

August 6, 2015

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
August 6, 2015

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m. in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Mark Strain, Chairman
Stan Chrzanowski
Brian Doyle
Diane Ebert
Karen Homiak
Charlette Roman
Andrew Solis

ALSO PRESENT:

Heidi Ashton-Cicko, Assistant County Attorney
Scott Stone, Assistant County Attorney
Ray Bellows, Zoning Manager
Thomas Eastman, Real Property Director, Collier County School District

August 6, 2015

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, August 6th meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you. If the secretary will please do the roll call.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Solis?

COMMISSIONER SOLIS: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Doyle?

COMMISSIONER DOYLE: Here.

COMMISSIONER EBERT: And Ms. Roman?

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Thank you.

***Addenda to the agenda. We have several changes. There were four cases scheduled for this morning. Three are being continued to different dates. I'll announce those to the board and ask that I get a confirmation by majority vote to move them to the dates so designated.

Item 9.A and 9.B. 9.A is PL20140002143/CPSS2014-4. And that's for the Southbrooke project located on the south side of Immokalee Road, east of Valewood Drive. That's the comprehensive planning piece of it.

And then the second part of it is the PUDZ-PL20140002077. Both of those are being requested to be continued to September 3rd at our meeting at that time.

If there's a motion to recommend or approve those to be moved to September 3rd?

COMMISSIONER EBERT: I make a motion.

CHAIRMAN STRAIN: By Diane.

Seconded by?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Karen.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

And then we have a request to move the East Gateway PUD. It is item C, it's PUDA-PL20140000548. That's being requested to be moved to our next meeting on August 20th.

If anybody has a motion to move that, continue that 'til August 20th?

COMMISSIONER EBERT: Is that -- yes, I will.

CHAIRMAN STRAIN: Okay, second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

COMMISSIONER CHRZANOWSKI: Question.

CHAIRMAN STRAIN: Question? Yes.

COMMISSIONER CHRZANOWSKI: We had the sidewalk thing on that agenda. Is that going to be a really long agenda? Should I bring a lunch?

CHAIRMAN STRAIN: Yes, you should. We're going to have sidewalks -- I was going to explain that when we get further on to this agenda, but yeah, we're going to have two or three cases that day as well.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: So motion's been made.

Discussion?

(No response.)

CHAIRMAN STRAIN: All those in favor of the motion by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

And that gets us through the changes to the agenda.

***Planning Commission absences. We have the sidewalk issue on 8/20 with some cases, so our next regular meeting is the one on 8/20. Does anybody know if they're not going to make it to that meeting?

(No response.)

CHAIRMAN STRAIN: Okay, that means we'll have a quorum.

***Approval of minutes from July 2nd, 2015. They were sent to us electronically. Are there any changes or comments?

COMMISSIONER HOMIAK: I have one.

CHAIRMAN STRAIN: Okay.

COMMISSIONER HOMIAK: Page 41. About in the middle of the page after it says Chairwoman Homiak, it says 12-foot candles, it should say low foot candle.

And with that change, I will make a motion to approve.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER SOLIS: I'll second.

CHAIRMAN STRAIN: All those in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

***The BCC report and recaps, Ray?

MR. BELLOWS: Board of County Commissioners has not held a meeting since our last Planning Commission, so no updates.

CHAIRMAN STRAIN: That's simple. Thank you.

***Chairman's report. I did want to talk a little bit about our 8/20 meeting. That's the meeting in

which we're going to be discussing sidewalks. Both Mike Bosi and Mike Sawyer have been working feverishly to line up the various county personnel and contact the special groups that may be interested in knowing that the meeting's going on and in making presentations.

It will start out with the county's little bit of history and background and then we'll move into county departments. Then we'll move to those who would like to enlighten us as to their positions on this, whether it be the development community and/or the organizations that promote pathways and sidewalks or any others.

That will start out the day. I expect most of the morning will be taken up with that issue.

Then we have right after that it could follow late morning and into the afternoon, at least two cases lined up, one is the East Gateway that we just continued this morning. The second one was the Briarwood, for lack of a better word, man caves projects. It's involving the storage for exotics cars, things like that. There may be something else added between now and then, but we have at least two regular cases that day.

Ray, do you know of any others?

MR. BELLOWS: Not at this time, but two definitely.

CHAIRMAN STRAIN: Okay. So I would expect for Stan's benefit, yes, bring lunch.

COMMISSIONER CHRZANOWSKI: And a sleeping bag.

CHAIRMAN STRAIN: It won't be that bad. Won't be that bad.

COMMISSIONER HOMIAK: You might need a nap.

CHAIRMAN STRAIN: Might need a nap.

And that's the only other report.

The other thing I might want to mention, depending on how the sidewalk discussion evolves and comes out, we may want to look at having similar discussions on other hot trends we see changing in the county so that we're better prepared for them when they come up.

I've noticed most recently that setbacks are being reduced to almost nothing in all cases. We're losing space in the front of properties for more build-out area. And while that does help product and development, I'm not sure it's the right thing for this community to do. So at some point we probably need to consider also taking a closer look like that so we all know, you know, what the benefits are and what the upside and downsides are.

***And with that, we don't have any consent items for number eight today, so I'll move straight into our remaining public hearing, and it's 9.D. The item is PUDA-PL20140002461. It's the First Assembly Ministries Education and Rehabilitation Campus MPUD. It's off of Collier Boulevard near Lord's Way.

All those testifying on behalf of this item, please rise to be sworn in by the court reporter.

(All speakers were duly sworn.)

CHAIRMAN STRAIN: Okay, disclosures on the part of the Planning Commission. We'll start at the end with Tom.

MR. EASTMAN: I've spoken briefly with David Torres regarding the project.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Might be quicker to tell you the projects I don't talk to Mr. Yovanovich about. I spoke to him at length a couple days ago.

CHAIRMAN STRAIN: Okay, Andy?

COMMISSIONER SOLIS: None.

COMMISSIONER EBERT: Just staff.

CHAIRMAN STRAIN: Okay, and I've talked with the applicant's representatives, both Bob and the white-haired guy. I was trying to think of the right word to phrase that, Richard. And that's about all. I've read the files and gone through the history of the project.

Pardon me?

COMMISSIONER EBERT: I was going to ask you if you were going to invite him to our sidewalk discussion.

CHAIRMAN STRAIN: If he wants to come, he's always welcome.

Karen?

COMMISSIONER HOMIAK: Yeah, I spoke to Mr. Yovanovich, and I met, at Commissioner Fiala's request, twice with the residents at Naples Lakes and their managers and Mr. Yovanovich was there, Mr. Mulhere, Mr. Haines and Mr. Torres.

CHAIRMAN STRAIN: Okay.

COMMISSIONER HOMIAK: And that's it.

CHAIRMAN STRAIN: That reminds me, I did speak to Commissioner Fiala as well. Brian?

COMMISSIONER DOYLE: I had some communication with Mr. Mulhere.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: No contact.

CHAIRMAN STRAIN: Okay, with that, Bob, it's all yours.

MR. MULHERE: Thank you. Good morning. For the record, Bob Mulhere with Hole-Montes here on behalf of the applicant.

And also with me this morning is David Torres, previously mentioned, and Gary Haines. And also Rich Yovanovich, who's the land use attorney. And Paula McMichael who works with me at Hole-Montes.

I put on the visualizer a location map of the properties on the east side of Collier Boulevard. It's just a little bit north of Rattlesnake Hammock, accessed by the Lord's Way.

The -- it's a relatively simple set of amendments. We're not changing the allowable density of 296 units on this tract. And all the changes are limited to tract G in terms of their impact.

I just put on the visualizer the PUD master plan. And this one is a slightly updated master plan in that the lake configuration more closely matches the lake configuration on the Site Development Plan that we have already submitted and is under review with Collier County on tract G, which I'll point out to you.

So the changes include allowing for a maximum of 20 percent of the units to be one-bedroom units and with a minimum size of 750 square feet. There are some clarifications related to the ESP housing, both definition and all of the conditions that will apply. Most of those changes are in the companion -- a separate agreement with the county related to that ESP housing. Some of that is in the PUD as well. For example, you'll see in just a minute, we'll be adding a definition of essential service personnel to the PUD.

We've removed language regarding the phasing of the units where we could. Obviously that doesn't apply the intent just to build these in a single phase. The phasing was conditioned upon improvements to Davis Boulevard, other right-of-way improvements that have already occurred.

There will be some -- there are going to be some changes relative to transportation commitments which I will get to in greater detail, both the amount of right-of-way that the county requires and some other specific conditions that we will be agreeing to.

As I said, we've revised the master plan to align the westernmost access point. Well, I didn't say this part, but we have done that to realign the westernmost access point to coincide with the access at the Lord's Way just to the south of the Lord's Way PUD which is to the south.

That generally describes -- we added -- in addition we added some commitments that relate to amenities and relate to construction materials, very similar to what was done in another PUD called the Vincentian PUD, you may recall. And part of the reason for that was that we had made that commitment to the Naples Lakes Country Club residents when we met with them.

With respect to that, we did have our required NIM, and in addition to that we also met on two separate occasions with the Naples Lakes Country Club management and their homeowners association leadership. And I think both of those -- all three of those meetings all went very well. There were questions obviously. There were some commitments that were made that are contained in the PUD. To my knowledge there's no objection to the project.

We also received several letters of support which I think you have in your packet. Obviously the employers of essential service personnel see this as a beneficial project because one of the critical issues is in attracting new employees is housing and affordable housing, so --

I thought I would go over the changes which we handed out to you one by one, and I'll put them on the visualizer so that folks who may not be in attendance but may be listening can see them as well. And so I'm going to use the hand-held microphone to do that.

So we handed out -- is that on? Yeah, we handed out a document to you that has the highlights -- most of the changes highlighted in yellow. There's a couple of additional changes I'll go over after I complete this.

Within the table on Page 3 of 9 of the handout I gave you, there was a correction to pluralize the word yards and to remove an asterisk at the top right side of the two-column table. That asterisk really was unnecessary. It's very specific. It's located right here and it applies to that footnote.

We moved up this general note so that it would fall right under the table where it should be. We struck through paragraph C which is roof treatments, because we are dealing with that elsewhere in the PUD.

This was duplicative. Let me straighten that out. People -- to be looking crooked.

We added a definition of essential services personnel on Page 5 of 9, but that has changed slightly. And let me get that revised definition for you to look at.

So this last paragraph here would be what is proposed in working with Kim Grant and county staff for that definition. The difference being obviously what you can see, the underlined language would be added and the struck through language would be deleted. And we would use that definition both in the PUD and in the ESP agreement.

COMMISSIONER ROMAN: Yeah, I had a question, Bob, regarding that.

In the PUD itself it talks about essential services housing for essential services personnel, I should say. And in the PUD there's also an affordable housing component and the definitions are different. How -- did we address that so that they're consistent? It's just -- I'm not sure what type of affordable housing you're talking about in the PUD.

MR. MULHERE: So 60 of the units -- I'm sorry, what did you say, Richard?

CHAIRMAN STRAIN: Charlette, did you get the agreement? Did you get a copy of the housing agreement? I don't know if the board, everybody got that.

COMMISSIONER ROMAN: I didn't see it.

CHAIRMAN STRAIN: Okay, that would have helped. I didn't know if you had --

COMMISSIONER ROMAN: But I did have a question of staff. That's why I'm asking.

MS. GUNDLACH: It's an attachment.

MR. MULHERE: So the affordable element, I mean technically that would cover all of the ranges of income. But there is a specific breakdown, I want to make sure I get this right, of 60 units that are allocated affordable. 25 would be for the lower income levels and 35 would be for the next up. And I want to make sure I got this, 80 percent or below?

Yeah, so 25 would be 80 percent or below.

COMMISSIONER ROMAN: The low income families.

MR. MULHERE: Yes. And 35 would be between 81 and 150.

COMMISSIONER ROMAN: Okay. Thank you.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: While we're on that subject, this change that you're proposing refers to a document that's not controlled by the county Department of Labor wage decision building, as may be amended from time to time. And my question to the County Attorney's Office would be in the past we've been reluctant to include things that would require -- that would result in a self-amending document. And that seems to be where this would go. It's different when it's the LDC, because it does control zoning, but this one is a -- this would actually then have the benefit of changing the mix of affordable use units that may be here, whether good or bad. And I'm not sure that's going to be consistent with both the agreement or what the intent of this document is. And I can see no one's listening.

MR. YOVANOVICH: I was. I was listening.

CHAIRMAN STRAIN: I know you're listening, but you're not the person I need to comment on this. Heidi and Kim were, but I don't think they heard any of it.

So Scott, can you answer the question?

MR. STONE: If you'll allow me a moment to confer with Heidi on this.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: If I can help you out.

CHAIRMAN STRAIN: Let's try.

MR. YOVANOVICH: This recommended change actually came from staff, because they wanted to make sure we had a good definition of what's skilled housing, people qualified for ESP.

I would say this is really no different than your typical change in whatever the median income could be for that year. It will always fluctuate based upon -- and it's based upon an outside agency telling us what the median income is. So there's always been -- or historically has been this fluctuation. If median income goes down, then what we can charge goes down. If median income goes up, what we can charge goes up. So it's always been -- there's always been these self-amending provisions related to affordable housing. So I would not see this as any really different than that.

CHAIRMAN STRAIN: Well, in the agreement I would agree with you. If the agreement -- I'm more concerned that this is a zoning document. And in the past there has been some concern. If there isn't

from the County Attorney's Office, I'm fine with that. I certainly am glad to see that there is some definition, but I think it's all kind of, I don't know if the word ambiguous or silly is the right thing. We have affordable categories that range from whatever, very, very low percentage all the way up to 150 or 120 percent. So instead of using the factual reality of what these percentages are, we keep coming up with words. And this is the third word I've heard. It started out as workforce, then it was gap, and now it's ESP. I think it's an interesting twist. I'd rather we just keep it simple and factual, but it doesn't seem that's the trend that we're going to --

MR. YOVANOVICH: But keep in mind we have a comprehensive plan provision that applies to this property and it required ESP housing.

CHAIRMAN STRAIN: Oh, I know.

MR. YOVANOVICH: So we -- that's why this is -- it's still within the affordability guidelines that already exist. Those thresholds already exist. But who can qualify is further limited by they have to be essential service personnel.

CHAIRMAN STRAIN: And Heidi, or Scott, since you've conferred with Heidi, or Heidi, do you want to respond to my question about the self-amending issue? Is it an issue that we have to be concerned about with this additional language being offered?

MS. ASHTON-CICKO: Well, the citation proposed isn't acceptable. So we will work with the Housing Department and Mr. Yovanovich to come up with some language that's acceptable.

As far as it being self-amending, I haven't seen the document that Ms. Grant has, so I don't know what it says, but she is referring to a specific decision and we just need to be more clear. And I would recommend that when it comes back, if this gets approved on consent agenda, that that decision be included in the backup, if that's the route of how the definition is going to go.

CHAIRMAN STRAIN: Okay. And I was hoping to wrap this up today and not have to go to consent, but we'll have to see then. If that's the only thing that's outstanding, maybe it can be resolved before the end of business today.

COMMISSIONER ROMAN: But Mr. Chair, I have a question on this.

In looking at the list of developer commitments, I'm just trying to understand it. There's 147 ESP units that are committed to. And we just talked about 60 affordable housing. So 147 ESP plus 60 affordable housing.

MR. YOVANOVICH: No, the 60 is within the 147. So 87 are not restricted by income, but they are restricted by those individuals being ESP personnel.

COMMISSIONER ROMAN: By this definition that you're proposing here.

MR. YOVANOVICH: No, by what was in the Comp. Plan and what is in the PUD document itself we have a requirement of 147 units that have to be first offered to ESP personnel. Within that 147, 60 of them have to be income restricted as to the percentages we discussed.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: And by -- what that means is the difference between the 60 and the 147 can be any members of those working entities, regardless of their salaries; is that --

MR. YOVANOVICH: Correct. Those 87 un-- like I'm fairly certain doctors would not qualify for the income threshold. So if a doctor wanted to rent a unit in there while he was looking for a house or she was looking for a house, they would qualify as ESP. But they wouldn't fall within the 60 units that are income restricted.

CHAIRMAN STRAIN: So there's 60 affordable units, really, for this project. The rest are market rate, whether it's ESP market, or general public market.

MR. YOVANOVICH: Correct.

COMMISSIONER ROMAN: Yeah, it just seems that the essential service personnel definition is so broad. It only addresses what it includes, not limited to. So that's why I was asking.

MR. MULHERE: And the intent -- maybe it helps to say that the intent is to market to those employers that do employ essential service personnel: Sheriff, Collier County, school board, hospitals. We think we won't have any problem attracting those employees with the growth that we're experiencing.

MR. YOVANOVICH: Well, and I think we were -- the recommended language that Bob put up there, there's no longer that including but not limited to language in there. It's specifically to teachers, educators, community college and university employees, police and fire personnel. Yeah, put it back up there.

But you're right, the definition that's actually in your Comprehensive Plan has the included but not limited to language. We've made it more finite as to who would qualify within the definition.

And I would point out, we added government employees, although it's not in your current definition. I think that was always the intent, that government employees would be considered essential.

CHAIRMAN STRAIN: Some of them.

COMMISSIONER ROMAN: Thank you.

MR. YOVANOVICH: I was going to let you say that.

MR. MULHERE: So the -- on Page 6 of 9, about the middle of the page here is the list of commitments that I previously referenced, both in terms of amenities and design and then also construction elements. And we have a couple of clarifications and revisions there.

We've added concrete masonry unit construction or concrete construction, they are two different kinds of construction but both acceptable, and stucco.

And also we've clearly stated that asphalt shingles will be prohibited. Because we had some language that said or -- we had this approved equivalent. But without that restriction that would have potentially allowed for the asphalt shingles, so we've clearly indicated that that's prohibited.

And some of these changes I should mention did come from conversations that we had with, you know, several Planning Commission members.

The change that you see on the top of Page 7 relative to notice of proximity to the Sports Park and Swamp Buggy, because they are traffic and noise generating uses that do exist. And I think at our neighborhood information meeting a representative indicated that they wanted to see the same kind of notice that we also have in the Lord's Way and I think also in the Hacienda Lakes. Of course it's within the Hacienda Lakes DRI property.

And so staff within the last couple of days asked us to amend that to add this language that you see highlighted in yellow which is -- mirrors what I think is in the county ordinance that provides for this language. And so we've added: Shall provide to any prospective resident an actual and recorded notice. And we also added reference to traffic. Because we only had a reference to noise before, but also they would be put on record that there would be traffic.

And presumably there would be some notification in a lease. That would be the actual notice. And then there would be a general recordation in the public records. And that would cover this requirement.

We were asked to eliminate -- this whole section is highlighted, but in reality we're just renumbering -- but eliminating deviation 4.C, which is on Page 8 of 9, which dealt with a deviation related to sidewalks and bike lanes. And the Site Development Plan actually has a very nice and very well connected sidewalk and bike plan associated with this, so this deviation is not necessary.

There are a couple of additional changes.

We spent the last few days somewhat feverishly working on resolving some issues that related to a condition in the PUD that requested 55 -- up to 55 feet of right-of-way along the Lord's Way adjacent to particularly tract G.

The argument that we were making to the county was that they -- at the time that that was required, the Lord's Way PUD immediately to the south was not approved and so subsequent to that being approved that PUD includes within it a 30-foot right-of-way reservation.

And further east the Hacienda Lakes DRI includes a reservation to allow for a 60-foot wide right-of-way.

So our position was do you really need 55 feet from this particular tract here when you're only getting -- which would give you, you know, an additional basically 25 feet beyond what everybody else is providing, 30 feet. 55 versus 30 feet.

And so we met with staff on a couple of occasions and they reviewed this and came back with a what I think is a very workable and good revised position in that we will commit to providing the county with 40 feet. Within that 40 feet we will provide for a 10-foot wide asphalt multi-use path. And that will still allow for a 60-foot road right-of-way.

As a result of that, however, we need a little bit of relief from the required setback adjacent to the Lord's Way for one building that we have that is located along that perimeter PUD boundary. And it's not much -- it's not a great deal of relief. The building -- the setback requirement is as you read right here, it's 35 feet plus one foot for each foot of building height over 35 feet. Presently it reads for the northern, southern and eastern MPUD boundary.

So our maximum zoned height is 52 feet. And so in that case we would need 35 plus another -- somebody do that math for me, 17 feet. And that would bring us over a 52-foot setback.

What we actually have is we've redesigned the SDP, and what we actually have is at present is 50 feet. So there's a difference of two feet. So what we are asking is to amend this language to say -- and it's only in this one location along that one boundary -- is that the 35 feet plus one foot for each foot of building height over 35 feet for the northern and eastern boundary, and then add this language: In 35 feet plus one foot of building height over 35 feet not to exceed 50 feet for the south perimeter buffer.

COMMISSIONER EBERT: I have a question for you.

MR. MULHERE: Sure.

COMMISSIONER EBERT: You're saying that you want just a little less because of Lord's Way. What did you position in Lord's Way that wants you a little less? You said building or something in Lord's Way?

MR. MULHERE: Well, not in it. We had a building -- see, the county -- the PUD required --

CHAIRMAN STRAIN: Bob, this is your SDP and this whole issue being resolved, I think it's a good solution. It may explain why the solution is on the table. That was submitted to the county a week or so ago.

The orange building to the south was the one that was right up on top of the waterway. And what they're suggesting is that it will be 50 feet back from the waterway.

MR. MULHERE: The Lord's Way.

CHAIRMAN STRAIN: I mean from the right-of-way, I'm sorry.

MR. MULHERE: So this red line, if you can see that red line, is the 55-foot line that the PUD requires at present. This building would have been 10 feet off of that line.

In meeting with staff, in one of their conditions that you probably saw in the staff report was that we meet the required setback adjacent to the Lord's Way.

We went back and redesigned -- we haven't resubmitted it yet, it was just in the last couple of days. We went back and redesigned this portion of the site plan to move that building, and that building now with this reduction from 55 feet to 40 feet, which the county has agreed to, will provide for a 50-foot setback. Technically we probably need 51 and change, maybe 52.

So there's -- it's a good compromise, the staff is comfortable with it, and so we just had to reflect that in the PUD. It's only on that location.

COMMISSIONER EBERT: Okay. So Lord's Way is a private road right now?

MR. MULHERE: Yes.

COMMISSIONER EBERT: Okay. And it will be going to Benfield Road? Future Benfield?

MR. TORRES: Depending on the county.

COMMISSIONER EBERT: And how many lanes --

MR. MULHERE: I mean, that's the plan, but --

COMMISSIONER EBERT: I understand.

And how many lanes is Lord's Way? I mean, how many -- just one lane each way?

MR. MULHERE: Yes, yes. You couldn't get more than that anyway. That's the right-of-way that the county has. You'd only have --

CHAIRMAN STRAIN: Cherie', excuse me, did you need something?

THE COURT REPORTER: Just the name of the speaker.

CHAIRMAN STRAIN: His name is David Torres. And yes, we shouldn't speak from the audience. Thank you, Cherie'.

MR. MULHERE: It was my fault, I looked over towards him.

And so, you know, that won't be any different than what you have everywhere else. There was really no reason to ask for in our opinion the full 55 feet. Because a lot of things have changed since that was put into the PUD.

County after reviewing it agreed but they didn't go to 35 feet, they went to 40, which would allow for this 10-foot multi-use pathway.

COMMISSIONER EBERT: Okay, thank you.

MR. MULHERE: There was one other thing I wanted to make clear is that there is a -- there is presently a deviation in the PUD that allows for a 10-foot wide landscape buffer along the Lord's Way, and we would provide that. But in talking to some of the Planning Commission members, the question came up,

well, if you put a wall or a fence along the Lord's Way, would you put landscaping on both sides of that?

I believe the code requires that there be landscaping on both sides, but just in case there's any question, we wouldn't have a problem putting the wall or fence sort of in the middle of the landscape buffer and putting landscaping on both sides.

MS. ASHTON-CICKO: Mr. Chair, could I get clarification as to where Mr. Mulhere is referring in the existing ordinance?

MR. MULHERE: I'm referring to a deviation that exists in --

CHAIRMAN STRAIN: It would be in -- oh, the deviation?

MR. MULHERE: Yes.

MS. ASHTON-CICKO: I'm not clear on what this amendment is that he's proposing, so I need to see the context of --

CHAIRMAN STRAIN: Which amendment? The one that's in yellow on the screen or the deviation --

MS. ASHTON-CICKO: Yeah, the yellow that he has on the screen.

CHAIRMAN STRAIN: That's on Exhibit B, listing of tables, Table I, Page 3 of 9 that was passed out, I would assume that's what you're referring to.

MR. MULHERE: Right here, Heidi.

MS. ASHTON-CICKO: Okay, that wasn't clear.

MR. MULHERE: Right here.

MS. ASHTON-CICKO: Okay, thank you.

MR. MULHERE: I didn't want to, you know, give you the whole table, because we're only changing one little portion of it.

And this is not a change, it's just a clarification, Mr. Chairman, the landscape issue.

CHAIRMAN STRAIN: Understand.

MR. MULHERE: To my knowledge, other than finalizing the language that we talked about regarding the definition that the County Attorney's Office felt needed some revision, that really is all the changes that we were proposing and concludes my presentation.

CHAIRMAN STRAIN: Okay, I'll start with questions from the Planning Commission.

Karen?

COMMISSIONER HOMIAK: I have a question, or something like a question.

On the Page 3 of the table one for tract G, it says the minimum floor square area is 750 square feet per dwelling unit.

MR. MULHERE: Yes.

COMMISSIONER HOMIAK: At the last meeting that we had at Naples Lakes it was stated that the one-bedroom units would be 800 square feet. And I asked that question again at the end of the meeting. So if there's nothing smaller than a one-bedroom, could that be changed to 800?

CHAIRMAN STRAIN: I did take-offs from your SDPs and the smallest unit I think is 803.

MR. YOVANOVICH: I think it's 808.

CHAIRMAN STRAIN: Okay. Well, I didn't do inches. Sorry.

MR. MULHERE: Yeah, I just did check with the client and we could change that to 800 square feet.

COMMISSIONER HOMIAK: Okay, thank you.

CHAIRMAN STRAIN: Anybody else from the Planning Commission got any questions of the applicant.

(No response.)

CHAIRMAN STRAIN: I had a -- well, just one clarification. I'm looking for it now. The transportation section of the PUD which is on Page F.2, it's item 3.A. Since the decision has been provided that staff needs 40 feet, not 55, I'd suggest we clean up 3.A as a part of this amendment to reduce it. Instead of saying up to 55 feet that we -- it's reduced to 40 feet.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Plain and simple. That way there's no confusion going forward.

COMMISSIONER HOMIAK: What did you just say?

MS. ASHTON-CICKO: I believe staff had some proposed language.

CHAIRMAN STRAIN: If they do, then I hope they can come up now instead of waiting for staff report.

Mike?

MR. SAWYER: Good morning. Mike Sawyer, Project Manager for Transportation Planning. Staff has worked on revised language, and I'd like to be able to pass that out now for everybody.

CHAIRMAN STRAIN: And please put a copy in the overhead when you can.

MR. SAWYER: Yeah, I'll do that first.

We sent this out by email to everybody last night.

CHAIRMAN STRAIN: Has the applicant gotten this ahead of time?

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Okay, and County Attorney's Office gotten it ahead of time?

MS. ASHTON-CICKO: Yes.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: As you see, what we did was we actually -- we actually broke it down into portions A and B. A is now just specifically for tract A. That has not changed except for just eliminating the notations for tract G. And then tract G is more specific as far as what we're proposing to reduce that particular reservation to, 40 feet.

As you can see, we've also got the note in there that a 10-foot multi-use path will be provided on the north side of that roadway.

CHAIRMAN STRAIN: Okay. And then though I don't hear any negative comments from the applicant or the County Attorney's Office, I'm assuming the language is fine with everybody else.

MS. ASHTON-CICKO: Actually, I do have a proposed change.

CHAIRMAN STRAIN: Okay. Which is?

MS. ASHTON-CICKO: It's at the end of the second line. So it reads: The public right-of-way corridor shall include a 10-foot multi-use pathway on the north side of the roadway to be constructed by a private entity.

CHAIRMAN STRAIN: Richard?

MR. YOVANOVICH: The issue with that is this is being constructed by Hacienda Lakes, correct, the road? Hacienda Lakes has a community development district and the community development district may be funding that improvement, so I'm concerned about using by a private entity since a CDD is a governmental entity.

MS. ASHTON-CICKO: Do you want to put to be constructed by an entity other than Collier County?

MR. YOVANOVICH: That's fine.

MS. ASHTON-CICKO: Okay. Thank you.

CHAIRMAN STRAIN: Okay. Anything else? Anybody else --

COMMISSIONER EBERT: Yes, I have a question.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Are these units rental units or sales units?

MR. MULHERE: Rental.

COMMISSIONER EBERT: So for 15 years they will be rental? Because I see the word sale in here also. And if you're going to keep rental for ESP for 15 years, I -- but I see the word sale in there also.

MR. YOVANOVICH: Well, you have the option of doing either. Our particular project would be rental. And under either alternative the 15-year requirement is required, okay. So if it converted to a for sale product in the future, I'm not saying it will, but if it did, the 15-year requirement and the ESP requirements would remain in place.

COMMISSIONER EBERT: So then -- but they would go to as a sale unit rather than rental?

MR. YOVANOVICH: If there was a -- conversion to for sale. And I have to go back and look at the agreement, but I think the agreement deals with rental only.

Correct?

MR. TORRES: Yeah.

MR. YOVANOVICH: So we would have to amend the agreement to convert to for sale. But remember, the PUD is a little bit more general. And the agreement itself deals with the type of housing we're providing. So we would have to go to the Board to amend the agreement to go to a for sale product. So we would convert it to a for sale product, but the 15-year requirement would remain.

COMMISSIONER EBERT: Kim, is this okay with your department? Or Heidi?

MR. YOVANOVICH: I hope so, since they wrote the agreement.

MS. GRANT: Hello, Kim Grant, Director of Community and Human Services.

The agreement has been written at this point in time for rental. So I agree with what Rich has indicated, that if this agreement is to change to for sale, it would have to be going through the appropriate process, including the Board approving such.

But either way, if in the future this converted for sale, the 15 years will still apply to the number of units as specified in here. Again, unless it's modified by approval through all the appropriate processes in the future.

COMMISSIONER EBERT: Okay, so it would be between you and the BCC.

MS. GRANT: Correct.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Okay. Any other questions from the Planning Commission at this time?
(No response.)

CHAIRMAN STRAIN: Okay, let's move to our staff report.

MS. GUNDLACH: Good morning, Commissioners. For the record, I'm Nancy Gundlach, Principal Planner with the Zoning Division.

And staff is recommending approval of this PUD amendment. And we did have some recommendations; we have two of them. But it sounds like they've been resolved with the specificity of the 40-foot wide right-of-way.

CHAIRMAN STRAIN: So I was thinking the same thing. So your recommendations are no longer needed.

MS. GUNDLACH: Correct.

And if you have any questions, it would be my pleasure to answer them this morning.

CHAIRMAN STRAIN: Any questions of staff from the Planning Commission?

COMMISSIONER ROMAN: I have a question just for clarification. In that 40-foot wide setback there will be a 10-foot multi-use pathway and the landscape buffer; am I understanding it correct?

MR. MULHERE: No. Sorry, go ahead.

CHAIRMAN STRAIN: Yeah, let staff answer first.

MS. GUNDLACH: The landscape buffer is on private property, so it's outside of the 40-foot wide future right-of-way.

COMMISSIONER ROMAN: So it's on the actual property of the project?

MS. GUNDLACH: Correct.

COMMISSIONER ROMAN: Okay, gotcha.

CHAIRMAN STRAIN: Contrary to one of the cross-sections we originally received, the fence that was shown in the future right-of-way will be been within that buffer now, or somewhere adjacent.

COMMISSIONER ROMAN: On the property.

CHAIRMAN STRAIN: On the property.

COMMISSIONER ROMAN: So in the 40-foot setback the only thing that is there is the 10-foot multi-use pathway. And then on the property line of your property, that begins the landscape buffer --

MR. MULHERE: And setback.

COMMISSIONER ROMAN: -- wall and setback.

CHAIRMAN STRAIN: The multi-use path is within a 40-foot right-of-way.

COMMISSIONER ROMAN: Right, right.

MR. MULHERE: It would be private right-of-way.

COMMISSIONER ROMAN: I might not have said it as well as you did.

CHAIRMAN STRAIN: I just wanted to make sure --

COMMISSIONER ROMAN: I've got it clear in my head, I think.

CHAIRMAN STRAIN: -- it's clear for the record.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Does anybody else have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Bob, before -- it's not your turn.

MR. MULHERE: I just have Heidi's language here, so --

COMMISSIONER EBERT: Do you have a picture of the SDP? Does anybody have --

CHAIRMAN STRAIN: I just provided staff with it and it was on the overhead.

COMMISSIONER EBERT: Okay.

MR. MULHERE: At least the relevant portion of it. Let's do it this way.

COMMISSIONER ROMAN: Yeah, so it's oriented.

CHAIRMAN STRAIN: The blue outlines correspond to the lakes on the new master plan.

As you can see, that sidewalk deviation as they had stated wouldn't have worked with this plan. I did see an alternative plan that will somehow end up being reviewed by staff during the SDP process and will meet the intent of the code.

COMMISSIONER EBERT: Where is the -- I can't quite see it, the amenity center?

CHAIRMAN STRAIN: Darker black area.

COMMISSIONER EBERT: The dark black area.

CHAIRMAN STRAIN: See it on the right? There's the amenity centers, basketball courts, and I think it's basketball courts over to the left. I'm not sure. I thought that's what it showed up as.

No, see the dark black area? Right there, yeah. That's your courts. I'm not sure what those are.

MR. MULHERE: Could be basketball or pickle ball or bocce ball. Some kind of ball.

CHAIRMAN STRAIN: Is that it, Diane?

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: Nancy, while we're on to your issues, there were four letters received and put forth as support of this project's affordable housing components. And I'm not against what they're proposing at this point, but I want to clean it up for the record.

The one received last night or this morning from the Greater Naples Chamber of Commerce addressed to Tim Nance and Commissioners, his general support of affordable housing is -- nothing in there references this project. I think that if you go to organizations who are supporting affordable housing, they're all going to issue a letter like this. So I don't see how this is relevant to the project, unless they want to pull up all similar organizations.

And the same with Naples Community Hospital. That one's even more vague, to whom it may concern. But they don't get into this project. They simply are supportive, which is fine. I'm not sure how that's relevant to supporting this project, and the other two at least reference this project. So I want to make that clarification for the record. Unless the applicant has something else they want to contribute.

MR. MULHERE: For the record, I think your description is accurate. I mean, the only thing I would say is that since this does provide for essential service personnel, it advances that general support that they've espoused in a couple of these letters.

CHAIRMAN STRAIN: Oh, I don't disagree with you, Bob, but I didn't want it to be perceived that these were written specifically for this project. They don't seem to be.

MR. MULHERE: No, there are a couple that definitely are not. They're general.

COMMISSIONER EBERT: Bob, as long as they're there.

Childcare. Are you providing something here for childcare? Because when I looked at the original, it was in tract A. And now I see you've put --

MR. MULHERE: Yeah, what we allowed, since this will be a 296-unit rental complex, we allow for on-site childcare for residents only. So it will not be a commercial childcare operation but for residents only. Whether or not that actually happens has not been decided, but we'd like to have that provision in there. It certainly makes it a lot easier and less of a traffic generation if there's childcare on-site.

COMMISSIONER EBERT: Do you have the area that you can put this childcare set aside?

MR. MULHERE: Yes. Yeah.

COMMISSIONER EBERT: Okay, just checking.

CHAIRMAN STRAIN: Bob, while you're up there, the new master plan that you sent out, I'm assuming you're going to make a change to the reference to the right-of-way reservation on that one, as well as the language in the text of the PUD.

MR. MULHERE: Yes, we didn't know exactly how that was going to end up until now, so we will do that.

CHAIRMAN STRAIN: Okay. Before we go to public speakers, are there any other questions from the Planning Commission for either staff or the applicant?

(No response.)

MR. MULHERE: Did you want to look at -- Heidi provided me with her --

CHAIRMAN STRAIN: Yes, let's do that now. That's a good idea, thank you.

MR. MULHERE: So here's the existing language. And I'll put Heidi's down. It would start right here. So the proposed language is as listed in the U.S. Department of Labor, general decision number, Florida 150012 dated 3/20/15 for building construction in Collier County, Florida as may be amended or superseded from time to time.

I think that's more specific.

CHAIRMAN STRAIN: You need to use that little hand-held mic, Bob.

MR. MULHERE: Sorry. I forgot, thank you.

I think that is more specific, but I'll defer to Heidi for --

MS. ASHTON-CICKO: Yeah, it's more specific. And also the decision lists different types of wage earners and the wages that they'll get. So there's no issue with amending or superseding this decision.

CHAIRMAN STRAIN: Well, just out of curiosity, if I'm reading this right the U.S. Government has a department that knows the wages in the building construction industry in Collier County?

MS. ASHTON-CICKO: Well, I can let Kim address that.

MS. GRANT: Commissioners, again, Kim Grant.

That's correct, the Department of Labor issues various wage decisions for each state each year and then update as applicable. And those wage decisions are used in grant administration for the determination of the minimum amount of wage it needs to be paid. I'm sure there are other applications.

CHAIRMAN STRAIN: Well, the fact that this is limited to the building construction and ESP goes for beyond that, does that any negative -- could that produce any negative results for us?

MS. GRANT: Well, there are actually wage decisions issued in different types of categories. One is for transportation, one is for heavy operation, one is for building. Since the element of the ESP definition talked about skilled building trades, we selected the wage decision for building, which should provide a sufficient list.

Because our issue was how do we know who would qualify as a skilled building personnel. So this provides a list of essentially the trades that we are recommending be the checklist of who would qualify under there.

CHAIRMAN STRAIN: Could we move that paper down a little bit so we could see how that fits again back into the original definition.

COMMISSIONER ROMAN: Yeah, that's good.

CHAIRMAN STRAIN: See, because the --

COMMISSIONER ROMAN: Skilled building trades personnel is mentioned there.

CHAIRMAN STRAIN: Okay. I know something was crossed out. But the employees associated with health, safety and welfare agencies has been crossed out. Okay.

So the parenthetical only applies to the skilled building trades section of that definition; is that right?

MS. GRANT: That's correct.

CHAIRMAN STRAIN: Okay. Thank you, Kim.

MS. GRANT: You're welcome.

CHAIRMAN STRAIN: And thanks for your help previously in other questions that I had of you. I appreciate your time and your department's time getting those answers.

MS. GRANT: You're welcome. We're happy to help. Thank you.

COMMISSIONER SOLIS: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER SOLIS: I just have one question, and either for staff or Mr. Mulhere.

Can you explain to me just the changes related to the ESP and how long these commitments for the essential services housing and affordable housing, what is the exact change that's occurring with this amendment to the PUD?

MR. YOVANOVICH: The only thing that's changing -- the 15-year requirement is not changing. The only thing that's basically changing is the original thought was this would be a for sale product. And we had to keep those units open for 60 days when it's a for sale product to see if we could find a qualified buyer. The rental market, you can't wait 60 days to find somebody, because people want their rental unit sooner rather than later. So we changed that 60-day requirement to 14 days.

But the dollar -- the income thresholds are not changing, the -- the length of period of time's not changing, the number of units is not changing, the breakdown of the number of units is not changing. So it's

60 to 14 days.

COMMISSIONER SOLIS: That was my question, thank you.

CHAIRMAN STRAIN: Okay, with that I think we are done with staff and the applicant's questions at this time. And we'll go to public speakers.

Do we have any registered public speakers, Ray?

MR. BELLOWS: No one has registered.

CHAIRMAN STRAIN: Are there any members of the public who would like to speak on this matter?

(No response.)

CHAIRMAN STRAIN: Hearing none, I don't know of any rebuttal needed at this point. I will read out some notes I made during the discussion so that they could be used if so desired by the motion maker.

Those notes are as follows: Number one, we'd accept a new language with the revisions as presented, subject to the following: Revisions to the definition of ESP.

The new language for the setback of the southern boundary from the right-of-way with a maximum of 50 feet; the right-of-way width will be at 40 feet with a 10-foot multi-use path and as language was presented by staff and modifications to the master plan were necessary.

The fence location will be located within the landscape buffer on the southern side.

Will modify the transportation section at 3.B with the County Attorney's suggested changes.

Staff recommendations would no longer be needed.

And the minimum housing size instead of 750 square feet will be 800 square feet.

And those are the notes I made that are in addition to the highlighting information that we went over and talked about here today. Unless somebody else has any others? Anybody have anything they think needs to be added or changed?

(No response.)

CHAIRMAN STRAIN: With that, is there -- we'll close the public hearing and entertain a motion. Is there a motion?

COMMISSIONER HOMIAK: Make a motion to approve with the changes that you've just read.

COMMISSIONER ROMAN: I'll second it.

CHAIRMAN STRAIN: Motion made by Karen, seconded by Charlotte.

Is there any further discussion on the part of the Planning Commission?

(No response.)

CHAIRMAN STRAIN: With that, all those in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you. I do want to thank the applicant --

COMMISSIONER HOMIAK: Consent?

CHAIRMAN STRAIN: Well, consent is if requested by this board. I think the changes are pretty clear, unless someone has a need for it. Does anybody see it needing to come back on consent?

COMMISSIONER CHRZANOWSKI: No.

COMMISSIONER HOMIAK: No.

CHAIRMAN STRAIN: Okay, then we won't need consent.

I do want to thank in this particular case the applicant, Mr. Torres and his people, because it did take a lot of legwork this week to clean the document up. And everybody worked very closely together to get it done and we do appreciate it. So thank you, it's a better product.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: ***There is no old business on our agenda.

***There is no new business on our agenda.

Is there any members of the public that wish to comment on today's activities or any comment in general?

Hearing none -- oh, you're a member of the public. Yes, sir?

MR. YOVANOVICH: On the sidewalk workshop, will the invitees to that workshop be providing any written documentation in advance of the workshop?

CHAIRMAN STRAIN: They can if they want. Just get it to staff before the distribution date to the Planning Commission, which is probably Monday or Tuesday of next week.

MR. YOVANOVICH: I didn't know if that was -- because from the public side it would be helpful if those who are going to come and comment, we could know what they're thinking in advance so we can either -- you know, we can respond appropriately instead of just guessing or reacting on the fly, if you will.

CHAIRMAN STRAIN: Well, a lot of it we're hoping will just be an information distribution discussion. It's going to be very informal, Rich, we just want to understand from the different perspectives other than just the development community. That's all.

So if there's anything that is available, staff is going to include some things in the packet, I know that already, but it's internal stuff. So you'll see some issues like that when the packet comes out next week.

MR. YOVANOVICH: I expected that from the staff side. I just didn't know if the invitees -- the other public -- not public agencies or public groups, if they've got a position, do they have it in writing or is it just we're going to hear it --

CHAIRMAN STRAIN: We've asked that they bring any documentation they can, cross-sections of streets, things like that. I don't know if it will be ahead of time, but we'll make sure there's copies for everybody.

MR. YOVANOVICH: Thank you.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER HOMIAK: Speaking about complete streets and all those things that people, if we could read ahead of time --

CHAIRMAN STRAIN: There will be some information in your packet next week.

COMMISSIONER HOMIAK: Oh, so we could -- okay.

CHAIRMAN STRAIN: Next week's packet, we'll have a -- Mike has been working on it, both Mikes, Mike Sawyer and Mike Bosi, so there is information going to be provided ahead of time.

What I didn't want to say is that all of it will be provided ahead of time, because I don't know if someone's going to show up and want to do hand-outs, like we got today.

So with that, I don't believe there's anything else.

If there's a motion to adjourn?

COMMISSIONER EBERT: Make a motion to adjourn.

CHAIRMAN STRAIN: Diane.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

All in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER HOMIAK: Aye.

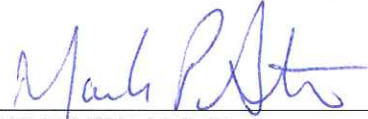
COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: We're all in favor. Thank you all, we'll see you in two weeks.

August 6, 2015

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:00 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, Chairman

These minutes approved by the board on 9-3-15 as presented or as corrected .

Transcript prepared on behalf of Gregory Reporting Service, Inc.,
by Cherie' R. Nottingham.