Okeechobee County Health Department Auditorium, 1728 NW 9th Avenue, Okeechobee, Florida.

Board members present were Matthew Buxton, Frank Cunningham, Lawrence Fipps, Joey Hoover, Paul Howell and Ted Kelchner. Alternate Brian Trimble was present and designated as a voting member. Weston Harvey was absent. Also in attendance were County Attorney John Cassels, Planning Director Bill Royce, Planner Jennifer Busbin, Planner Ty Hancock and Administrative Secretary Jenna Durham.

Chairman Ted Kelchner called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited.

County Attorney John Cassels suggested that the public comments section of the agenda be moved to the end of the meeting, but that the attorneys representing the two sides be allowed to reincorporate the record that was provided to the Board.

Attorney Virginia Sherlock addressed the Board. She stated that she represents the Cattlemen's Market of Okeechobee. She asked that all the records and materials provided to the Board from the previous hearings be reincorporated into the record and used towards the Board's decision.

Attorney Chene Thompson addressed the Board. She stated that she represents the Okeechobee Livestock Market. She listed off the items provided to the Board in the agenda packet and asked that only the items listed be used toward the Board's decision.

#### **Agenda Item # 2. Approval of Minutes**

**Lawrence Fipps moved to approve the March 26, 2019 minutes as submitted. Frank Cunningham seconded the motion. The motion passed unanimously.**

Board member Frank Cunningham stated he would be abstaining from voting on the next item because of a conflict of interest.

**Agenda Item # 3. Petition S-2017-0754; Cattlemen's Market of Okeechobee, LLC., property owner and applicant. Amendment to a Final Administrative Order issued following the granting of a special exception for a livestock auction on June 27, 2017. The property address is 1849 NW 160th Street.**

Mr. Royce stated that in 2017 the Board of Adjustment and Appeals heard an application for the Cattlemen's Market of Okeechobee, requesting a livestock auction on NW 160<sup>th</sup> Street. He stated that the public hearing began in the May meeting and continued into the June Meeting. He stated that following the June meeting, the Board of Adjustment and Appeals granted a special exception, subject to several conditions. He stated that after the granting of the special exception, it was appealed at the Circuit Court. He stated that about a year and a half later, the Circuit Court responded.

He stated that the County Land Development Regulations require that the Board must make findings when granting a special exception. He stated that there were findings in the staff report, and the procedure for incorporating findings into the Board's decision was to base a motion to approve a petition on the staff report and recommendation. He stated that a final administrative order is then prepared after the meeting, referencing the special exception and any conditions. He stated the Circuit Court stated that the required findings must be in the administrative order or expressed orally at the meeting. He stated the Circuit Court quashed the special exception and sent it back to the Board of Adjustments and Appeals for further proceedings. He stated that staff had prepared a revised Final Administrative Order that incorporates the findings from the staff report into the Final Administrative Order.

Mr. Royce stated that staff recommends the Board of Adjustments and Appeals approve the amended Final Administrative Order.

Board Member Joey Hoover verified that no new documentation had been presented since the hearings in May and June of 2017, with the exception of the transcripts for each hearing and the amended final administrative order.


**Lawrence Fipps motioned to approve the amended Final Administrative Order as per staff recommendation. Matthew Buxton seconded the motion. The motion passed by a vote of 4 to 1 with Lawrence Fipps, Matthew Buxton, Ted Kelchner and Brian Trimble voting for the motion and Joey Hoover voting against the motion. Frank Cunningham did not vote.**

**Agenda Item #1. Public Comment**

Jeff Clemmons, Okeechobee Livestock Market, addressed the Board and stated his concerns about the special exception for the other livestock market.

**Joey Hoover moved to close the public comments. Lawrence Fipps seconded the motion. The motion passed unanimously.**

There being no additional business, the meeting was adjourned at 6:24 p.m.

  
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Ted Kelchner, Chairman

5/30/19  
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Date of Approval

  
\_\_\_\_\_  
Jenna Durham, Administrative Secretary

5/28/19  
\_\_\_\_\_  
Date