

# City of Manhattan Beach

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Planning and Zoning Meeting December 20<sup>th</sup> 2016

Meeting was called to order by Issac Wannebo

Pledge of Allegiance:

Members Present: Issac Wannebo. Ralph Iverson, Travis Kent, Mark Johnson ,Mayor Paul Allen, P&Z Administrator Darrin Wellie, City Attorney Andrew Kalis

Minutes of the last meeting were read . Motion by Mark Johnson to approve and 2<sup>nd</sup> by Travis Kent. Carried

Public Hearing: Copy of letter by Larry and Marilyn Wannebo regarding MBIUP Business attached.

Public Hearing Closed:

Reconvene Public P&Z Meeting: Zoning Ordinance Amendments discussed

Motion by Travis Kent to recommend committee findings and adoption of proposed revisions to City Council as presented 12/20/16 2<sup>nd</sup> by Mark Johnson, Motion Carried

Public Forum: Review Manhattan Beach Fee Schedule

Staff Report by Darrin Welle P&Z Administrator

Old Buisiness:

New Business:

Motion to adjourn meeting by Travis Kent 2<sup>nd</sup> by Issac Wannebo. Carried

*Ralph Iverson*  
Secretary

*Issac Wannebo*  
Chairman



RALPH - FOR THE RECORD.  
THANKS - Long

**Public Hearing, MB IUP/Home Business**

Dec. 20, 2016

No one wants to create bad feelings with their neighbor over a land use issue.

Cities are supposed to protect public health, safety and welfare through the enforcement of the ordinances that the people agree to. Enforcement is vital to a well run community. Enforcement of the law by the city reduces citizen disputes.

It is not good governance to ask the citizen to report on their neighbor in order to enforce the complicated and sometimes vague land use laws created by the city.

There is an improvement that can be made to the ordinance tonight that will greatly reduce the chance for neighbor disputes, and at the same time, help Manhattan Beach to effectively enforce the introduction of commercial businesses in residential districts.

While we strongly oppose your introduction of the Home Business classification in Rural Residential districts, we will move toward a compromise.

Our attorney, Jim Peters, drafted wording regarding the addition to the Home Business and Interim Use Permit ordinance. Sent to you Monday.

**Inspections**

He includes clear and understandable language providing a way to reduce the chances for neighbor disputes through simple, common inspection procedures.

If a resident want to operate a Home Business outside of structures, they have to expect inspections. Inspections are a form of quality control by the city.

Outside storage means the likelihood of mechanized or power equipment to move it, adding to the potential nuisance problems.

MB Def. "Commercial Use – Other. Any business or commercial enterprise that is not specifically defined herein or indentified in the zoning use chart."

A Home Business is a commercial use. It can be almost any kind of business.

- A Home Occupation must operate entirely within the home or buildings.
- A Home Business may operate outside of buildings, creating nuisances.
- A Home Business may have up to three employees. Thus more commercial activity on the property that is zoned rural residential.
- The property line set back for a Home Business is only 30 feet.

The proposed Home Business definition allows uses that are more complicated than just starting a home occupation...it becomes a commercial business.

Please adopt the inspection wording that our attorney recommended.

Inspections are the enforcement responsibility of the city. Inspect what you expect.



### **User Fees**

Our City of Manhattan Beach Zoning Permit Fee Schedule has a variety of special fees for special services. This is one way the city keeps its taxes down is by adopting the "user pays" approach for certain services.

The "user pay" system is used all over the country; and especially for city services provided to commercial businesses. By the city's definition, a commercial Home Business is more complicated than a Home Occupation business.

We don't know how much the city pays the Zoning Administrator. But an on site with pictures might take half an hour to an hour, so in the range of \$50-100. It is the cost of doing business here, demonstrating that the city is serious about land use enforcement.

The current MB Fee Schedule does not include a fee for the Interim Use Permit(IUP) that will be required for a Home Business. Fee schedule does show a fee of \$55 for any permit not shown on the schedule.

It costs MB about \$600-\$700 to hold a P&Z meeting, more if it's a public hearing requiring mailing and legal announcements.

The IUP has been compared to a Conditional Use Permit (CUP) which has a \$200 fee. At \$55 or \$200 for a permit that costs the city \$600 to act on, you can see that the taxpayers are greatly subsidizing these special permits.

If the P&Z and council approve the changes to our land use ordinances, I hope that you will consider significant increases to the city fee schedule.

**Closing**, we strongly oppose the introduction of the commercial Home Business class in our residential housing districts. It is spot zoning in response to the court decision. But, in the interest of moving forward, the inspections and realistic fees are proposed in good faith as ways to improve a bad thing.

As you reconvene your regular meeting to discuss and decide your path, please tell the public what factors and considerations you each personally are using to make your decision. Please go around the table and share your rationale. It helps the public better understand how you make these difficult decisions.

Thank you,  
Larry & Marilyn Wannebo  
Manhattan Beach, MN