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## WOODWARD, PIRES & LOMBARDO, P.A.

ATTORNEYS AT LAW

July 14, 2026

By Email

City of Marco Island  
Chairman Jason Bailey, Planning Board  
jbailey@cityofmarcoisland.com

**Re: REZN-24-000098**  
**July 31, 2026, Planning Board**

Chairman Bailey,

I am writing to discuss the Planning Board meeting for REZN-24-000098 on July 31, 2026, and the email Planning Board member Brad Henson sent stating he would not be available on July 31, 2026.

Applicant and Applicant's team were in attendance, prepared, and ready to go forward on July 10<sup>th</sup>. This included travelling from out of state. While the notice error identified during the July 10, 2026, hearing was not caused by any actions or omissions of the Applicant, Applicant agreed to continue the hearing to provide for proper re-noticing of the meeting, and on the record, with input from Mr. Henson, it was agreed to continue the meeting to July 31, 2026. In addition to the City's revised published notice, Applicant is re-noticing the July 31, 2026, meeting via mail and posted signage.

There is no requirement for attendance of all Planning Board members for this rezone or any other, indeed, one member was not present on July 10, 2026, when this was initially scheduled—what is important is public notice.

Applicant and Applicant's team are prepared and ready to go forward on July 31, 2026, and members of Applicant's team are once again flying in and/or travelling to attend the meeting on July 31, 2026. To continue the July 31<sup>st</sup> meeting to a later, uncertain date due to one board member's unavailability, despite prior representations to the Applicant and the public of availability, creates confusion and unnecessary burden.

In addition to Applicant's team booking travel arrangements to attend the July 31, 2026, meeting, Applicant is in the process of noticing the July 31, 2026, meeting via mail (which has already gone out) and posted signage, all at Applicant's expense. Furthermore, the City's newspaper notice has already been published as of July 13, 2026.

In light of the foregoing, Applicant respectfully requests the petition proceed to be heard on July 31, 2026, as currently scheduled, and timely and properly noticed.

Sincerely,

Zachary W. Lombardo, Esq.

Cc: David Tolces, City Attorney

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