PLANNING COMMISSION
December 17, 2025

Meeting Minutes

The Planning Commission of Monroe County conducted a hybrid virtual and in-person meeting on **Wednesday, December 17, 2025,** beginning at 10:00 a.m.

CALL TO ORDER by Chair Scarpelli

PLEDGE OF ALLEGIANCE

ROLL CALL by Jessica McKinney

PLANNING COMMISSION MEMBERS

Joe Scarpelli, Chair	Present
Ron Demes, Vice Chair	Present
George Neugent, Commissioner	Present
Eric Anderson, Commissioner	Present
Rosemary Thomas, Commissioner	Present
Douglas Pryor, Ex-Officio Member (MCSD)	Absent
Christina Gardner, Ex-Officio Member (NASKW)	Present

STAFF
Devin Tolpin, Senior Director of Planning and Environmental Resources
Mike Roberts, Assistant Director of Environmental Resources
Matthew Restaino, Senior Planner
Derek Howard, Senior Assistant County Attorney
Peter Morris, Assistant County Attorney
Hunter O'Connor, Planning Commission Counsel
Jessica McKinney, Senior Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL
County Resolution 131-92 was read into the record by Mr. Derek Howard.

SWEARING OF COUNTY STAFF
County staff members and public attendees were sworn in by Mr. Derek Howard.

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS
Not confirmed.

CHANGES TO THE AGENDA
None.

DISCLOSURE OF EX PARTE COMMUNICATIONS

Commissioner Neugent disclosed that he used to sit on the Pigeon Key Board of Directors. Also, three months ago or so, Mr. Kelly McKinnon had asked him how to navigate through the system to get a variance. However, once it was on the agenda, he has not spoken to him about the project. He is unaware if he needs to recuse himself as a result of that. Mr. O'Connor stated he did not, so long as it would not prejudice his decision today. Mr. Peter Morris, Assistant County Attorney, added that the Department had also furnished briefings to provide relevant background to the Commission.

APPROVAL OF MINUTES

Commissioner Demes requested that in the future, when he chairs an agenda item that it should be noted when the gavel gets passed back to the Chair. Chair Scarpelli noted that the minutes did state that Vice Chair Demes had chaired item one, so that statement implies that it was only that item. A footnote could be added at the end after the motion passes stating that Chair Scarpelli resumed his duties. Commissioner Demes confirmed that that is his request.

Motion: Commissioner Neugent made a motion to approve the November 19, 2025 meeting minutes. Commissioner Anderson seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

AGENDA ITEMS

1. MONROE COUNTY BOARD OF COUNTY COMMISSIONERS, 44800 OVERSEAS HIGHWAY, PIGEON KEY, MILE MARKER 45: A PUBLIC HEARING CONCERNING A REQUEST FOR A VARIANCE TO GATE HEIGHT AND WIDTH REQUIREMENTS IN CHAPTER 114, ARTICLE I, OF THE MONROE COUNTY LAND DEVELOPMENT CODE. APPROVAL WOULD RESULT IN THE INSTALLATION OFA DOUBLE SWING GATE THAT IS 8 FEET, 7 INCHES IN HEIGHT AND 18 FEET, 8 INCHES WIDE ON PROPERTY DESCRIBED AS ALL OF PIGEON KEY, AN ISLAND APPROXIMATELY 5.31 ACRES LOCATED AT MILE MARKER 45, ALONG THE OLD SEVEN MILE BRIDGE, LOT 1, SECTION 13, TOWNSHIP 66 SOUTH, RANGE 31 EAST, TALLAHASSEE MERIDIAN, AS RECORDED IN OFFICIAL RECORD BOOK 15, PAGES 374 TO 376, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBER 00106120-000000. (FILE NO. 2025-204)

(10:05 a.m.) Ms. Devin Tolpin, Senior Director of Planning and Environmental Resources, presented the staff report. This is a request for a variance to the gate height and width requirements as provided for in the LDC. The property located at Pigeon Key has a land use district of park and refuge. It is currently used as an historic and cultural landmark. Ms. Tolpin presented a picture of the gate that is 18 feet 8 inches wide, and 8 feet 7 inches in height. The County's LDC has a maximum width restriction of 12 feet, and a maximum height restriction for fences and gates of 6 feet tall. Approval of this variance would allow for installation of the pictured gate. The proposed gate was approved by the Historic Preservation Commission on September 11, 2025. Staff has reviewed this request for consistency with the eight required criteria in order to grant a variance and found the proposed circumstances surrounding this gate

meet the eight requirements and is recommending approval with conditions contained in the staff report.

There were no comments or questions by the Commissioners. Chair Scarpelli then asked for public comment. There was none. Public comment was closed.

Commissioner Demes stated that he does not have a problem with this variance, but pointed out to staff that anywhere else he would probably have more of a concern, especially with the drawings provided because the justification being that an eight-foot fence provides more protection than a six-foot fence when, in fact, he would never consider this an eight-foot fence, and dealing with security fences for many years you look for the weak point in security which would be the lowest point of the fence. This fence is six-foot-five inches where any rational person would want to cross it at the ends. Also, the details on the proposed gate elevation drawing shows a plan view which is inadequate to understand the security implications. There is a guardrail type structure that comes up to it that does not show the distance and proximity of that side fence on the roadway to the actual gate. It doesn't show the height of it which looks lower and it doesn't show the separation in gap from the particular roadway fence railing from the gate itself to make an analysis of whether you would walk around the fence and slip through it or put your feet on it and more easily cross the fence. He could not get close enough and the drawings weren't adequate to alleviate his concerns, but he has no issue with the approval.

Motion: Commissioner Demes made a motion to approve. Commissioner Thomas seconded the motion. There was no opposition. Motion passed unanimously.

2. <u>RAYMOND VAZQUEZ, SR., 17210 ANGELFISH LANE, SUGARLOAF KEY, MILE MARKER 17, OCEANSIDE:</u> A PUBLIC HEARING CONCERNING AN APPEAL, PURSUANT TO SECTION 102-185 OF THE MONROE COUNTY LAND DEVELOPMENT CODE, FILED BY SMITH HAWKS, PL, ON BEHALF OF RAYMOND VAZQUEZ, SR., THE PROPERTY OWNER, TO THE PLANNING COMMISSION, CONCERNING MONROE COUNTY PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT'S APRIL 30, 2025 DETERMINATION OF FAILED BIOLOGICAL INSPECTION FOR PERMIT NO. SFDUP-2022-0012. THE PROPERTY IS DESCRIBED AS LOT 49, IN SECTION B OF SUGARLOAF SHORES, A SUBDIVISION OF PART OF GOVERNMENT LOTS 1, GOVERNMENT LOT 2 AND GOVERNMENT LOT 3, AND ALL IN SECTION 3, TOWNSHIP 67 SOUTH, RANGE 27 EAST, ON SUGARLOAF KEY, MONROE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGE 158, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, CURRENTLY BEARING PARCEL IDENTIFICATION NUMBER 00163680-000000. (FILE NO. 2025-108)

(10:23 a.m.) Mr. Mike Roberts, Assistant Director, Environmental Resources, presented the response to this appeal. Mr. Roberts first corrected the permit number under appeal which is SFDUP-2025-0012. The property owner has appealed a fail inspection of the referenced building permit for the presence of nuisance exotic vegetation to permit required removal of the exotics on all of the site as a permit condition, and that is consistent with the LDC Section 102-185B. Smith Hawks PL has appealed the decision of the Department to fail the final biological inspection.

The basic appeal process from Section 102-185(e), Action of the Commission, the Planning Commission shall consider the appeal at a duly called public hearing following receipt of all records concerning the subject matter of the appeal. Any person entitled to initiate an appeal may, along with County staff and counsel, have an opportunity to address the Commission at that meeting, and all parties to the appeal shall have the opportunity to present evidence and create a record for the Planning Commission. Any appeals before the hearing officer shall be based upon and restricted to the record. (f) Appeal to the Hearing Officer, any person participating as an appellant or an appellee of the hearing described in subsection (e) of this section may request an appeal of the decision of the Planning Commission or, in the case of a floodplain management provision appeal, the decision of the Board of County Commissioners under Chapter 102, Article VI, Division 2, by filing the notice required by that article within 30 days after the date of the written decision of the Planning Commission or, in the case of a floodplain management provision appeal, the written decision of the Board of County Commissioners.

This basis of appeal provided by the agent for the appellant states the County failed a biological inspection for redevelopment of a single-family home because the melaleuca tree is an invasive exotic species and asserts that the tree must be removed as part of the redevelopment. The appellant maintains that the failed inspection is inconsistent with the intent of the code considering the tree has been stable on the property for decades, and poses no threat to native plant communities, and exists within a developed residential area.

Mr. Derek Howard, Senior Assistant County Attorney, continued the presentation. As with all appeal applicants, the appellant submits a basis of appeal with their application. The first argument that the appellant is making is that Section 118-7 is a discretionary framework. Section 118-7(e) states quite clearly that, "All invasive exotic plant species shall be removed from the parcel proposed for development." The section does not authorize consideration of the landowner's preference, extenuating circumstances surrounding the removal, or the burden of the removal on the applicant. There are no exceptions in the LDC that would allow this particular tree to remain. The LDC does not limit the removal of category one exhibits to the reason that they are listed. Deviation is only permitted if the County Biologist, and that's not the County Commission or a private biologist, recommends it, "in order to better serve the goals, objectives and policies of the Comprehensive Plan," and, "if minor or major conditional use is applied for and approved." That is what Section 118-6 provides. In this case, there has been no application for a minor or major conditional use approval, and the County Biologist is not recommending any deviation and has stood by the staff decision that the tree must be removed.

The second argument the appellant is making is that the property is not being "redeveloped," and it therefore does not constitute development under the LDC that would require application of the environmental criteria. However, LDC Section 101-1 defines development to include, "the carrying out of any building activity," and "the making of any material change in the appearance of any structure," and "includes a reconstruction, alteration of the size or material change in the exterior appearance of the structure on land or water." Chapter 118 does not indicate any intention to limit the definition of development to only new development or otherwise indicate that the environmental applies to new development. It generally refers and applies to all development as defined by Section 101-1, and that section clearly encompasses what is going on with this property.

The next argument the appellant makes is that the removal requirement conflicts with the code's environmental purposes. Staff's determination is consistent with the purpose of Chapter 118 as stated in Section 118-1 that provides the purpose of environmental performance standards. It states, "It is the purpose of this chapter to provide for the conservation and protection of the environmental resources of Monroe County by ensuring that the functional integrity of natural areas is protected when land is developed." Invasive species are generally a threat to the environmental resources of Monroe County, as highlighted in the report. This particular tree is a category one invasive exotic, and this categorization indicates the plant actively alters native plant communities in Florida by displacing native species, changing community structural or ecological functions and in some cases hybridizing with native species. The tree, including its fruit system, continues to grow and compromise the natural functional integrity of the surrounding natural area. The seeds from the tree can travel considerable distances with wind and germination is possible. The County's categorical regulatory approach has been successful in curtailing exotics and is precisely why we don't see many exotics in this area. The Commission should not view this as one tree, but such trees should be considered and their impacts in the aggregate while recognizing the practical policy perspective that allowing this one tree would certainly open the door to other owners also demanding that their invasive trees remain on their property.

The next argument is that treating redevelopment and development synonymously leads to oppressive and unreasonable consequences. This is a bit dramatic. The appellant knew that the tree must be removed. It was an up-front condition of the permit approval so there was no surprise. The LDC requires the County to treat development and redevelopment the same, and the definitions were provided. The appellant complains of rigid enforcement and attempts to impose a less restrictive definition of development in Chapter 118 than how the term is defined in Section 101-1. This betrays Section 102-21(b) which provides the rules of construction that must be followed in interpreting the LDC which states, "In the interpretation and application of any provision of this LDC it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any definitions or provisions of this LDC imposes greater restrictions upon a subject matter then another definition or provision imposed by this LDC, the definition or provision imposing the greater restriction of regulation shall be deemed controlling."

The appellant also makes a desperate, irrelevant argument that County precedent supports discretion for invasive tree retention because they note that invasive trees which are not category one trees exist on County-owned property. Mr. Howard does not know whether that is factually accurate or not, but from a legal perspective it is completely irrelevant. This was the holding in Monroe County vs. Hemisphere Equity Realty from the Florida 3DCA 1994, which states, "Even if the County had been lax in its enforcement of its regulation as against other developers, the property owner was not entitled to rely upon the County's failure to enforce its regulations against third parties." From a legal perspective, this is cut and dry. There is no wiggle room whatsoever within the LDC that would allow this particular tree to remain on the property. Staff's recommendation is to affirm the decision of removal of this particular tree.

Mr. Roberts then continued that the staff recommendation was by the senior environmental planner. The fail was based on the criteria provided in the LDC and the findings of fact

summarized in the staff report. Based on review of all available information, staff requests the Planning Commission uphold the decision of the Planning and Environmental Resources Department.

Ms. Tolpin, clarified that this is an appeal of the final biological inspection conducted for a building permit. The building permit SFDUP-2025-0012 was issued for replacement of a single-family residence on this property. Permits are issued with conditions on the permit, and the conditions of the permit are included in the plan review comments as stated on the building permit. The plan review comments required that all invasive exotics be removed from the site prior to certificate of occupancy. So the biological inspection that was conducted and failed was inspected for the conditions of the issuance of the building permit.

Commissioner Demes asked counsel to refresh the Commission's scope of authority during an appeal, that it's not whether or not he likes the tree, but on what parts go for this appeal. Mr. Peter Morris, Assistant County Attorney, was responding when Mr. Bart Smith interjected comments from the back of the room, which were not picked up for the record. Mr. Morris continued that he would ignore opposing counsel's commentary and answer directly whether he agreed or disagreed. This is an appeal. The Commission is not sitting in a legislative capacity so not engaged in policy making. This is not a hearing on a development permit application. Some permit applications have standards where the sum may be given greater weight or relevance than others depending on the context. With an appeal, it's the County's position that the Planning Commission is sitting as an administrative tribunal, as an administrative law court, and the remit of the Planning Commission in a quasi-judicial appellate capacity is to review the past interpretations or determinations of the Department and to decide whether or not the Planning Director and professional staff complied with the law or not. This is subject to whether Mr. O'Connor agrees or disagrees. Mr. Hunter O'Connor, Planning Commission Counsel, agreed. The Commission is basically looking to see if the decision is supported by competent, substantial evidence and if the correct law was applied.

There were no further questions or comments from the Commission. Chair Scarpelli asked if public comment was required on this item. Mr. O'Connor stated they could hear public comment if desired, but it is not required. Chair Scarpelli then asked to hear from the appellant.

Mr. Bart Smith, agent for the appellant, stated that the appellant normally files the initial brief and gets the initial presentation, so he is responding to a presentation already made that was in response to something that wasn't presented. He generally agrees with what Mr. O'Connor stated. This is a permit for a single-family home. The permit itself was submitted in 2022. It was issued in 2023. There are plans for the single-family home approved by the biologist and the building permit was issued in 2025. The home was completed and all inspections were passed. The biologist final was failed due to the melaleuca tree on the property. Mr. Smith presented a photograph of the tree, isolated and sitting alone next to the house on a canal in a residential neighborhood, and it has been there for decades.

Ms. Karen DeMaria, biologist for the appellant, stated that she was present on behalf of Dr. Phil Frank who had been the biologist for the project site and whose staff report was submitted. Ms. DeMaria is an environmental consultant with over 35 years of experience working in the Florida

Keys, and is an ISA certified arborist who up until a year ago was the urban forestry manager for the City of Key West. She has worked a lot with these different species in the Lower Keys and Key West area. She has seen very few melaleuca trees in the area so there is no infestation or invasion. Brazilian pepper, Australian pine and lead tree, yes, but not melaleuca. Ms. DeMaria concurs with Dr. Frank's statements regarding the melaleuca tree, is available to offer additional information and will answer any questions. The melaleuca is listed as a category one invasive tree species in the State of Florida by all task forces and agencies. When reviewing information associated with the Florida Exotic Pest Plant Council, a document from a former chairman states that, in general, the stated purpose of the invasive plant list is to focus attention on the problems associated with invasive plant species. It is not intended that all species on the list should be prohibited everywhere in Florida. Species are placed on lists because they have been observed to be invasive in natural areas, particularly parks and preserves. The council encourages use of the list as a first step to identify invasive species, with additional information then included in any final decision, and does not promote regulating species for the sole reason that they occur on the list. This is very important to remember. The goal of the County is to maintain the natural environmental areas from invasive plant species. This subject tree is one tree in a yard located in a developed residential subdivision. When looking at the Google area where this property is located it is in a 90-percent developed residential subdivision. This is not a young tree and has been there for decades. This tree was in the same place in a 2011 Google Street View photo. There are no other melaleuca trees anywhere in the area. This is a manicured yard adjoining other manicured yards along a right-of-way area. It appears that the possible invasive influence of this tree on the immediate natural area is extremely low to none.

The County is concerned about the potential impacts to the surrounding natural area and stated in their rebuttal report that, "The tree, including its root system continues to grow and compromise the natural functional integrity of the surrounding natural area." Looking at the photos, the immediate area where the tree is located is in a landscaped yard with numerous non-native palms surrounding this area next to other landscaped yards, next to Sugarloaf Boulevard which is lined with non-native coconut palms, a category two state listed invasive species, again, in the middle of a residential subdivision. It is known that Melaleuca trees have a strong ability to thrive via wind dispersal, but what should be looked at is the environmental conditions of the areas where the seeds would grow. Melaleuca trees thrive in fresh to brackish areas with organic soils such as the Everglades. The area where this tree is growing lacks organic soils and is very high in salt, and is surrounded by high-salt areas. Seed dispersal would have to occur in saltwater. Melaleuca trees do not like salt, and do not like saltwater. Potential for seed dispersal through saltwater is very low. Why this tree has survived the conditions is probably because of the presence of freshwater runoff from the structure and by humans taking care of it. Previous people who owned this property took care of this tree and watered it along with their non-native palms. This singular tree is growing in a residential yard surrounded by residential and manicured mowed yards, and a maintained and mowed right-of-way area; not next to a natural environmental sensitive area where it could possibly grow and become invasive.

Mr. Howard asked Ms. DeMaria if she agreed with the biological report prepared by Dr. Frank, and she responded she did regarding the biological tree stuff. Mr. Howard asked if she agreed with the report's statement, "The melaleuca reproduces through seeds and regeneration, asexual regeneration," and she agreed. Mr. Howard asked if she also agreed with the statement that,

"Seeds released from high in the crowns of mature melaleuca trees may travel considerable distances in normal breezes and even greater distances when released during high winds," and she agreed, as long as conditions such as fresh and brackish water were available, not saltwater. Mr. Howard asked if she agreed that hurricanes could transport seed-bearing branches some distance from the original tree, and she agreed. Mr. Howard stated that Ms. DeMaria had said it was a low possibility of regeneration occurring as a result of this tree, but asked if she would agree it was possible. Ms. DeMaria agreed that anything was possible, including her walking out in the parking lot and getting hit by a car.

Mr. Smith resumed, stating this was being appealed based on the fact that this is a single melaleuca tree in a residential neighborhood that has low to nearly no possibility of being a threat as an invasive exotic. This is a redevelopment of a single-family home and the County's position is that any development requires the removal of invasive exotics. Development is defined broadly to include any change in the appearance of land, structure or anything. This leads to any potential permit can cause removal of invasive exotics that area not providing for any threat. The better question is whether this is development or redevelopment, and this is redevelopment where there was a home that was knocked down. The tree existed with the prior home and provides no threat to anything. He is asking this Commission to determine that this redevelopment does not require this tree to be removed. A stringent reading of how the County has done this would cause rigid applications to every home having to potentially remove a tree or something that is truly not a threat or an invasive exotic just because it's on a state list. Certain trees in certain areas do not qualify as an invasive exotic. The County lists coconut palms as a category two invasive exotic, but the City of Key West does not. Ms. DeMaria confirmed that in the City of Key West coconut palms are protected. The County says the coconut palm is an invasive exotic, and you've got to remove it when you pull a development permit. The City of Key West protects them. So you have to look at the totality of the circumstances when looking at development versus redevelopment and whether or not this is initial land clearing. We think this is oppressive and an unreasonable interpretation, so we're asking the Commission to look at this in a more reasonable manner and allow this tree identified as no actual threat. These terms conflict with other districts that try to protect these things. There are times when you have discretion. This is right next to the property and the entire road has coconut palms, so they should be removed because all invasive exotics should always be removed all the time if we're going to stringently apply this. There are times when discretion should be exercised and the totality of the project should be looked at. Mr. Smith asked the Commission overturn the failed inspection and allow the tree to remain.

Commissioner Demes stated that he really enjoys Mr. Smith's presentations, and asked if he had recently represented a development near mile marker 21 that had coconut palms on it that had to be removed. Mr. Smith stated that that was his housing project and that was for liability purposes for him as an investor. He doesn't want someone dying from a coconut falling on their heads. Commissioner Demes stated that that was his exact concern when it comes to a sanity hearing of the decision of the City of Key West placing coconut palms along Roosevelt Boulevard which overlay the traffic lanes, with the degree of maintenance and risk of coconuts crashing through the windshield of cars. That's the same city that has the seed source and has special legislation for the huge Australian pine population for Zachary Taylor Park with the Naval Air Station that has gone through a lot of money and effort to remove exotic invasives

across the fence and they are plagued by that seed source because the organizations wanted to save those pines. He understands peoples' passion for certain trees and sometimes it makes sense, sometimes it doesn't. But he also looks at consistency with County regulations. When it comes to the melaleuca tree concerning health and environment, he is good friends with a former County biologist who would be brought to his knees if he got near a melaleuca tree at certain times of the year being an asthmatic. From what he remembers, a mature melaleuca tree can have a million to a hundred-million seeds, and how far they carry in terms of wind direction and what they do. He appreciates the consistency in how the regulations are applied. When he saw the Melaleuca he didn't understand why somebody would want to save it. It was in the condition of the permit and he's familiar with that, and will take everything into consideration.

Commissioner Anderson asked if the fact that there is only this one tree was because of the regulations because it forces people to remove the exotics. Ms. DeMaria responded that there has never been a strong presence of removal of invasive exotics unless people are asked to do it in the Lower Keys. She goes down rights-of-way and sees Australian pine and Brazilian pepper growing normally. In her experience in the Lower Keys area, she thinks she has once seen a melaleuca tree. It is not an issue in the Lower Keys and Key West areas. Australian pine, lead tree, Brazilian pepper and seaside mahoe are the predominant ones. She may be concerned about melaleuca trees on Big Pine because there's a freshwater source there.

Mr. Roberts added that first and foremost, he wanted to verify that the correct permit number was being discussed as he had misspoke when he said this was SFDUP-2022-025, it is in fact SFDUP 2022-0012. With regard to the single melaleuca, he would not go as far as to say that this single tree poses a significant ecological threat. However, the code does not provide for singular evaluative judgment on whether or not a specific category one or category two nuisance exotic tree has to be removed. The code states, as the staff report and presentation pointed out quite clearly, that if those species are present, they have to be removed as part of the development plan. That is why the inspection was failed.

Commissioner Thomas stated that it's not about a tree. It's about the fact that a building permit was issued, there were requirements in the building permit, and that has to be upheld. If the applicant didn't like it then something should have been changed and not accepted the permit. It was accepted and now you decide you don't like it and don't want to remove a tree. You can't do that. It sets a precedent that once a building permit is issued you can do whatever the heck you want, and she does not believe that's the case. Chair Scarpelli added that even for redevelopment the existing condition report is required as part of the permitting process and typically, if you don't want to provide your own vegetation survey, the county biologist will go out there and let you know what plants need to be removed from the property. He assumes this was done for permitting for this property. Mr. Smith believed Dr. Phil Frank had done it, but would defer to the file. Chair Scarpelli stated that redevelopment is still development as defined by the code. Mr. Roberts clarified that Chapter 182 of the LDC requires an existing conditions report in the event of native habitat being present. If it is determined that there is no native habitat, staff can and does on occasion waive the requirement for an existing conditions report. Whether that was the case in this permit he has no idea. Ms. Tolpin added that in the event that an ECR is waived for the convenience of the applicant, when the biologist approves a permit it is approved with a condition that all invasive exotics must be removed prior to CO. That condition

of approval was included when this permit was issued on February 16, 2023. Chair Scarpelli stated that it is black and white.

Motion: Commissioner Thomas made a motion to uphold the decision of staff. Commissioner Demes seconded the motion.

Roll Call: Commissioner Demes, Yes; Commissioner Thomas, Yes; Commissioner Neugent, Yes; Commissioner Anderson, Yes; Chair Scarpelli, Yes. Motion passed unanimously.

3. <u>SWIFT EDDY CORP, 32 ED SWIFT ROAD AND THREE (3) VACANT PARCELS ALONG ED SWIFT ROAD, BIG COPPITT KEY, MILE MARKER 10, GULF SIDE:</u> A PUBLIC HEARING CONCERNING AN APPEAL, PURSUANT TO SECTION 102-185 OF THE MONROE COUNTY LAND DEVELOPMENT CODE, FILED BY VAN D. FISCHER, ESQ., ON BEHALF OF SWIFT EDDY CORP., THE PROPERTY OWNER, SEEKING TO OVERTURN A DETERMINATION OF THE SENIOR DIRECTOR OF THE MONROE COUNTY PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT MEMORIALIZED IN A LETTER OF UNDERSTANDING DATED APRIL 23, 2025, REGARDING THE ESTABLISHED DENSITY ON FOUR (4) PARCELS OF LAND ON ED SWIFT ROAD, BIG COPPITT KEY. THE PROPERTY IS DESCRIBED AS FOUR PARCELS OF LAND ALONG ED SWIFT ROAD, BIG COPPITT KEY LOCATED IN SECTION 22, TOWNSHIP 67 SOUTH, RANGE 26 EAST, MONROE COUNTY, FLORIDA, CURRENTLY BEARING PARCEL IDENTIFICATION NUMBERS 00121150-000000, 00121150-000100, 00121150-000200, AND 00121150-000300. (FILE NO. 2025-113)

(10:55 a.m.) Mr. Matthew Restaino, Senior Planner, presented the response to the appeal regarding an LOU issued by the Planning Department and the available density on the four properties along Ed Swift Road in Big Coppitt Key. Mr. Restaino presented a site plan with the properties outlined in blue. All four properties have the same land use district, FLUM, tier designation and flood zone. The one property with a street address of 32 Ed Swift Road is second from the top. The rest are vacant parcels. At the time of application of the LOU all parcels were combined into one and were collectively known as 32 Ed Swift Road. The decision being appealed is from the April 23, 2025 LOU. The applicant requested information regarding developing three single-family residences on the subject property. The Planning Department found that the subject property did not meet density requirements of the land use district in which it was located pursuant to LDC Sections 130-156 and 130-157. The Department concluded that no additional dwelling units could be built on the property aside from redevelopment of one existing dwelling unit that was previously determined to be ROGO exempt. Mr. Restaino presented the density requirements for the URM district as well as relevant definitions pursuant to LDC Section 101-1. The subject properties are not platted lots and therefore do not meet the density requirements to construct additional residential dwelling units.

Mr. Restaino read an excerpt from the LOU: "According to the documentation below, the subject property does not contain any platted lots. According to the legal description provided in Attachment 2 of this LOU and images below, it is evident that the subject property does not contain any platted lots. The plats for the adjacent communities on Cactus Drive east of the subject property, Plat Book 3, Page 126, as well as the community on First Street west of the

subject property, Plat Book 3, Page 17, have been depicted below. They confirm that the location of the subject property is in fact not platted and therefore the subject properties do not meet the density standards pursuant to LDC Section 130-157.

The applicant provides seven reasons for appealing the LOU and the appellants reasons can be broken down into two categories. Number one, the Planning and Environmental Resources Department violated the appellant's legal rights as a result of a delay of the issuance of the LOU; and, number two, the contents of the LOU is incorrect and the parcel should be recognized as having density.

Basis of appeal number one, unreasonable delay violated the legal rights and caused irreparable harm. Mr. Restaino presented an abridged version of the timeline of events. The full version can be found in the staff report with images of email exchanges between the County and the applicant. Mr. Restaino then read through the timeline of events listing the dates of communications reflecting Planning Department staff initiated contact with the authorized agent multiple times informing them that a new agent authorization form would be needed for the letter to be issued. A new agent authorization letter was not submitted until January 16, 2025. The applicant falsely claims that they were prevented from applying for ROGO, proceeding with an appeal, and protecting their property rights as a result of the letter not being issued. As far as applying for ROGO, a letter of understanding is not required to apply for a ROGO allocation. This is applied for and received during the building permit process. The appellant applied for four building permits in October of 2022 despite the letter not yet being issued. By applying for those building permits they started down the road for applying for a ROGO. In terms of proceeding with an appeal, the appellant was not prevented from proceeding with an appeal and could have submitted an appeal to the decision by the Planning Department to fail the four building permits, which were failed because the necessary density did not exist on the property, which is the same as the reasoning present in the LOU. No application for appeal was submitted as a result of the failure of those building permits. Finally, in terms of protecting property rights, the LOU was not the first time that the applicants were informed of the lack of density on these properties. Going back to the ROGO exemption letter in 2011, the old owner initially requested recognition of two dwelling units. The County could only confirm one dwelling unit. The initial draft of the LOU was written in November of 2020. Staff sent an email to the authorized agent stating there is no additional density on these properties. Then, of course, the building permits themselves also confirmed there was no additional density on the properties.

Mr. Restaino read a statement by Mr. Derek Howard asserting, "Even if the appellant could establish the Department's decision was unreasonably delayed, the land development code does not recognize the alleged delay as a basis for the Planning Commission to reverse the Department's decision. The Planning Commission's review is limited to determining whether the Department's interpretation and application of the land development code is correct.

Monroe County violated Florida law with its improper implementation and application of Ordinance 003-2015. Per the relevant legal case findings from John T. Slattery and Susan Slattery v. Monroe County Planning Commission, Section 101-1, Monroe County Code, defines buildable lot as a duly recorded lot that complies with each and every requirement of the county's zoning and subdivision codes immediately prior to the effective date of the ordinance

from which this chapter is derived. "Lot" is defined in Section 101-1 as a duly recorded lot as shown on a plat approved by the county. Under section 130-157, Monroe County Code, the IS land use district has a maximum residential allocated density of one dwelling unit per lot. It is undisputed that the subject property is not recorded on a plat, re-plat or amended plant. Therefore, the appellant's property does not meet the definition of "lot" and does not meet the residential density requirements of the IS land use district in order to allow the proposed development of a dwelling unit.

In Benjamin Hodgers v. Monroe County Planning and Environmental Resources Department, this is a Planning Commission appeal. By a letter dated January 24, 2019, the Department failed Hodgers' permit application in part because the property did not meet the definition of "lot" and therefore did not meet the density requirements of the IS land use district in order to allow the proposed development of a dwelling unit. Hodgers appealed the decision to the Planning Commission, and the Commission affirmed the Department's decision.

Elk Investments of Miami LLC v. Monroe County Planning and Environmental Resources Department. Section 101-1 defines "buildable lot" and "lot" as a duly recorded lot as shown on a plat approved by the county that complies with each and every requirement of the land development code. Under Section 130-157, Monroe County Code, the URM land use district has a maximum residential allocated density of one dwelling unit per lot. Section 101-1 defines "platted lot" as a lot that is identified on a plat that was approved by the Board of County Commissioners and duly recorded. It is undisputed that the subject property was not recorded on a plat, re-plat, or amended plat approved by the Board of County Commissioners. Therefore, the appellant's property does not meet the definition of "lot" and does not meet the residential density requirements of the URM land use district in order to allow the proposed development a dwelling unit.

Mr. Howard interjected for legal clarification, it is important for the Commission to understand that what is being explained are relevant decisions that have already been reached by the Planning Staff, have been affirmed by the Monroe County Planning Commission, and several of these decisions went up to the Florida Division of Administrative Hearings that issued these orders, several of which Mr. Restaino is quoting from. It is the County's position that this is all precedent that the Commission must consider in rendering its decision on this particular appeal which is not factually distinguished from the other cases that have already been decided. Those cases also involved decisions where the staff determined that there was not density to allow for development because the parcel, the land did not meet the definition of lot. What Mr. Restaino is explaining are decisions that the County feels are determinative of the outcome of this particular appeal. Why we're here on an appeal when there aren't facts that distinguish this particular appeal from the other appeals and the attorney for the applicant was an attorney in several of these other decisions that Mr. Restaino is going through, he doesn't know. It's unfortunate we are even here. This is just some legal context for what Mr. Restaino is quoting from.

Mr. Restaino continued with the County's response to the basis of appeal two. The appellant argues that Monroe County's improper use of Ordinance 003-2015, the definition of "lot" for purposes other than setback regulations violate the Florida rules for the statutory construction, violates constitutional due process, and violates Florida Sunshine Laws.

In John T. Slattery and Susan Slattery v. Monroe County Planning Commission, and Eli Investments of Miami LLC v. Monroe County Planning and Environmental Resources department, the Florida DOAH has already affirmed the Department's complained of application of the definition of "lot" to determine if property meets the density requirements of a land use district. In both cases, DOAH also explained the appellant's constitutional and due process arguments may not be considered in this LDC Section 102-185 appeal. In addition to Elk Investments and Slattery, the Planning Commission also affirmed the Department's reliance on the definition of "lot" in Benjamin Hodgers v. Monroe County Planning and Environmental Resources Department, File Number 2019-027.

Basis of appeal three, Monroe County's interpretation and application of Ordinance 003-2015 violates Florida Rules of Statutory Construction. The Department notes that in the Slattery case the ALJ states, "One of the first rules of statutory construction is that the plain meaning of the statute is controlling," and, "if the language is clear and unambiguous, as it is here, there is no need to engage in statutory construction."

Basis of appeal four is the improper use of the definition of "lot" to prohibit density. The appellant argues it is a violation of Florida law for Monroe County to use the Ordinance 003-2015 definition of "lot" for purposes of density. Said definition of "lot" can only be used for purposes of setback regulation because that was the express intent of the BOCC. Slattery, Elk Investments and Hodgers already rejected this recycled argument and held the Department is properly applying the definition of "lot" as to density.

Basis of appeal five is loss of reliability, predictability and transparency. The appellant argues Florida law emphasizes the importance of reliability and predictability in the interpretation and application of ordinances. The Department has consistently applied the definition of "lot." The Planning Commission and DOAH have consistently affirmed the Department's decisions. Aside from plainly violating the code, reversing course now would violate the principle appellant is relying on.

Basis of appeal six, the violation of Sunshine Law invalidates Monroe County actions. The appellant fails to explain how the Department has violated the Sunshine Law. The statement from Mr. Howard was included in the staff report. Mr. Howard added that he is not particularly sure where this particular argument is coming from. Florida's Sunshine Law generally ensures public access to meetings and records of government bodies at both state and local levels. It requires that meetings be open to the public, with reasonable notice and minutes, and prohibits secret deliberations and private discussions between board members on matters that will come before them for action. The appellant fails to specify how the Department has at all violated any of these tenets. It's an attenuated repackaging of appellant's other due process arguments. Moreover, DOAH's examination of the scope of review in an LDC Section 102-213 appeal plainly holds that the Planning Commission cannot invalidate Ordinance 003-2015, even if there had been some violation of the Sunshine Law in enacting that ordinance. All of these arguments that are being made by this particular appellant were unsuccessfully made, also by Mr. Van Fischer in these cases, and rejected by the Planning Commission. The decisions of the County and the Planning Commission were affirmed by the Florida DOAH, and issued as orders that

serve as precedent for this Commission. If there's an elaboration of the appellant's argument that the Sunshine Law has been somehow violated by the Department, he would request an opportunity to respond to that. But, based on the basis of appeal, he is unclear what this argument is even relating to.

Mr. Restaino continued. Basis of appeal number seven, Monroe County's use of Ordinance 003-2015 for purposes different than the original intent violates due process. In Slattery, the ALJ concluded that the alleged procedural or due process violations may not be considered in LDC Section 102-213 appeals. Unlike the three-tier judicial review of final administrative action by a circuit court, procedural or due process violations may not be considered. See e.g., Osborn v. Monroe County Planning Commission, Case Number 03-4720, Florida DOAH November 1, 2004. The review criteria are limited and do not include consideration of whether procedural due process was afforded by the Commission. Therefore, the appellant's argument that procedural due process violations occurred during the appeal hearing in front of the Planning Commission is not within the scope of this appeal. In Elk Investments, DOAH echoed this, concluding that judicial review of the final administrative action by a circuit court is the proper forum to address constitutional claims. See Wilson v. County of Orange, 881 So.2d 625, 631-632, Florida Fifth DCA 2004. See also Holiday Isle Resort and Marina Association v. Monroe County, 582 So.2d 721, 722, Florida Third DCA 1991.

The professional staff recommendation is for the Planning Commission to affirm the Planning Department's initial conclusions in the letter of understanding.

Commissioner Demes asked to see the graphic of the lots and what isn't platted. Mr. Restaino complied. Commissioner Demes stated he had gone by the property and asked where the lots were on each one of those diagrams. Mr. Restaino explained that the images weren't oriented toward the north. North is to the right. These are the plats for the streets on either side of Ed Swift Road which obviously had plats. There is no such plat for Ed Swift Road itself. Chair Scarpelli added that it didn't exist when the plat was made and that he had been confused as well. There were no further questions or comments from the Commissioners. Chair Scarpelli asked if the appellant wished to speak.

Mr. Van Fischer, attorney for the appellant, noted that these three lots were the only three remaining vacant lots in that entire part of the island. He will not reread the brief and will assume everyone has read it. He was the attorney on several cases involving this issue which is that Monroe County is improperly using the definition of "lot" as amended by Ordinance 003-2015 which was for the express purpose of setback regulations and is using it for the unrelated purpose of density regulation. Contrary to staff's memo and the opinions expressed today, he will not recycle arguments already made, but what was missing from those prior cases is the violation that occurred here was so basic it was easy to overlook. Florida Statute Section 125.66 requires that ordinances affecting land must be enacted with advance public notice and an opportunity for affected parties to be heard. This minimum notice requirement mandates that the substance of the proposed ordinance must be disclosed in the notice including its affect on property rights. This statute mandates that if there are substantial or material changes to an ordinance then the enactment process must be restarted. The essential requirement of the law was not complied with by Monroe County with regard to density regulation. There was no

notice provided for this intended application of Ordinance 003-2015. There was only notice for setback regulation.

As has been said many times, this ordinance was passed and adopted by the BOCC on January 21, 2015. It was this ordinance that changed the definition of lot being improperly used to regulate density. Upon a plain reading of Ordinance 003-2015 it is clear and obvious that the purpose and intent of the ordinance was for clarifying setback regulations. The second whereas clause on the first page states, "To clarify the requirements, this ordinance amends the following existing definitions that are used in the application of setback regulations." The definition of lot was one of the definitions amended in this ordinance for the stated purpose of setback regulations. The definition of lot is not an ordinance. This is the ordinance. It literally says ordinance. There is no mention of any kind within this ordinance that it relates to density regulation, nor can there be.

This brings us to the statutory construction and interpretation which was not applied and considered in this capacity in the prior cases referenced. The legislative purpose of Ordinance 003-2015 controls how the ordinance is legally applied and interpreted under Florida Law. The Florida rules of statutory construction are well established that legislative intent is the pole star that guides the court's statutory interpretation, and importantly ordinances must be given their plain and obvious meaning. The operative language and stated intent of an ordinance controls its application and courts will not extend definitions or regulatory effects beyond the purposes expressed in the ordinance. The pole star comment came from the Rinker Materials Corp v. North Miami, 286 So.2d 552 Florida Supreme Court 1973. The quote about not extending definitions or regulatory effects beyond the purposes expressed in the ordinance comes from Lee v. City of Jacksonville, 793 So.2d 62, Florida Appellate Court 2001. The plain and obvious meaning of Ordinance 003-2015 is that the legislative intent of the BOCC was for purposes of setback regulation. Under Florida law, the application of Ordinance 003-2015 and the definition of lot must be interpreted based on this legislative intent, setback regulation; which brings us to the single subject. Pursuant to Florida law, Ordinance 003-2015 is limited by the single subject rule which means it can only encompass a single subject. This rule is found in Section 125.67 of the Florida Statutes. The rule is designed to ensure that the public and affected parties receive fair notice of an ordinances scope and that local governments do not exceed the authority granted by enabling legislation. Thus, if an ordinance is noticed and titled as addressing clarification of setback regulations, which this is, its application to density regulations exceeds the single subject and notice requirements rendering such application ultra vires and void. Likewise, Florida law provides that property owners are entitled to rely on the clear language of ordinances. This means that Ordinance 003-2015 cannot be used for purposes other than setback regulation. He is not saying that the ordinance was somehow incorrectly enacted. It wasn't, but it is limited to setback regulations, and that's it.

The essential requirements of the law require Monroe County to notice its intent to use the definition of "lot" from Ordinance 003-2015 for purposes other than setback regulations. Section 125-66 is strictly construed and the failure to comply with the ordinance enacting process therein renders an ordinance void. Monroe County was required by law to provide notice of its intention to use this ordinance definition of "lot" for density regulation and did not provide any notice and has still not provided notice of this intended use as required by Section

125-66. Florida law does not allow for the County to do this after-the-fact application of the ordinance definition of lot to density regulation because of the intent of the definition was for setbacks. It's plainly stated in the ordinance. And, Florida law holds that Monroe County cannot use the Ordinance 003-2015 definition of "lot" to regulate density. It can only be used for setback regulation purposes.

This brings us to the due process argument. This is not so much asking for you to make a determination of a constitutional question. It's the essential requirement of the law is provided by the Florida Constitution Article I, Section 9, and the U.S. Constitution's Fourteenth Amendment requiring due process. Here, the right to build a house on a lot is a property interest being denied without procedural due process because there was no notice or opportunity to be heard regarding an ordinance for density regulation or let alone the application of that definition of "lot" which was amended for the expressed purpose of setback regulations for density. Everybody was caught by surprise when this went down and it's taken some time to wind out. Part of the reason this went a little bit silent for a while was that an exception was added to the code which resolved this issue for many people, including my clients. So this gets to the County's application of the ordinance for purposes not noticed or intended at the time of its adoption constitutes an arbitrary and capricious application and violates substantive due process rights. So the Sunshine Law violation is, as Mr. Howard alluded to, related to due process. It does require that ordinances and regulations be enacted in the sunshine. This means that the Monroe County Board of County Commissioners was required to provide proper public disclosure for the intended use of the ordinance 003-2015 definition of "lot." In this case there was no disclosure of the use of the definition for density regulation. That's why we're here. The lack of public disclosure results in the violation of the Sunshine Law by a use that was implemented that was never noticed or discussed nor did anyone have an opportunity to be heard. Florida Law is well established that a violation of the Sunshine Law, even unintended, will negate action taken by a County Commission.

In conclusion, by applying Ordinance 003-2015 definition of "lot" to density regulations without disclosing this effect in the notice or legislative process, Monroe County failed to provide the minimum statutory notice of hearing required for ordinances that substantially affect land use. This, by operation of Florida Law, renders the application of the Ordinance 003-2015 definition of lot to density regulation invalid or void. The law is pretty clear that Monroe County is not allowed to pass an ordinance for one purpose, in this case setbacks, and then use it for a completely different purpose, in this case a density regulation. It is respectfully requested that this appeal be granted and the density of the appellant's lots be properly recognized as the one unit per lot given the failure for the essential requirements of the law to be applied as this definition is being implemented by the County.

Mr. Fischer wanted to add that there is no competent substantial evidence to support this application because there is no ordinance that exists for density regulation. There's an ordinance that exists for setback regulations, and the definition of lot was orphaned from that, which is not how it's supposed to work. It was passed for setbacks, not for density. In that regard, the essential requirements of law were not followed, which support the application of approving this appeal and recognizing the densities that exist.

Mr. Howard responded stating it is a shameful misrepresentation to say that Ordinance 003-2015 was not an issue in the other appeals. He has heard this presentation and these arguments all before. The Florida DOAH stated that these go to due process and it is outside the purview of this appeal or the DOAH to review the staff position on an alleged due process violation. Nonetheless, the DOAH affirmed the staff's application of the definition of lot, and then the actual underlying decisions were affirmed. If Mr. Fischer wants to try this all over again, he's in the wrong forum. He should go to circuit court. That was a quote that Mr. Restaino had referred to in his presentation to the Commission. It's shameful to say that this has not all been argued before. It has.

Chair Scarpelli stated that he understands the intent of law and then there are some spillover consequences that you're citing, essentially. But that doesn't change the definition. The definition doesn't have any caveats only for setback purposes. Mr. Fischer stated the bigger problem is you can change a definition for a very innocuous issue that people don't care about. Setbacks are not what people are too concerned about. Density, saying you have this piece of property but you don't have any density to put a house on it is a very bit impact that was not disclosed. It's really Section 125.66, and there was no disclosure of this impact by the definition which was changed for purposes of setbacks, to say you no longer have a right to put a house on your property. Chair Scarpelli asked when the property had been purchased and whether it was before 2015, because if it wasn't then it would be up to the realtor to disclose. Mr. Restaino added that he does not know when the property was sold, but the reason the letter was delayed was because the property was sold after the application had initially been submitted in 2020, so it was sometime after the application was submitted. Mr. Fischer confirmed the sale was September 11, 2020. Chair Scarpelli asked when the property was subdivided. Ms. Tolpin responded that the property record card does not easily provide that information. However, the one ROGO exemption was issued in 2011 for the prior property owner, and it was found that there was one, so the property was combined as one. The overall combined property does have a protection to redevelop one previously-existing dwelling unit. Chair Scarpelli noted that that was prior to any County actions in 2015. So the determination was made there was one allocation on this property. Mr. Fischer stated that having one existing unit that was ROGO exempt is a different question than density. Chair Scarpelli responded that it was one property in 2011. Ms. Tolpin added that it was later split up into two separate parcels.

Mr. Fischer stated that the tax assessor's office can join property to get a single tax bill but that's not a unity of title. Ms. Tolpin reiterated that in 2011 this was a single parcel and in accordance with the LDC Section 110-96 a plat approval is required for the division of a parcel of land into three or more parcels of land, or the division of a parcel of land into two parcels of land where the land involved in the division was previously divided without plat approval; or, the division of a parcel of land into two parcels of land where the disclosure statement required under subsection (e) is not attached to the conveyance. Mr. Fischer stated this was going way beyond the scope of this appeal.

Commissioner Demes asked if this Ordinance 003-2015 and Rule 125-67 really has anything to do with the purview of what the Planning Commission is reviewing, because he believes it does not. Mr. Howard responded that that is the County's position. It also happened to be the view of the Florida DOAH twice when these same arguments were made. Mr. Fischer stated everyone is

entitled to an opinion but as far as this goes, the issue is the definition of "lot" being changed and linked to Ordinance 003-2015 for the purpose of setback regulations. It's being applied to something completely unrelated to that purpose. With the previous definition these qualified as lots. Mr. Howard interjected that they never would have qualified for lots.

Commissioner Anderson confirmed with Ms. Tolpin that the previous landowner had been told he could only put one house on this property. Commissioner Anderson asked Mr. Fischer if that previous owner had disclosed that he had applied for two and only received one. Mr. Fischer did not know what disclosure was provided or not. Chair Scarpelli added that there is clearly prior action prior to the current ownership. There's a history here regardless of what is happening across the street. This was one piece of property that was a trailer park that was handled in some manner, and maybe that guy was the guy that had more land for his trailer than everyone else on this property. This ordinance didn't change that because it was like that in 2011. He remembers this ordinance and the intent, and he remembers it did mess up about 200 peoples' property because the definition was applied and the intent of the ordinance was overlooked, and the subsequent consequence of the definition changing did affect people negatively, but it doesn't change the definition. The definition is the definition. Unfortunately for this property, it was all one parcel prior to the 003-2015 ordinance even occurring.

Ms. Christina Gardner, NASKW, stated that most of this is far beyond what the Navy would comment on. However, the Navy is concerned because this is within the MIAI, the 65 to 69 DNL. Within the residential mobile home land use district, despite the fact that mobile homes are not compatible within the 65 to 69 DNL contour, any increase in density could be detrimental to the national defense mission.

Motion: Commissioner Thomas made a motion to uphold original staff recommendations. Commissioner Anderson seconded the motion.

Roll Call: Commissioner Demes, Yes; Commissioner Thomas, Yes; Commissioner Neugent, Yes; Commissioner Anderson, Yes; Chair Scarpelli, Yes. Motion passed unanimously.

GROWTH MANAGEMENT COMMENTS

Chair Scarpelli thanked everyone for putting in a hard-working year. He appreciates chairing it and everyone's hard work as this stuff isn't easy. He wished everyone a Merry Christmas and Happy New Year.

Commissioner Demes commended the staff as he is constantly amazed at the level of work done by the staff and he is very proud to be part of this Commission and part of the team.

RESOLUTIONS FOR SIGNATURE

None.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 11:50 a.m.