



CITY OF DELAWARE CITY  
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**MINUTES  
REGULAR MEETING OF THE PLANNING COMMISSION  
CITY OF DELAWARE CITY  
DECEMBER 5, 2016**

**CALL TO ORDER**

Commissioner Snow called to order the regular meeting of the Planning Commission at 7:00 p.m. Those present included Commissioners West, Hendry, Snow, Renoll, McKinley, Smith and Williams. City Manager Cathcart was also in attendance.

**ACTION ON THE PREVIOUS MINUTES**

*Commissioner West made a motion to accept the minutes of the November 7, 2016 Planning Commission meeting, as written. Commissioner Williams seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.*

**60A and 70B CLINTON STREET – KEVIN WHITTAKER – SPECIAL EXCEPTION & VARIANCES TO ALLOW 1<sup>ST</sup> FLOOR RESIDENTIAL USE FOR FIVE YEARS**

Mr. Whittaker said that after receiving all the feedback from the Commissioners at the last meeting he simplified his request. He said 38 Clinton Street is no longer in play. He is now asking just for a special exception and a use variance changing the use to live/work for 60A and 70B. He said he would like to be able

to market these units as live/work. He explained the layout of each unit. He said if the Planning Commissioner were to approve his requests, he would still need to go to the Board of Adjustment for approval.

Mr. Whittaker explained that the Delaware City Code says that C-1 use cannot be converted to R-1 use without a special exception. He defined the type of tenants he would be looking for and explained the rear entry/parking arrangements. He reminded them that he would not be changing walls and/or the unit layouts. He said if he decided to do that, he would return for approval and have code enforcement review the plans. He said these units have a fire rating, emergency lighting and ADA compliance. He said in order to be code compliant for residential use, he would only need to add a couple smoke detectors. Discussion followed regarding renting 60A as a 1400 square foot unit with no subdivision. Mr. Whittaker said the same would be true for 70B. Additional discussion occurred.

Commissioner Snow said she had researched this and found the live/work arrangement is the up and coming thing because the baby boomers want to sell things but they can't afford to pay for separate living arrangements. She said it is being done in Houston, Los Angeles, Manhattan and Chicago. Commissioner Snow gave examples of locations in Delaware City where precedence was set. She said there were twelve places that she could think of where the residents ran a business from their home. She said this would be in keeping with the history of the town. Mr. Whittaker reminded the attendees that the C-1L zone was created to encourage residents to open a business in their home. Additional discussion occurred.

*Commissioner Hendry made a motion to authorize a live/work variance for 70B Clinton Street for a two year time period. Commissioner West seconded the motion. Discussion followed. City Manager Cathcart reminded everyone that if they approved this motion, this would then go to the Board of Adjustment. A vote was taken, all ayes, motion carried.*

### **DISCUSSION OF THE SIGN ORDINANCE**

Commissioner Williams said he had asked this to be put on the agenda because when the Planning Commission recommended the sign ordinance, a Council Member made an amendment to it. The amendment was approved and the sign ordinance was approved with the amendment. City Manager Cathcart explained that the Planning Commission drafted the sign ordinance and recommended that it be passed as written by the Council. The Council has every right to amend the draft as they see fit and adopt it as they see fit. Discussion followed. Commissioner Williams said they, as a committee, owe it to the other committees in town to send a message to Council letting them know they can't overrun the committees. They can't take the work the committee has done and throw it in the trash. City Manager Cathcart said, for the record, that Council can absolutely,

legally do that, based on the Code and Charter. Discussion followed. Commissioner Williams said he felt disrespected because the Council did not return to the Planning Commission and ask them to make changes. City Manager Cathcart said there is nothing in the Code or Charter that requires the Council to return to the Committee and request changes. Additional discussion occurred. City Manager Cathcart said the Committee could write a letter to Council and explain what the repercussions of the amendment to the ordinance could be. Discussion followed. City Manager said they would need to get a copy of the resolution that was put before Council on Monday night.

Commissioner Williams asked if the ordinance that was voted on and approved by Council was final. City Manager Cathcart said that was correct. He said the only way to change it would be to introduce another resolution to change it back. Discussion followed regarding the tone of the letter.

Tim Konkus, Canal Street, said they could tell the elected officials to “stuff it”, just like they are going to, or they could staff with each Council Member before the second reading to make sure everything is clear and concise for the Committee’s sake. City Manager Cathcart said it was brought up at the time of the Second Reading after a Public Hearing had been held. Discussion followed.

*Commissioner Williams made a motion for Commissioner Snow to draft a letter to the township Council, expressing the Planning Commission’s displeasure with the way and the manner in which the sign ordinance was handled, voted on and approved. Commissioner Snow said they need to be specific with what they think the ramifications of the amendment are going to be. Commissioner West seconded the motion. A vote was taken, all ayes, motion carried.*

#### **ADJOURNMENT**

*Commissioner Williams made a motion to adjourn the meeting. The motion was seconded. A vote was taken, all ayes. Meeting adjourned at 7:54 pm.*

Respectfully submitted,

*Dawn K. Gwynn*

City Secretary