

City of Piney Point Village
Planning & Zoning Commission Meeting
Minutes from
July 27, 2017

Members Present: Vincent Marino-Chairman, Charles Peterman, Diane Wege, Don Jones, and Lenni Burke.

Members Absent: Bill Burney, and Sue Curtis.

City Staff: Annette Arriaga, Director of Planning, Development, & Permits, Roger Nelson, City Administrator and Joe Moore with HDR Engineering Company, and David Olson with Olson & Olson.

City Council: Brian Thompson.

Guests: Mario Colina with Probsfeld and Associates, Residents, Buck and Sharon Ballas.

- 1.) **Call to order:** 7:04 P.M.
- 2.) **Meeting Minutes:** Motion for approval of minutes from the February 23rd, 2017 Planning and Zoning Commission meeting was made by Diane Wege and seconded by Don Jones. Upon vote, such minutes were unanimously approved.
- 3.) **Public Hearing/Preliminary Plat of Hacienda Estate/ 3 Hacienda Lane:** A public hearing was conducted and public comments were received by the Commission. Buck Ballas spoke and indicated that the owner of the lot was very ill and that they already had a buyer for the property. Staff recommended approval.
- 4.) **Discussion of Public Hearing/Preliminary Plat of 3 Hacienda Lane:** Vincent Marino entertained a motion to approve the preliminary plat of Hacienda Estate. Motion made first by Lenni Burke and seconded by Diane Wege. Preliminary plat of Hacienda Lane approved.
- 5.) **Public Hearing on an ordinance for temporary certificate of occupancy:** David Olson indicated that this came up because of the length of time it takes to complete a new construction project and especially when it comes to the end of construction, inside the house is complete but they are still working on everything outside and also still having to complete and all of the cities requirements for closing.
Brian Thompson indicated that you have pre construction-temporary drainage and you have final drainage. At the end of a project, the house is complete but you are still waiting on the final drainage approval. The drainage process can be a 2 to 4 week process. So you have a completed house and you can't move in until you get your final as built approved. Brian indicated that it is frustrating to a lot of folks as well as new residents. He indicated that he built 45 homes and majority of them did not like the final closing situation. He indicated that no other city has this process. Brian Thompson stated that the ordinance has a \$25,000.00 deposit and that the home owner would be fined \$2,000.00 a day if they did not comply. This ordinance would be similar to other cities and it would make the new residents happy.
Vincent Marino asked how come this didn't come up before that it would seem that if residents were complaining that it would have been brought up before 2 to 3 years ago. Brian Thompson indicated that he had done several temporary certificate of occupancy with former Mayor Lee Butler and with the current Mayor Mark Kobelan. Mark had indicated that why are we doing temporary certificates and suggested that we change the ordinance. **David Olson** indicated the

\$25,000.00 would be a financial deterrent in order for them to comply. **Diane Wege** asked about what happens when a homeowner hires another builder and the builder doesn't comply with the terms. **David Olson** indicated that ultimately the homeowner would be responsible and that depending on the issue it would become a civil matter that they would have to work that out.

Don Jones asked about item **Number #7**, *A temporary certificate of occupancy may be obtained if the structure has been completed and the issuance of the final certificate of occupancy is solely dependent upon the completion of exterior improvements, exterior inspection, and building final.*

Don Jones asked about the exterior inspections. **Brian Thompson** stated for example, the pool, drainage, landscape, and fences. **David Olson** said those are things that aren't necessarily considered as life and safety items. But that each home would be different as it relates to the exterior.

Vincent Marino had some questions as it related to some of the terminology used in the draft ordinance; like a, *building final, interior final*? Vincent asked was it defined in any of the ordinances. **David Olson** stated that it wasn't. David Olson indicated that staff ultimately does an inspection and makes that determination. But, after discussing this section it was agreed that item *number #7*, does need to be modified.

Vincent Marino also asked about *number #7 (2)*. A temporary certificate of occupancy may be obtained if the structure has been completed, and a preliminary walk through had been made and the issuance of the final certificate of occupancy is dependent. **Vincent Marino** wanted to add, *is solely dependent* to the paragraph wording. And to also change the wording to, *successful passing of exterior inspections*.

In addition to 7 (a). **Vincent Marino** wanted the wording in this paragraph to change to; The occupancy of the building is not hazardous to life, health, or public safety, all interior inspections *have been completed and successfully passed*;

Vincent Marino also asked about the limitation to 30 days? Why not 45? David Olson said changing the time wouldn't be a problem.

Vincent Marino in item c. the owner will forfeit \$2,000.00 from the fiscal security. Vincent Marino commented that the courts don't like the word, forfeit. And suggested to use the word *forfeited damages*.

And in paragraph (10) Prior to the issuance of the Temporary Certificate of Occupancy, the interior and exterior of the property will be inspected by at least two of the following City Official; **Vincent Marino** asked about having to inspect the exterior again. David Olson agreed and **Vincent Marino** suggested that the wording to be; *the exterior of the improvements would be inspected*. **Lenni Burke** suggested that the wording should be moved to 7 (a). That section needed to be reworded but it needs to be clarified, David Olson would work on that.

- 6.) **Discussion of Public Hearing on an ordinance for temporary certificate of occupancy:** Item tabled until next month's meeting.
- 7.) **Adjournment:** Motion to adjourn at 7:45 P.M. Motion made first by Lenni Burke and seconded by Diane Wege. Motion to adjourn approved.

Date Approved on August 24th, 2017

Chairman Vincent Marino X _____

(Required Signature)

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