



**CITY OF DOVER, DELAWARE
BOARD OF ADJUSTMENT MEETING
Wednesday, July 17, 2024 at 9:00 AM**

City Hall Council Chambers, 15 Loockerman Plaza, Dover, Delaware

AGENDA

IN-PERSON & VIRTUAL MEETING

The Board of Adjustment Meeting for July 17, 2024, will be held in City Hall Council Chambers. The public is welcome to attend in person. The Meeting will also be provided as a Virtual Meeting using Webex, an audio/video conferencing system as an electronic means of communication. See the participation information below to join by phone or computer.

**PUBLIC PARTICIPATION INFORMATION
To Attend City of Dover Board of Adjustment Meeting of July 17, 2024**

Join by Phone: Dial 1-650-479-3208

Access Code: 253 821 01064

Password for Phones: 36837262

Join Online <https://bit.ly/BOA7172024>

Webinar Number: 2538 210 1064

Webinar Password: DoverBOA

If you are new to Webex, get the app now at <https://www.webex.com/> to be ready when the meeting starts. For problems accessing the meeting, please call the Planning Office at (302) 736-7196.

Written comments are accepted via mail to City of Dover – Board of Adjustment,
P.O. Box 475 Dover, DE 19903 and via email at CompPlan@dover.de.us.

WELCOME

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Adoption of Meeting Minutes of June 20, 2024.

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Board of Adjustment Meeting date is Wednesday, August 21, 2024, at 9:00 AM.

OLD BUSINESS

NEW BUSINESS [HYPERLINK "appIS5549fd2f0acc47cdb7b7578e8a884c69"](#)

The following Application and Appeal have been filed for Review and Public Hearing before the Board of Adjustment.

2. Application #V-24-02

Property at 1494 McKee Road. A Request has been made for a Variance from the requirements of Zoning Ordinance, Article 3 §27.61 for future construction of a building. The Variance Request seeks relief from the maximum setback as it relates to the front yard in the Corridor Overlay Zone. The front yard setback requirement is a minimum of 40 feet and a maximum of 50 feet along McKee Road for a non-residential building. The property is zoned R-8 (One-Family Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Abhay Patel. Property Address: 1494 McKee Road. The Tax Parcel ID is ED-05-067.00-01-090.000-000.

3. Application #V-24-03

The Historical Society of Dover (Friends of Old Dover) has filed an Appeal of the determination of the Principal Planner to the Board of Adjustment regarding the implementation of the *Zoning Ordinance*, Article 10 Section 3.2 as administered at the June 17, 2024 Planning Commission Meeting and the determination that the Appeals before the Planning Commission were not subject to a public hearing. This is associated with the Planning Commission's consideration of Applications HI-24-02 and HI-24-03 as Appeals to the Planning Commission of the Historic District Commission action of May 16, 2024 to deny the Architectural Review Certifications for the Demolition of two buildings at 148 S. Bradford Street and 150 S. Bradford Street. The involved properties are zoned C-2 (Central Commercial Zone) and subject to H (Historic District Zone). Involved Properties: 148 S. Bradford Street (ED-05-077.09-02-25.00-000) owned by Russell and Dee Ann Widder; and 150 S. Bradford Street (ED-05-077.09-02-27.00-000) owned by CEI Properties, LLC. The applicant for HI-24-02 and HI-24-03 is the Downtown Dover Partnership.

ADJOURN

Posted Agenda: July 3, 2024

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(e)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING



City of Dover
Board of Adjustment
July 17, 2024

V-24-02

Title: Property at 1494 McKee Road - Application for a Variance

Location: On the west side of old segment of McKee Road (cul-de-sac segment) located to the west of McKee Road between Brandywine Drive and the intersection of McKee Road with Scarborough Road

Address: 1494 McKee Road, Dover, DE

Owner: Abhay Patel
(Equitable Owner noted in submitted documents as India U.S. Society of Delaware)

Tax Parcel: ED-05-067.00-01-09.00-000

Application Date: June 14, 2024

Present Zoning: R-8 (One Family Residence Zone)
COZ-1 (Corridor Overlay Zone)

Present Use: Vacant Tract of Land (partially woodland)

Proposed Use: Community Center (New Building)

Reviewed By: Dawn Melson-Williams, AICP, Principal Planner

Variance Type: Area Variance

Variances Requested: Request has been made for a Variance from the requirements of *Zoning Ordinance*, Article 3 §27.61 for future construction of a building. The Variance Request seeks relief from the maximum setback as it relates to the front yard in the Corridor Overlay Zone. The front yard setback requirement is a minimum of 40 feet and a maximum of 50 feet along McKee Road for a non-residential building.

Project Description

The property is located on the west side of the old segment of McKee Road (cul-de-sac segment) located to the west of McKee Road between Brandywine Drive and the intersection of McKee Road with Scarborough Road. A Conceptual (Site) Plan sheet shows the project (See Exhibit E).

The Applicant has requested a variance from the requirements of *Zoning Ordinance*, Article 3 §27.61 for future construction of a building. The Variance Request seeks relief from the maximum setback as it relates to the front yard in the Corridor Overlay Zone. The front yard setback requirement is a minimum of 40 feet and a maximum of 50 feet along McKee Road for a non-residential building.

The new non-residential building, a proposed Community Center for the India U.S. Society of Delaware, would be subject to a separate Conditional Use Site Development Plan review process with the Planning Commission.

See the Applicant's description of the project given below (excerpt from their narrative Letter submission: Exhibit D).

Applicant's Description:

I am writing on behalf of Abhay Patel, Owner of the vacant 10 acre parcel located at 1494 McKee Rd, Dover, DE 19904, (Equitable Owner, India U.S. Society of Delaware, mailing address being 1712 Windswept Ct, Dover, DE 19901.

We are requesting a variance to the minimum 40' and maximum 50' front yard setback requirements set forth in the City of Dover's zoning regulations for the above-referenced parcel. The request is necessary due to the unique layout of the property and the Corridor Overlay Zone (COZ-1) designation affecting the eastern 390' (+/-) portion of the parcel. This variance is critical in order to proceed with a conditional use application for a Community Center that is being proposed on site.

Property and Adjacent Properties: Zoning and Land Use

The 10.0140 acre +/- property is zoned R-8 (One Family Residence Zone) and is subject to the COZ- 1 (Corridor Overlay Zone). The subject property was created with Minor Subdivision Application SB-03-04 Lands of Marshall and Boyd that was reviewed and recorded on October 22, 2003. At one point in 2005 an application for the tract's development as a residential subdivision of 18 lots to be known as New Haven Estates was proposed (Application SB-05-04 New Haven Estates Conceptual Subdivision Plan); but the project did not proceed and has expired.

There are several adjoining residential properties also fronting this old segment of McKee Road that are zoned R-8. Located further to the south of this property is the land platted as a residential subdivision known as Somerset Park Subdivision (SB-04-10); it is also zoned R-8 (One Family Residence Zone) and consists of a series of thirteen (13) lots which have not been developed. To the southwest is part of the Fox Hall neighborhood (at the terminus of Troon Road and Phillip Court) that is zoned R-10 (One Family Residence Zone). Adjoining to the north, is The Meadows with single family detached dwellings in the portion of the neighborhood area zoned R-8. Across both segments of McKee Road to the east, the land is zoned IPM (Industrial Park Manufacturing Zone) with properties including a manufacturing facility and multi-tenant warehouse buildings.

A Map Exhibit (Exhibit B) prepared by Staff is attached to this Report. It shows the subject property's location and the surrounding zoning. Map Exhibit C shows an aerial view of the area.

Code Citations

R-8 (One Family Residence Zone)

The subject project area is zoned R-8 (One Family Residence Zone). *Zoning Ordinance*, Article 3 Section 1 lists the permitted uses, conditional uses, and other provisions of the R-8 zone. For the proposed development as a Community Center Building, the use (classified as a philanthropic and eleemosynary institution) would require Conditional Use approval. In the R-8 zone, there are specific conditions and have specific requirements for development. It sets the front yard setback for the building at a minimum of 50 feet and the other setbacks from property lines at 25 feet. See code excerpt below.

Article 3 Section 1

1.14 The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in section 10.1 and to any specified requirements set forth below:

(a) Places of worship, including parish houses; [and] schools, including nursery schools, kindergartens and day care centers in accordance with article 5, Supplementary Regulations, section 14. Child day care facilities; philanthropic and eleemosynary institutions; hospitals and sanitariums for general medical care; and funeral homes subject to the following requirements:

- i. Any school permitted under this paragraph [subsection 1.14(a)] shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such thereunder.
- ii. Any school permitted under this paragraph [subsection 1.14(a)], other than a kindergarten, nursery school, or day care center, shall occupy a lot with an area of not less than two acres, plus one acre for each 100 pupils for which the building is designed.
- iii. Any kindergarten or nursery school permitted under this paragraph [subsection 1.14(a)] shall be limited to a maximum of 50 children in zones R-8 thru R-20 and a maximum of 100 children in all other zones. At least 100 square feet of outdoor play space per child shall be provided. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space. Fencing or other enclosures shall be a minimum height of four feet. The minimum lot area for each ten, or remainder over the multiple of ten, children shall be the same as the minimum lot area requirement for each dwelling unit in the districts in which such uses are to be located.
- iv. No such building or part thereof shall be erected with less than a 50-foot front yard or nearer than 25 feet from any other street or property line.
- v. The sum of all areas covered by all principal and accessory buildings shall not exceed 20 percent of the area of the lot.
- vi. Courts shall conform to the requirements of article 5, section 3 hereof.

COZ-1 (Corridor Overlay Zone)

The front portion of the property is located within the COZ-1 (Corridor Overlay Zone). The *Zoning Ordinance* details the requirements of the COZ-1 in Article 3 §27 and its subsections. The Corridor Overlay Zone as a planning and growth management tool is designed to foster attractive, efficient, and economically vibrant urban corridors along Route 8/Forrest Avenue and Saulsbury/McKee Roads. To this end, more stringent standards are applied to development taking place along the corridors. The development guidelines related to project design include front yard setbacks, building placement, parking, site access, building height, open space and landscaping, lot configuration, and architectural review. For this location, the Variance Request seeks relief from the front yard setback provisions of the COZ-1. The front yard setback requirement is a minimum of 40 feet and a maximum of 50 feet along McKee Road. This means the building would have to be built starting at 50 feet from the front property line. The Code does allow for the Planning Commission to increase the front yard setback to a maximum of 90 feet if the project is determined to be superior urban design; however, the project seemingly can't take advantage of that provision given the shape of the parcel. See Code Excerpt from *Zoning Ordinance*, Article 3 §27.61.

Article 3 Section 27
27.6 *Development guidelines.*
27.61 *Setbacks:*
a. Front yards.

	Residential	Nonresidential
	Min. Max.	Min. Max.
McKee/Saulsbury	60' to 80'	40' to 50' *
Route 8—Artis Drive to Mifflin Road	60' to 80'	None
Route 8—Mifflin Road to Saulsbury Road	40' to 60'	40' to 60' *
Route 8—Saulsbury Road to R.R. line	20' to 30'	20' to 30'
Subdivision streets	(Setback provisions of article 4 shall apply)	

* When the applicant can demonstrate to the satisfaction of the planning commission through the site plan review process that the proposal involves a superior urban design, the maximum setback may be increased to no more than 90 feet from the property line on Route 8 from Mifflin Road to Saulsbury Road and on McKee and Saulsbury Roads.

Additionally, the following definitions are part of the *Zoning Ordinance*:

Setback: The distance between the street line and the setback line.

Setback line: A line extending between the two side lot lines of a lot or a parcel of land, which is parallel to, and a stated distance from, a street line.

Street: A street shown on the official map of the City of Dover and improved to the satisfaction of the planning commission.

Street line: The dividing line between a lot and a street.

Yard, front: An unoccupied ground area fully open to the sky between the street line and the setback line. The minimum width of the front yard is equal to the setback.

Applicant's Proposed Project and Variances Requested

The Applicant has submitted a Conceptual (Site) Plan Sheet (Exhibit E). This plan/drawing depicts the proposed building placement and other site improvements as currently proposed. The new non-residential building is proposed as a Community Center for the India U.S. Society of Delaware. The project has requested a variance from the requirements of *Zoning Ordinance*, Article 3 §27.61 for future construction of the building. The Variance Request seeks relief from the maximum setback as it relates to the front yard in the Corridor Overlay Zone. The front yard setback requirement is a minimum of 40 feet and a maximum of 50 feet along McKee Road for a non-residential building. The Variance Request would allow the placement of the building at a location exceeding a maximum setback of 50 feet; the plan shows an estimated placement at 238 feet +/- from the front property line/street line at the street and approximately 50 feet from the nearest property line (side setback).

Exceptional Practical Difficulties Tests

Zoning Ordinance, Article 9 §2 dictates the specific powers and duties of the Board of Adjustment with regard to granting variances. Specifically, the Board must determine:

2.1 Variance – The board shall have the authority to authorize variances from provisions of the Zoning Ordinance that are not contrary to public interest where the board determines that a literal interpretation of the Zoning Ordinance would result in undue hardship or exceptional practical difficulties to the applicant. In granting variances, the board shall determine that the spirit of the Zoning Ordinance is observed and substantial justice is done.

2.11 Area Variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the Zoning Ordinance that address lot layout, buffers, and dimensions. In considering a request for an area variance, the board shall evaluate the following criteria and document them in their findings of fact:

- (a) the nature of the zone in which the property lies;
- (b) the character of the immediate vicinity and the contained uses therein;
- (c) whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
- (d) whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the Zoning Ordinance.

Review of Application

As part of the Application, the applicant was asked to summarize how the requested Variance relates to the above criteria. The applicant's response along with a Staff assessment of the application in accordance with the required criteria is provided below.

1. The nature of the zone in which the property lies.

Applicant Response: The subject property is located, partially, in the Corridor Overlay Zone (COZ-1) and is zoned R-8. The Corridor Overlay Zone (COZ-1) is established to promote superior urban corridor development, foster coordination among corridor properties and adjacent lands, preserve the functionality and efficiency of the roadway, and achieve a visually balanced streetscape that is friendly to both pedestrians and motorists. The R-8 zoning permits residential development at a density of 8 units per acre, characterized by residential uses including single-family homes and related community facilities. Specific permitted uses in R-8 zones include one-family detached dwellings, public buildings and structures, and places of worship, subject to planning commission approval.

Staff Response:

The subject property is zoned R-8 (One Family Residence Zone). The R-8 zone predominately allows for one-family dwellings (residences) with a minimum lot size of 8,000 SF per lot (estimated at 5.4 dwelling units per acre). However, there are a series of uses that are allowed through a Conditional Use review process with the Planning Commission. The Conditional Use process could allow for the development of places of worship, schools, day care facilities, and other institutional uses. The proposed use of the property as a Community Center building is permitted as a Conditional Use in this R-8 zone.

The subject property is also subject the COZ-1 (Corridor Overlay Zone) which contains provisions related to the design of the development on the property. The COZ-1 includes guidelines for bulk standards like setbacks and height along with guidelines for the design and location of site elements such as building placement, parking, and landscaping.

2. The character of the immediate vicinity and the contained uses therein.

Applicant Response: The immediate vicinity of the parcel consists of single-family residential properties, manufacturing facilities (across the street), professional offices, and a few churches. The area is diverse in its uses, and the introduction of a Community Center would complement the existing community-oriented facilities. The proposed Community Center will serve as a communal space for the Indian community, providing recreational and social services that are currently lacking in the area.

Staff Response:

The subject property at 1494 McKee Road is a vacant lot. It is surrounded by residential properties in the form of single family detached dwelling units found on individual lots or on lots within the residential subdivisions of The Meadows and Foxhall (and the yet to be developed Somerset Park). To the east of the site across the McKee Road right-of-way area are properties in industrial use. The rear of the subject property and adjacent properties are woodland areas with some areas of wetlands.

3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses.

Applicant Response: Removing the front yard setback requirement would not adversely affect neighboring properties. The proposed Community Center is designed to be consistent with the character of the neighborhood and will enhance the community's amenities. The placement of the Community Center further back on the parcel, as requested, ensures that it does not interfere with the privacy or views of surrounding properties. Additionally, the design includes landscaping and buffering to maintain the aesthetic harmony of the area.

Staff Response:

Planning Staff notes that the placement of a building to comply with the front yard setbacks of the COZ-1 and the side yard setbacks of the R-8 would result in a building placement in the narrow portion of the parcel closest to McKee Road rather than in the portion of the tract where the parcel width expands greatly to the rear of the lots fronting on McKee Road. This format of building placement at the front of the parcel, while limiting the size of the building, would bring the building in closer proximity to the buildings/residences on the series of lots along McKee Road resulting in a greater impact to those neighboring properties. The granting of the Variance allowing the building to be placed (setback) much further back on the overall parcel will allow for setbacks of at least 25 feet and up to 50 feet or more from adjacent properties. This also allows the ability to maintain and/or establish screening vegetation of the development from the adjoining properties. Therefore, the requested Variance should not impact the use of neighboring lands.

4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the *Zoning Ordinance*.

Applicant Response: The existing layout of the parcel, with its limited frontage along the right-of-way (approximately 138' +/-), however, as the southern property line (150' +/-) and northern property line (161') head in west towards the rear of the property, they narrow slightly to a width of approximately 64', significantly constraining the placement of the proposed 9,700 sq ft Community Center and parking area within the front portion of the property as the statute requires.

Adhering strictly to the 40' to 50' setback requirements would make it impractical to position the Community Center in a manner that accommodates both functionality and compliance with the zoning ordinance. This restriction creates a hardship as it limits the ability to develop the site effectively for the intended community use, thereby hindering the project's feasibility and the community's benefit.

Staff Response:

The pre-existing size and configuration of the property limits the ability to comply with the setback provisions of the *Zoning Ordinance* related to the COZ-1 zoning district. Planning Staff notes difficulty in development of this parcel based on its form of a

narrow neck-like area fronting on McKee Road with a significantly larger wide area of the parcel (width over 450 feet) to the west at the middle and rear of the parcel. This parcel's shape would limit development to a single detached dwelling or other small building properly placed at the front of the parcel meeting the setbacks or require the development of a street right-of-way from McKee Road into the parcel to then develop in a series of lots. Requiring the placement of a building with a minimum front yard setback of 40 feet and a maximum front yard setback of 50 feet greatly reduces the buildable area and seeming would limit the ability of the applicant to pursue a development of a Community Center building with a Conditional Use Site Plan application. Planning Staff finds that an exceptional practical difficulty may be determined to be present.

Variance Recommendations

Staff recommends approval of the Variance that would allow a more reasonable approach to building placement on the parcel configuration of the subject property at 1494 McKee Road. The granting of the Variance would allow relief from the requirement to place the building at the maximum front yard setback of 50 feet. Planning Staff finds that the Applicant has demonstrated an exceptional practical difficulty; they would incur by not having this Variance granted.

Staff recommends **approval** of the variance for reasons as follows:

- The *Zoning Ordinance* permits development for a variety of uses in the R-8 zoning district; however, any development would be subject to the requirements of the setbacks of the R-8 zone and the maximum setback requirements of the COZ-1 zone.
- The maximum front yard setback acts as a build-to line requiring that the building placement not exceed that location; thus, the ability to alter the building placement to a location where more space is available on this parcel.
- Even the alternative maximum setback of 90 feet that the Planning Commission could consider for this parcel does not resolve this building placement issue due to the parcel's shape.
- The location of the property now fronts on the old segment of McKee Road which may be viewed as not the true corridor that the COZ-1 (Corridor Overlay Zone) was envisioned to guide development along when the COZ-1 provisions were adopted by Ordinance into the *Zoning Ordinance* on March 18, 1992. This old segment of McKee Road was created with the realignment of McKee Road and the construction of Scarborough Road which connects McKee Road/Saulsbury Road corridor to North DuPont Highway (circa 1997-2002).
- The granting of the Variance creates a better opportunity for the development to fit on the parcel where a larger buildable area is available to accommodate the building, site circulation, tree preservation and tree plantings for screening from adjoining properties.
- For certain uses such as the proposed Community Center, a Conditional Use Site Development Plan application to the Planning Commission will be required subject to the provisions of the *Zoning Ordinance*.

Advisory Comments to the Applicant

- If granted, the variance becomes null and void if work has not commenced within one (1) year of the date the variance was granted. At present there is no provision for extension.

- If the requested variance is granted, the Applicant must still obtain the appropriate Conditional Use/Site Development Plan and construction activity Permits approvals for construction of a Building on the property. A Conditional Use Site Development Plan for a building of this proposed use requires an application and review process involving the Planning Commission. Contact the Planning Office to discuss steps for application submission.
- The Applicant should be aware that whenever the Board of Adjustment denies an application for a variance, such application for a variance, or an application on the same property, which is substantially similar, shall not be accepted for reconsideration by the Board of Adjustment sooner than one year from the date of denial (*Zoning Ordinance*, Article 9 §3.8).

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	BOA Application Form	1
B	Zoning Map Exhibit (Staff)	1
C	Planning & Inspections View Map – Aerial Map/Zoning Map Exhibit (Staff)	1
D	Applicant's Written Responses: Narrative Letter	2
E	Conceptual Site Plan prepared for India U.S. Society of Delaware (Revision Date 6/14/2024)	1



Department of Planning and Inspections
P.O. Box 475, Dover, Delaware 19903
(302) 736-7010 Fax: (302) 736-4217
www.cityofdover.com

____ Area Variance
____ Use Variance
____ Appeal
____ Pre-App Date

Item 2.

A

Board of Adjustment Application

Application Information

Property Address: 1494 McKee Rd, Dover, DE 19904

Tax Parcel Number: 2-05-067.00-01-0900-000

Owner Name: Abhay Patel

Property Zoning: R8

Variance (s) Requested: Relief from 50' maximum front yard setback due to parcel (portion of) being in the Corridor Overlay Zone (COZ-1)

*Provide eight (8) copies of any survey, drawings, photos, site plan, etc. that may help support your application, and your response to the criteria. The criteria for a use variance and appeal are on the back of the form.

Area Variance

An area variance shall be evaluated on the following criteria: **Please state how your request meets each of these four (4) criteria.**

1. The nature of the zone in which the property lies;
2. The character of the immediate vicinity and the contained uses therein;
3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is permitted uses under the provisions of the zoning ordinance.

Signature

Abhay Patel

I _____ do affirm that I am the property owner on which the variance is sought and that all the information provided in this application is accurate to the best of my knowledge and belief.

DocuSigned by:

Abhay Patel

Owner

6/14/2024 | 11:57 PDT

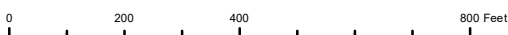
Signature

Title

Date



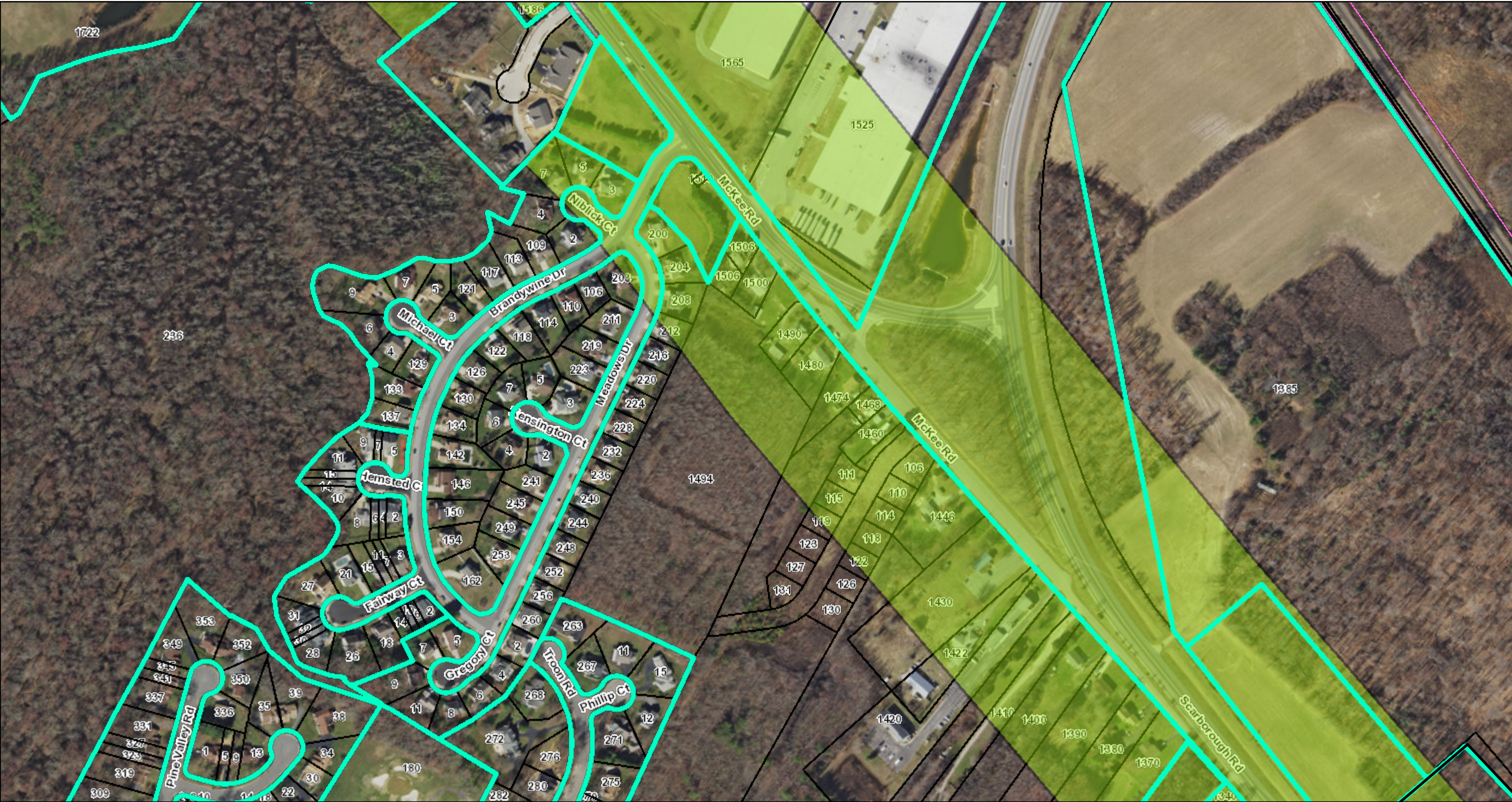
Title: Property at 1494 McKee Rd. - Application for Variances
 Addresses: 1494 McKee Rd.
 Parcel ID: ED-05-067.00-01-09.00-000
 Zoning: R-8 (One-Family Residence Zone)
 COZ-1 (Corridor Overlay Zone)
 Owner: Abhay Patel (Equitable Owner noted in submitted documents as India U.S. Society of Delaware)
 Date: 07/09/2024



Legend

- Dover Boundary
- 2012 Buildings
- Zoning
- Dover Parcels
- Kent County Parcels
- Corridor Overlay Zone

Planning & Inspections View Map



7/8/2024, 4:30:35 PM

DE_Imagery_2017

- Red: Red

Green: Green

Blue: Blue

Dover_Boundary

Tier 1 Secondary Wellhead Protection Area

Tier 2 Primary Wellhead Protection Area

SWPOZ Source Water Protection Overlay Zones - Tier 3 Excellent Recharge Areas

- Noise Zone Areas

65 DNLA

70 DNL B

75 DNL C

80 DNL D

H Historic District

COZ-1 Corridor Overlay Zone
- AEOZ Airport Environs Overlay Zone

APZ I

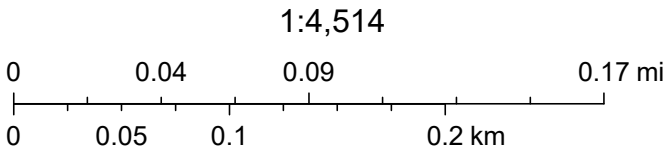
APZ II

CZ

Zoning Boundary Line

Parcels Outside Dover

Dover Parcels



Surdex Corp, Maxar

June 10, 2024

Item 2.

D

Nik Patel
Avi Consulting Group, LLC
897 W Birdie Ln
Magnolia, DE 19962
Email: nikhil@nikhilassociate.net
Phone: 302-270-2917

City of Dover Planning Office
City Hall, 15 Loockerman Plaza
Dover, Delaware 19901
Phone: 302-736-7196

Board of Adjustment
City of Dover
City Hall, 15 Loockerman Plaza
Dover, Delaware 19901

RE: Variance Request for Parcel #2-05-06700-01-0900-000

Dear Members of the Planning Office and Board of Adjustment,

I am writing on behalf of Abhay Patel, Owner of the vacant 10 acre parcel located at 1494 McKee Rd, Dover, DE 19904, (Equitable Owner, India U.S. Society of Delaware, mailing address being 1712 Windswept Ct, Dover, DE 19901.

We are requesting a variance to the minimum 40' and maximum 50' front yard setback requirements set forth in the City of Dover's zoning regulations for the above-referenced parcel. The request is necessary due to the unique layout of the property and the Corridor Overlay Zone (COZ-1) designation affecting the eastern 390' (+/-) portion of the parcel. This variance is critical in order to proceed with a conditional use application for a Community Center that is being proposed on site.

Below, I outline the justification for each aspect of the variance request:

1. The Nature of the Zone in Which the Property Lies

The subject property is located, partially, in the Corridor Overlay Zone (COZ-1) and is zoned R-8. The Corridor Overlay Zone (COZ-1) is established to promote superior urban corridor development, foster coordination among corridor properties and adjacent lands, preserve the functionality and efficiency of the roadway, and achieve a visually balanced streetscape that is friendly to both pedestrians and motorists. The R-8 zoning permits residential development at a density of 8 units per acre, characterized by residential uses including single-family homes and related community facilities. Specific permitted uses in R-8 zones include one-family detached dwellings, public buildings and structures, and places of worship, subject to planning commission approval.

2. The Character of the Immediate Vicinity and the Contained Uses Therein

The immediate vicinity of the parcel consists of single-family residential properties, manufacturing facilities (across the street), professional offices, and a few churches. The area is diverse in its uses, and the introduction of a Community Center would complement the existing community-oriented facilities. The proposed Community Center will serve as a communal space for the Indian community, providing recreational and social services that are currently lacking in the area.

3. Whether, If the Restriction Upon the Applicant's Property Were Removed, Such Removal Would Seriously Affect Neighboring Properties and Uses

Removing the front yard setback requirement would not adversely affect neighboring properties. The proposed Community Center is designed to be consistent with the character of the neighborhood and will enhance the community's amenities. The placement of the Community Center further back on the parcel, as requested, ensures that it does not interfere with the privacy or views of surrounding properties. Additionally, the design includes landscaping and buffering to maintain the aesthetic harmony of the area.

4. Whether, If the Restriction Is Not Removed, the Restriction Would Create Unnecessary Hardship or Exceptional Practical Difficulty for the Owner in His Efforts to Make Normal Improvements in the Character of That Use of the Property That Is Permitted Uses Under the Provisions of the Zoning Ordinance

The existing layout of the parcel, with its limited frontage along the right-of-way (approximately 138' +/-), however, as the southern property line (150' +/-) and northern property line (161') head in west towards the rear of the property, they narrow slightly to a width of approximately 64', significantly constraining the placement of the proposed 9,700 sq ft Community Center and parking area within the front portion of the property as the statute requires.

Adhering strictly to the 40' to 50' setback requirements would make it impractical to position the Community Center in a manner that accommodates both functionality and compliance with the zoning ordinance. This restriction creates a hardship as it limits the ability to develop the site effectively for the intended community use, thereby hindering the project's feasibility and the community's benefit.

Thank you for considering our request. We look forward to your positive response and are available for any further information or discussion needed.

Sincerely,

Nik Patel
Avi Consulting Group, LLC
897 W Birdie Ln
Magnolia, DE 19962
On Behalf of Abhay Patel and India U.S. Society of Delaware

CURVE TABLE			
NO.	RADIUS	DELTA	ARC
C1	R=25.00'	D=100°55'25"	A=44.036'
	CHORD TIE: N 81°59'27" W 38.56'		



Item 2.



SURVEYORS CERTIFICATION

I, WILLIAM A. ELLIOTT, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

REVISIONS		
MARK	DATE	DESCRIPTION
A	06/14/2024	UPDATES PER CITY OF DOVER PRE-APP MEETING

OWNERS INFORMATION

ABHAY PATEL

111 S WEST STREET
DOVER, DELAWARE 19904

DRAWN BY:	NIK
CHECKED BY:	-
SCALE:	1"=50'
DATE:	20-NOV-2023
DATE OF FLD WRK:	N/A
DATE CNRS SET:	N/A
FIELD BOOK/PAGE:	N/A
SCJ FILE NAME:	McKEE_RD
DRAWING #:	1494_McKEE_RD
CONTRACT #:	1494_McKEE_RD

SHEET 1 OF 1

18

DATA COLUMN:

SITE FLOW PREPARE

SECTION 1.14 (C) CHANGES TO MEMBERS AND TO

SITE ACREAGE - EX

WOODLANDS - EDS
WOODLANDS - PRO
TREE - PROPOSED

WASTEWATER:
WATER:

2. ALL CERTIFICATES
AND COPIES BEAR THE
FOLLOWING WATERMARK:

5. NO CERTIFICATION
PREPARER HEREOF.

KENT COUNTY:

PROJECT NAME: # AL OF: 2-05-00700-01-0900-000

ZONING CLASSIFICATION: RB - ONE FAMILY RESIDENCE

PROJECT ADDRESS: 1494 MEKE RD, DOVER, DE 19904

OWNER OF RECORD: ABNEY PATE

111 S WEST ST, DOVER, DE 19904

SITE PLAN PREPARER: AV CONSULTING GROUP, LLC
10275 S DUPONT HWY, FELTON, DE 19943

BUILDING SECTIONS PER ARTICLE 4, SECTION 4.1 OF CITY OF DOVER ZONING ORDINANCE

FRONT YARD SETBACK: 25'

SIDE YARD SETBACK: 25'

REAR YARD SETBACK: 30'

EXISTING USE: CURRENTLY VACANT - RESIDENTIAL

PROPOSED USE: INDIA U.S. SOCIETY OF DELAWARE COMMUNITY CENTER

PROPOSED USE IS TO BE SUBMITTED ON BASIS OF A CONDITIONAL USE APPLICATION PER ARTICLE 3, SECTION 3.11 (4) COUNTY CODES OR AN ANNUAL MEMBERSHIP CLUBS, CATERING EXCLUSIVELY TO MEMBERS AND THEIR GUESTS, AND ACCESSORY PRIVATE PLACEMAKING, DUES COLLECTS.

SWIMMING POOLS, TENNIS COURTS AND RECREATION BUILDINGS NOT CONSIDERED AS BUSINESS ENTERPRISES. PROVIDED THAT THE FOLLOWING OPERATIONS SHALL BE PROHIBITED:

(OUTDOOR ENTERTAINMENT, LIVE OR MECHANICAL)

THE USE OF OUTDOOR PUBLIC ADDRESS SYSTEMS FOR ANY PURPOSE.

EXISTING LOTTING PRODUCING GLARE AT THE LOT LINE OTHER THAN THAT ESSENTIAL FOR THE SAFETY OF THE USES OF THE PREMISES

NO BUILDING EXCEPTED UNDER THE PROVISIONS OF THIS PARAGRAPH [SUBSECTION 1.14(C)] SHALL BE SO EXCEPTED NEARER THAN 50 FEET TO ANY STREET OR PROPERTY LINE.

SITE AREA - EXISTING: 10.104 ACRES +/- 143.210 SQ. FT. +/-

SITE AREA - PROPOSED: NO CHANGE PROPOSED

PARKING SPACES - REQUIRED: 40 SPACES

PARKING SPACES - EXISTING: 1 SPACE REQUIRED FOR EVERY 200 SQ. FT. OF LOT AREA

OFFICE SPACE, MEETING AREAS, BANQUET HALLS, ETC.

PARKING SPACES - EXISTING: 0 SPACES

PARKING SPACES - PROPOSED: 59 + 4 HANDICAP SPACES

WOODLANDS - EXISTING: 9.6272 ACRES +/- (419,361 SQ. FT.) +/- 96.1%

WOODLANDS - PROPOSED: 7.1600 ACRES +/- (311,889 SQ. FT.) +/- 65.4%

TREES - PROPOSED: NONE

IMPERVIOUS - PROPOSED: NONE CITY OF DOVER

SAVANNAH COVERAGE - ALLOWED: 3.5049 ACRES +/- (152,674 SQ. FT.) +/- 35%

SAVANNAH COVERAGE - EXISTING: NONE

IMPERVIOUS COVERAGE - PROPOSED: 1.37463 ACRES +/- (59,879 SQ. FT.) +/- 13.8%

NONMENTS FOUND: MONUMENTS PROPOSED: NONE

WASTEWATER: NONE EXISTS TO BE DETERMINED

WATER: NONE EXISTS TO BE DETERMINED

GENERAL NOTES:

1. LOT SHOWN IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

2. ALL PLANS AND SPECIFICATIONS ARE VALID FOR THIS PLAN AND COPIES THEREOF. ONLY IF S&D PLAN AND COPIES BEAR THE IMPRESSION SEAL AND SIGNATURE IN RED INK OF THE LICENSED LAND SURVEYOR WHOSE NAME APPEARS HEREON. THIS PLAN IS NOT TO BE

3. WE HEREBY CERTIFY THAT THIS PLAN WAS PREPARED FOR THE INDIVIDUAL(S) LISTED BELOW, NO RESPONSIBILITY IS IMPLIED AND/OR ASSUMED BY THE SURVEYOR TO ANY FUTURE LAND OWNER OR OCCUPANT.

4. THIS PLAN IS BASED UPON THE (RECORD PLANS) NOTED AND/OR DEED RECORDS SHOWN THIS DATE, AND PHYSICAL EVIDENCE FOUND.

5. NO CERTIFICATION AS TO TITLE TO THE SUBJECT LOT IS EXTENDED, AND/OR ASSUMED, BY THE PREPARED HEREON.

6. THIS PROPERTY MAY BE IMPACTED BY STREAMS, DITCHES, PONDS, OR LAKE. KENT COUNTY HAS REGULATIONS REGARDING THE PRESERVATION OF STREAMS, DITCHES, PONDS, OR LAKE AND THE EVIDENCE IS ADDED TO CONSULT WITH KENT COUNTY PLANNING DEPARTMENT TO DETERMINE THE SETBACKS FROM STREAMS, DITCHES, PONDS OR LAKE.

7. FOR EACH MAP, SPECIFICALLY A NON-PROFITABLE EFFECTIVE ADOPTED MAP, NO ADOPTED

Application V-24-02

Public Comments: Set 1 – Received through July 10, 2024

1. Email from Andrea Carter of 232 Meadow Drive on 7/10/2024

From: [Andrea Carter](#)
To: [CompPlan](#)
Subject: EXTERNAL: Application #V-24-02
Date: Wednesday, July 10, 2024 8:21:52 AM

Some people who received this message don't often get email from andreacarter1981@gmail.com. [Learn why this is important](#)

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Board of Adjustment,

I am writing to express my **strong opposition** to the proposed rezoning of the residential area on the Property at 1494 McKee Road to commercial use. As a concerned resident of a nearby community, I believe that such a change would have significant negative impacts on our neighborhood. I would like to highlight several key reasons for my opposition:

1. **Safety Concerns:** The introduction of commercial activities in a predominantly residential area can lead to increased traffic and congestion. This not only raises the risk of accidents but also poses a threat to the safety of pedestrians, particularly children and the elderly. The increase in delivery trucks, customer vehicles, and potentially extended business hours could disrupt the peace and tranquility that our residential streets currently provide.
2. **Decline in Property Values:** Residential areas are highly valued for their quiet, family-friendly environments. The introduction of commercial establishments can lead to a decline in property values as the neighborhood loses its appeal as a peaceful residential enclave. Potential homebuyers may be deterred by the prospect of living near busy businesses, noise, and increased traffic, resulting in decreased demand for homes in the area.
3. **Impact on Community Character:** Our neighborhood has a unique character defined by its residential nature. Rezoning to commercial use would disrupt the sense of community and cohesion that residents have worked hard to build over the years. The presence of businesses can alter the aesthetic and social fabric of the neighborhood, leading to a loss of community identity and unity.
4. **Environmental Concerns:** Commercial activities typically result in increased pollution, both in terms of noise and air quality. The additional vehicular traffic, waste generation, and potential for industrial activities could harm the local environment. This is particularly concerning due to the fact that there are 40 acres

of woods that are potentially going to be destroyed.

5. **Quality of Life:** One of the primary reasons people choose to live in residential areas is the quality of life they offer. The shift to commercial zoning could result in a decline in the overall quality of life for residents. The noise, increased activity, and potential for late-night operations can disrupt the peace and quiet that residents currently enjoy.

In light of these concerns, I respectfully urge the Planning and Zoning Department to reconsider the proposal to rezone 1494 McKee Road residential area to commercial use. Maintaining the residential zoning will help preserve the safety, property values, community character, environmental quality, and overall quality of life for current and future residents.

Thank you for considering my perspective on this important matter. I trust that you will make a decision that reflects the best interests of our community.

Sincerely,

Andrea Carter

232 Meadow Dr. Dover DE 19904

[REDACTED]



City of Dover
Board of Adjustment

July 17, 2024
V-24-03

Locations: (a) Property at 148 S. Bradford St., Dover, Delaware
ED-05-077.09-02-25.00-000

(b) Property at 150 S. Bradford St., Dover, DE
ED-05-077.09-02-27.00-000

Current Property Owners: (a) Russell and Dee Ann Widder

(b) CEI Properties, LLC

Present Zoning: C-2 (Central Commercial Zone)
H (Historic District Zone)

Application Date: Appeal Received June 24, 2024
Request for July 17, 2024 Meeting

Appeal Filed By: Friends of Old Dover

Appeal Requested: Appeal regarding the implementation of the *Zoning Ordinance*, Article 10 Section 3.2 as administered at the June 17, 2024, Planning Commission Meeting and the determination that the Appeals before the Planning Commission were not subject to a public hearing. This is associated with the Planning Commission's consideration of Applications HI-24-02 and HI-24-03 as Appeals to the Planning Commission of the Historic District Commission action of May 16, 2024, to deny the Architectural Review Certifications for the Demolition of two buildings at 148 S. Bradford Street and 150 S. Bradford Street.

Request for Appeal

Nate Attard of the Friends of Old Dover has filed an Appeal of a decision by the Principal Planner regarding the determination that the Appeals before the Planning Commission were not subject to a Public Hearing with Public Testimony.

Property Description

The two subject properties are located on the west side of S. Bradford Street between Reed Street and Loockerman Street, slightly north of Minor Street Alley. Both are located within the City of Dover Historic District Zone as well as the Victorian Dover Historic District. These properties are zoned C-2 (Central Commercial).

Code Citations

Procedures

The Board of Adjustment procedures for Appeals are outlined in the *Zoning Ordinance* and within *Delaware Code*. See the following code citations.

Dover Code of Ordinances, Appendix B: Zoning, Article 9. Board of Adjustment:
Section 2. Powers and duties:

The board of adjustment shall have the powers and duties as specified in Delaware Code Annotated (22 Del. C. § 301 et seq.) and as articulated below:

2.2 Appeal of administrative order, requirement, decision, or determination. The board shall have the authority to hear and decide appeals where it is alleged there is any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance. Appeals to the board may be made by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of an administrative officer.

Zoning Ordinance, Article 9 §3 further outlines the procedures for both variances and appeals. Appeals are subject to a Public Hearing before the Board of Adjustment which must be noticed by publication in the newspaper and by mailed notice to property owners within 200 feet of the subject property.

The Appeal must be filed in writing on prescribed forms and is subject to a filing fee. It is noted that this fee may be returned to the applicant (*Zoning Ordinance, Article 9 §3.4*) under certain provisions:

Article 9 §3.4 The board of adjustment may, in its discretion, return to the applicant part or all of the fee paid by him in the event that his appeal under section 2.2 Appeal of administrative order, requirement, decision, or determination hereof is partially or wholly successful.

The Appeal (written application and submission items) as filed shall consist of the following per the *Zoning Ordinance, Article 9 §3.5*:

Article 9 §3.5 Each variance application or appeal shall fully set forth the circumstances of the case. Every variance application or appeal shall refer to the specific provision of the ordinance involved, and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.

- **A copy of the Appeal as filed by the Appellant Friends of Old Dover, is attached as Exhibits 1A and 1B.**
 - **Exhibit 1A – Application to Board of Adjustment for Appeal.**
 - **Exhibit 1B – Letter on behalf of the Appellant (Friends of Old Dover) dated June 24, 2024, from Nate Attard.**

The provisions of *Delaware Code* (22 Del. C. § 301) also note a procedure for Appeals:

22 Del. C. §324 Appeals to board.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

Action by the Board of Adjustment

It is the responsibility of the Board of Adjustment to hear and decide the Appeal where it has been alleged that the determination of the administrative official was in error. This Appeal is of a decision by the City Planner regarding the public hearing for the Appeal of HI-24-02 and HI-24-03 at the Planning Commission meeting of June 17, 2024.

It is related to the interpretation of the *Zoning Ordinance* pertaining to the procedures set forth in Article 10 Section 3:

3.26 Procedures for an architectural review by the historic district commission and/or planning commission.

- (A) *Architectural preapplication meeting.* Prior to action on any application for an architectural review certificate, the applicant shall meet in person with the city planner or his delegated representative. The purpose of such conference shall be to discuss the proposed construction or other action requiring the certificate in order to determine what information is useful in the determination of conformity with the provisions and intent of the historic district regulation as expressed in this article.
- (B) *Application and fee.* The application to the historic district commission for an architectural review certificate and related information shall be submitted to the city planner at least 30 days prior to the historic district commission meeting at which review is requested and shall be accompanied by a fee as provided for in Appendix F—Fees and Fines.
- (C) *Public hearing.* Prior to the review and action on an architectural review certification, the historic district commission shall hold a public hearing subject to the following public notification procedures:
 - (1) The applicant shall advertise the public hearing newspaper of general circulation at least 15 days prior thereto.
 - (2) The applicant shall notify, by mail, all property owners within 200 feet of the extreme limits of the subject property as their names appear on the municipal tax record at least 15 days prior thereto.
 - (3) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.
 - (4) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating date of mailing for all letters on or before the meeting date.
 - (5) Said notices shall state the date, time, and place of the hearings before the historic district commission, a brief description of the project and shall state that a copy of the application and plan is on file with the planning office for public review.
 - (6) If the planning commission is reviewing a project in accordance with other sections of this article, then the public hearing notice on those applications must also give notice of architectural review certification.

Architectural Review Certification Procedures

The procedures for Architectural Review Certification as related to the aspects of the *Zoning Ordinance* compliance are given in the *Zoning Ordinance*, Article 10 Section 3.23 and *Zoning Ordinance*, Article 10 Section 3.24.

Exhibit 2A – *Zoning Ordinance* excerpt for Historic district commission and architectural review.

List of Exhibits

Exhibit 1A – Application to Board of Adjustment for Appeal.

Exhibit 1B – Letter on behalf of the Appellant (Friends of Old Dover) dated June 24, 2024, from Nate Attard.

Exhibit 2A –*Zoning Ordinance* excerpt for Historic District Commission and Architectural Review.



City of Dover, DE
 Department of Planning and Inspections
 P.O. Box 475, Dover, Delaware 19903
 (302) 736-7010 Fax: (302) 736-4217
www.cityofdover.com

Item 3.

☐ Area Variance
☐ Use Variance
☒ Appeal
☐ Pre-App Date

Board of Adjustment Application

Application Information

Property Address: N/A - Administrative Appeal
 Tax Parcel Number: N/A - Administrative Appeal
 Owner Name: N/A - Administrative Appeal
 Property Zoning: N/A - Administrative Appeal
 Variance (s) Requested: N/A - Administrative Appeal

*Provide eight (8) copies of any survey, drawings, photos, site plan, etc. that may help support your application, and your response to the criteria. The criteria for a use variance and appeal are on the back of the form.

Area Variance

An area variance shall be evaluated on the following criteria: **Please state how your request meets each of these four (4) criteria.**

1. The nature of the zone in which the property lies;
2. The character of the immediate vicinity and the contained uses therein;
3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is permitted uses under the provisions of the zoning ordinance.

Signature

I Nathan Attard ^{represent Friends of Old Dover in this appeal} do affirm that I ~~am the property owner on which the~~
~~variance is sought~~ and that all the information provided in this application is accurate to the best of
 my knowledge and belief.

Nathan Attard President, Friends of Old Dover 6/25/2024
 Signature Title Date



THE HISTORICAL SOCIETY OF DOVER

FRIENDS OF OLD DOVER

Item 3.

A non-profit Organization preserving for future generations the historic and architectural heritage of Dover, Delaware

June 24, 2024

City of Dover Board of Adjustment
15 Loockerman Plaza
Dover, DE 19901

Honorable Commissioners,

Under the provisions of City of Dover Code, Appendix B, Zoning, Title 9, Board of Adjustment, the Friends of Old Dover request to appeal the implementation of City of Dover Code, Appendix B Zoning, Article 10, Section 3, as administered at the meeting of the Planning Commission on June 17, 2024 with regards to agenda items HI-24-02 and HI-24-03, Demolition of 148-150 S. Bradford Street.

Per Delaware Code Title 22, Chapter 3, Subsection II, Item 325 (Stay of Proceedings), it is of the opinion of the Friends of Old Dover that this appeal stays all proceedings in furtherance of the action appealed from until a decision is made by the Board of Adjustment of the City of Dover, and that any application for demolition permits would be stayed pending the outcome of the appeal.

Justification:

The determination made by Ms. Dawn Melson-Williams, an administrative official of the City of Dover that the applications were not subject to a public hearing, and as applied by the Planning Commission Chair, is inconsistent with City Code. 20 persons of the Friends of Old Dover were in attendance prepared to speak on this application and were aggrieved by this decision.

Under City of Dover Code, Appendix B, Zoning, Title 10, Section 3.23, subparagraph D, an appeal of a decision of the Historic District Commission is considered an architectural review certification by the Planning Commission and must meet all the requirements set forth in subsection 3.23 and 3.26, to include conducting a public hearing.

Counter to the cited section of code, Ms. Melson-Williams, in the June 17 Planning Commission meeting advised the commission that this was not to be considered architectural review certification by the planning commission. Evidence of this statement can be found in the meeting recording at 2:06:00 to 2:09:00, where Ms. Melson-Williams stated that architectural review certification is only achieved by the Planning Commission when the application must be

P. O. Box 44, Dover DE 19903
www.friendsofolddover.org
info@friendsofolddover.org

reviewed both by the Planning Commission and the Historic District Commission. Per City of Dover Code, Appendix B Zoning, Title 10, Section 3.23, subparagraph D, an appeal of a decision of the Historic District Commission is also considered an architectural review certification by the Planning Commission and the Planning Commission should have been advised that they were required to meet the same requirements as the Historic District Commission as set forth in subsections 3.23 and 3.26.

Further, this meeting of the Planning Commission is subject to Delaware Open Meeting Law, 29 Delaware Code §10004. This meeting did not provide the 20 members in attendance a meaningful opportunity to engage with the Planning Commission, in violation of the cited section of State code.

We look forward to being heard on this grievance.

Sincerely

A handwritten signature in black ink that reads "Nathan Attard". The signature is fluid and cursive, with the first name "Nathan" and last name "Attard" clearly distinguishable.

Nathan Attard
President, Friends of Old Dover

Section 3. Historic district commission and architectural review.

3.1 Historic district commission established.

- 3.11 *Creation and purpose.* There shall be a historic district commission for the purpose of assisting the planning commission and city planner in reviewing applications for architectural review certifications as specified in subsection 3.2; and for making recommendations for designation of historic district zones; and for establishing guidelines for the preservation and conservation of historic district zones; and for advising other officials and departments in the City of Dover in matters concerning historic preservation; and for reviewing all proposed National Register nominations in the City of Dover; and for acting as a liaison on behalf of the City of Dover to individuals and organizations concerned with historic preservation; and for carrying out programs of historic preservation education in the City of Dover.
- 3.12 *Appointment.* The commission shall consist of five members nominated by the mayor and approved by the city council, who are residents of the City of Dover and who have demonstrated special interest, experience, or knowledge in history, architecture, or historic preservation. Two of the members, to the extent available, shall be professional members representing the professions of architecture, history, archaeology, planning, historic preservation or related disciplines. At least two members shall be residents of the district, and at least one shall represent the business within the district.
- 3.13 *Term.* The members of the commission shall serve for three-year staggered terms. Vacancies shall be filled within 60 days in accordance with subsection 3.12.
- 3.14 *Organization.* The commission shall meet at least four times per year in a place that is advertised in advance and open to the public and shall keep minutes of its meetings that are available to the public. All review decisions shall be made in public. The commission shall establish bylaws for its general procedure, which shall include a section addressing conflicts of interest. The commission shall produce an annual report of its activity that is kept on file for public review with the city planning office.

3.2 Architectural review certification.

- 3.21 *Effect of architectural review certificate.* No building permit or certificate of occupancy may be issued for any structure in the historic district until an architectural review certificate is issued as required under article 3, section 21, subsection 21.3 for the historic district.
- 3.22 *Architectural review certification by the city planner.*
- (A) An architectural review certificate for specific classes of building permits, including fences, signs, siding, window and door replacement, roofing, the addition or replacement of decorative features, minor demolition, residential additions, and other construction of a minor nature, may be issued by the city planner, after a review and determination that the proposed construction is in general accordance with the standards set forth in subsection 3.25.
 - (B) The city planner may refer any permit application for demolition or construction in the historic district for consultation with commission.
 - (C) All decisions of the city planner pursuant to this subsection shall be documented on the building permit. When the city planner grants a conditional approval under this section, all conditions of approval shall be set forth in writing on the building permit. In the event of a denial, the reasons for such denial shall be documented in a written notice of decision which shall identify all elements of the application found to be contrary to the provisions or intent of this section.

- (D) An applicant may appeal the decision of the city planner to the historic district commission and such appeal shall be considered as an architectural review certification application to the historic district commission and shall meet all of the requirements set forth in subsection 3.23.

3.23 Architectural review certification by the historic district commission.

- (A) The historic district commission shall issue architectural review certificates for the construction or demolition of single-family and two-family homes, and nonresidential structures or additions involving a gross floor area of 3,000 square feet or less, after review of the proposed construction and after a determination that the construction is in general accordance with the standards set forth in subsection 3.25 below.
- (B) All applications to the historic district commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.
- (C) All decisions of the historic district commission pursuant to this subsection shall be formalized in a written notice of decision. When the commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.
- (D) An applicant may appeal the decision of the historic district commission to the planning commission, and such appeal shall be considered as an architectural review certification application to the planning commission and shall meet all of the requirements set forth in subsection 3.24 and subsection 3.26.

3.24 Architectural review certification by the planning commission.

- (A) The planning commission shall issue architectural review certificates referred or appealed to it, upon review of the recommendations of the historic district commission and upon a determination that the proposed construction is in accordance with the standards set forth in subsection 3.25.
- (B) All applications to the planning commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.
- (C) All decisions of the planning commission pursuant to this subsection shall be formalized in a written notice of decision. When the planning commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.

3.25 Architectural review standards.

- (A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.
- (B) The city planner, historic district commission or planning commission shall not consider normal maintenance and repair (see Definitions, article 12), interior arrangement, or building features not subject to public view.

3.26 Procedures for an architectural review by the historic district commission and/or planning commission.

- (A) *Architectural preapplication meeting.* Prior to action on any application for an architectural review certificate, the applicant shall meet in person with the city planner or his delegated representative. The purpose of such conference shall be to discuss the proposed construction or other action requiring the certificate in order to determine what information is useful in the determination of conformity with the provisions and intent of the historic district regulation as expressed in this article.
- (B) *Application and fee.* The application to the historic district commission for an architectural review certificate and related information shall be submitted to the city planner at least 30 days prior to the historic district commission meeting at which review is requested and shall be accompanied by a fee as provided for in Appendix F—Fees and Fines.
- (C) *Public hearing.* Prior to the review and action on an architectural review certification, the historic district commission shall hold a public hearing subject to the following public notification procedures:
- (1) The applicant shall advertise the public hearing newspaper of general circulation at least 15 days prior thereto.
 - (2) The applicant shall notify, by mail, all property owners within 200 feet of the extreme limits of the subject property as their names appear on the municipal tax record at least 15 days prior thereto.
 - (3) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.
 - (4) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating date of mailing for all letters on or before the meeting date.
 - (5) Said notices shall state the date, time, and place of the hearings before the historic district commission, a brief description of the project and shall state that a copy of the application and plan is on file with the planning office for public review.
 - (6) If the planning commission is reviewing a project in accordance with other sections of this article, then the public hearing notice on those applications must also give notice of architectural review certification.
- (D) *Application information.* The applicant shall provide such information and documents listed below which will satisfactorily illustrate the proposed action as indicated in the architectural preapplication meeting required in subsection 3.26(A):
- (1) All plan elements required in subsection 2.5.
 - (2) Plans and specifications indicating existing and proposed development, including structures, architectural elevation drawings, trees and any other landscaping, existing and proposed, including the general design, location and orientation of structures in relation to curb line, right-of-way line and neighboring buildings, colors, and materials to be used on exterior surfaces, detailed plans for any signs, photographs of the existing site and neighboring buildings, and such other information as will enable the historic district commission or planning commission to determine conformity with the ordinance.
- (E) *City planner report.* For each application to the planning commission the city planner shall issue a report to the planning commission including comments from other agencies detailing how the application conforms to the requirements of the zoning ordinance and other provision of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and

state code requirements. The city planner shall transmit copies of the proposed site development plan and the city planner's report at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.

- (F) *Historic district commission action.* The historic district commission shall act to review and render a recommendation to approve any such application within 45 days of transmittal to the commission or within such additional time as may be consented to by the applicant. The recommendation of the historic district commission shall be forwarded to the planning commission and acted upon by the planning commission in conjunction with action on the associated site development plan. If a site development plan application is not filed in accordance with the provisions of subsection 2.4 of this article within one year of recommendation, the recommendation shall expire. The historic district commission may grant a one-year extension of its recommendation upon written request by the applicant. Such request shall be made in writing to the planning office at least thirty days prior to the expiration of the historic district commission's recommendation.
- (G) *Substantial amendments.* Substantial amendments to an application or an architectural review certificate shall be acted upon in the same manner as the original plan.
- (H) *Expiration of architectural review certification issued by the historic district commission.*
 - (1) Architectural review certification approval shall expire on the last day of the 12th month after the date of approval if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the historic district commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the historic district commission.
 - (2) Request for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such request, the matter shall be considered at the next regularly scheduled meeting of the historic district commission.
 - (3) In considering a request for an extension of approval, the historic district commission shall consider, but not be limited to, the following:
 - (a) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.
 - (b) Whether the applicant has made substantial progress toward obtaining final approvals.
 - (c) Whether there have been any significant changes in the surrounding neighborhood.
 - (d) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.
 - (4) Requests for extensions shall be submitted in writing to the planning office.
 - (5) Under no circumstances shall the historic district commission grant extensions beyond 24 months from the date of first approval.

3.3 *Historic district amendments.*

3.31 *Historic district commission review required.* Any motion or petition to amend, supplement, or repeal a historic district by the city council in accordance with section 5, Amendments, shall require a report by the historic district commission as set forth in article 3, subsection 21.4.

3.32 *Review criteria for placing individual structures in a historic district.* The historic district commission may recommend that an individual structure or property be placed in an existing contiguous historic district or be placed in a historic district specifically created for the property or structure upon considering the following criteria and factors:

- (A) Significant value as part of the historical, cultural, artistic, social, ethnic or other heritage of the nation, state or community;
- (B) Association with an important person or event in national, state, or local history.
- (C) Representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of indigenous material;
- (D) Notable work of a master builder, designer, architect, or artist whose individual genius has influenced an era;
- (E) The desire of the owner to have the property designated;
- (F) Increased potential of economic or community development.

3.33 *Review criteria for amendments or creation of new historic districts.* The historic district commission may recommend amendments to an existing historic district, recommend repeal of an existing historic district or recommend the creation of a new historic district upon considering the following criteria:

- (A) Any criteria listed in subsection 3.32.
- (B) Distinctive character or homogeneity of architectural design or dates of construction throughout the area.
- (C) Identifiable by clear and distinctive boundaries.
- (D) Repetition of distinguishing architectural or land use characteristics throughout the area.

3.34 *Public hearing required.* For all proposed amendments to the boundary of the historic district, the historic district commission shall hold a public hearing subject to the following public notification procedures:

- (A) The planning office shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.
- (B) The planning office shall notify, by mail, all directly affected property owners and all property owners within 200 feet of the extreme limits of the properties proposed for addition to or removal from the district as their names appear on the municipal tax record at least 15 days prior thereto.

3.4 *Demolition by neglect.*

3.41 *Responsibility of property owners.* Property owners of properties within the historic districts shall not allow their buildings to be demolished by neglect (see Definitions, article 12) by failing to provide ordinary maintenance or repair.

3.42 *Responsibility of the historic district commission.* The historic district commission shall monitor the condition of historic properties and existing buildings in the historic district to determine if they are being demolished by neglect by failing to provide ordinary maintenance and repair (see Definitions, article 12). In the event that the commission determines a demolition by neglect is occurring, it shall carry out the following:

- (A) Determine and set forth steps required to remedy the situations or defects.

- (B) Direct the city planner to inform the property owners of its findings, determination, and recommended remedies.
- (C) In the event that the property owners fail to commence work within the reasonable time allotted by the commission, the commission may direct the building inspector to begin proceedings under chapter 22, buildings, and building regulations, article XI, dangerous buildings, of the Code of Ordinances for the City of Dover to bring about the repair or demolition of the building.

3.43 *Responsibility of the city planner.* The city planner shall notify the historic district commission of buildings within the historic district that have been referred to him by the building inspector that meet the definition of dangerous buildings under the provisions of chapter 22 Buildings and Building Regulations, article XI Dangerous Buildings, of the Code of Ordinances for the City of Dover. In such cases the commission shall determine if the building is being demolished by neglect. Before referring a property to the commission for consideration as demolition by neglect, the city planner shall give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before historic district commission at the time, date and location specified.

(Ord. No. 2011-14, 8-8-2011)



MEMORANDUM

City of Dover, Delaware
Department of Planning & Inspections
P.O. Box 475 Dover, Delaware 19903
Phone: 302.736.7196 Fax: 302.736.4217

Item 3.

DATE: July 10, 2024
TO: Board of Adjustment
FROM: City Staff: Dawn Melson-Williams, AICP, Principal Planner
SUBJECT: Appeal V-24-03: Transmittal of the Record

The Board of Adjustment in receipt of an Appeal filed by the Historical Society of Dover (Friends of Old Dover) in regard to the determination of the Principal Planner regarding implementation of the *Zoning Ordinance*, Article 10 Section 3.2 as administered at the June 17, 2024 Planning Commission Meeting and the determination that the Appeals before the Planning Commission were not subject to a public hearing. This is associated with the Planning Commission's consideration of Applications HI-24-02 and HI-24-03 as Appeals to the Planning Commission of the Historic District Commission action of May 16, 2024 to deny the Architectural Review Certifications for demolition of two buildings at 148 S. Bradford Street and 150 S. Bradford Street. This Appeal to the Board of Adjustment is identified as Application V-24-03.

City Staff is transmitting following items as the Record to the Board of Adjustment pertaining to Appeal V-24-03 as required by 22 *Delaware Code* §324. This transmittal consists of the following items identified by Exhibit Letters.

- A. Code Excerpt – Zoning Ordinance, Article 10 Section 3
- B. Planning Commission Meeting Agenda of June 17, 2024
- C. Planning Commission Meeting Minutes of June 17, 2024 (currently in Draft as they would be considered for adoption at the Planning Commission Meeting of July 15, 2024)
- D. Appeal Application Documents for HI-24-02 as provided to the Planning Commission consisting of Report with Attachments for the June 17, 2024 Meeting
- E. Appeal Application Documents for HI-24-03 as provided to the Planning Commission consisting of Report with Attachments for the June 17, 2024 Meeting
- F. Historic District Commission Meeting May 16, 2024 Minutes Excerpt (for Applications HI-24-02 and HI-24-03) as provided to the Planning Commission for the June 17, 2024 Meeting
- G. Excerpt from Planning Office PowerPoint Presentation (on-screen visuals) for Planning Commission Meeting of June 17, 2024 Meeting
- H. Applicant's Presentation Slides Handout from their presentation at Planning Commission Meeting of June 17, 2024. Presentation was made by several individuals representing and associated with the Downtown Dover Partnership.

Dover Code of Ordinances

Appendix B – Zoning (*Zoning Ordinance*)

Article 10. PLANNING COMMISSION

Section 3. Historic district commission and architectural review.

3.1 *Historic district commission established.*

- 3.11 *Creation and purpose.* There shall be a historic district commission for the purpose of assisting the planning commission and city planner in reviewing applications for architectural review certifications as specified in subsection 3.2; and for making recommendations for designation of historic district zones; and for establishing guidelines for the preservation and conservation of historic district zones; and for advising other officials and departments in the City of Dover in matters concerning historic preservation; and for reviewing all proposed National Register nominations in the City of Dover; and for acting as a liaison on behalf of the City of Dover to individuals and organizations concerned with historic preservation; and for carrying out programs of historic preservation education in the City of Dover.
- 3.12 *Appointment.* The commission shall consist of five members nominated by the mayor and approved by the city council, who are residents of the City of Dover and who have demonstrated special interest, experience, or knowledge in history, architecture, or historic preservation. Two of the members, to the extent available, shall be professional members representing the professions of architecture, history, archaeology, planning, historic preservation or related disciplines. At least two members shall be residents of the district, and at least one shall represent the business within the district.
- 3.13 *Term.* The members of the commission shall serve for three-year staggered terms. Vacancies shall be filled within 60 days in accordance with subsection 3.12.
- 3.14 *Organization.* The commission shall meet at least four times per year in a place that is advertised in advance and open to the public and shall keep minutes of its meetings that are available to the public. All review decisions shall be made in public. The commission shall establish bylaws for its general procedure, which shall include a section addressing conflicts of interest. The commission shall produce an annual report of its activity that is kept on file for public review with the city planning office.

3.2 *Architectural review certification.*

- 3.21 *Effect of architectural review certificate.* No building permit or certificate of occupancy may be issued for any structure in the historic district until an architectural review certificate is issued as required under article 3, section 21, subsection 21.3 for the historic district.
- 3.22 *Architectural review certification by the city planner.*
- (A) An architectural review certificate for specific classes of building permits, including fences, signs, siding, window and door replacement, roofing, the addition or replacement of decorative features, minor demolition, residential additions, and other construction of a minor nature, may be issued by the city planner, after a review and determination that the proposed construction is in general accordance with the standards set forth in subsection 3.25.
 - (B) The city planner may refer any permit application for demolition or construction in the historic district for consultation with commission.
 - (C) All decisions of the city planner pursuant to this subsection shall be documented on the building permit. When the city planner grants a conditional approval under this section, all conditions of approval shall be set forth in writing on the building permit. In the event of a denial, the reasons

for such denial shall be documented in a written notice of decision which shall identify all elements of the application found to be contrary to the provisions or intent of this section.

- (D) An applicant may appeal the decision of the city planner to the historic district commission and such appeal shall be considered as an architectural review certification application to the historic district commission and shall meet all of the requirements set forth in subsection 3.23.

3.23 Architectural review certification by the historic district commission.

- (A) The historic district commission shall issue architectural review certificates for the construction or demolition of single-family and two-family homes, and nonresidential structures or additions involving a gross floor area of 3,000 square feet or less, after review of the proposed construction and after a determination that the construction is in general accordance with the standards set forth in subsection 3.25 below.
- (B) All applications to the historic district commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.
- (C) All decisions of the historic district commission pursuant to this subsection shall be formalized in a written notice of decision. When the commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.
- (D) An applicant may appeal the decision of the historic district commission to the planning commission, and such appeal shall be considered as an architectural review certification application to the planning commission and shall meet all of the requirements set forth in subsection 3.24 and subsection 3.26.

3.24 Architectural review certification by the planning commission.

- (A) The planning commission shall issue architectural review certificates referred or appealed to it, upon review of the recommendations of the historic district commission and upon a determination that the proposed construction is in accordance with the standards set forth in subsection 3.25.
- (B) All applications to the planning commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.
- (C) All decisions of the planning commission pursuant to this subsection shall be formalized in a written notice of decision. When the planning commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.

3.25 Architectural review standards.

- (A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.
- (B) The city planner, historic district commission or planning commission shall not consider normal maintenance and repair (see Definitions, article 12), interior arrangement, or building features not subject to public view.

3.26 *Procedures for an architectural review by the historic district commission and/or planning commission.*

- (A) *Architectural preapplication meeting.* Prior to action on any application for an architectural review certificate, the applicant shall meet in person with the city planner or his delegated representative. The purpose of such conference shall be to discuss the proposed construction or other action requiring the certificate in order to determine what information is useful in the determination of conformity with the provisions and intent of the historic district regulation as expressed in this article.
- (B) *Application and fee.* The application to the historic district commission for an architectural review certificate and related information shall be submitted to the city planner at least 30 days prior to the historic district commission meeting at which review is requested and shall be accompanied by a fee as provided for in Appendix F—Fees and Fines.
- (C) *Public hearing.* Prior to the review and action on an architectural review certification, the historic district commission shall hold a public hearing subject to the following public notification procedures:
 - (1) The applicant shall advertise the public hearing newspaper of general circulation at least 15 days prior thereto.
 - (2) The applicant shall notify, by mail, all property owners within 200 feet of the extreme limits of the subject property as their names appear on the municipal tax record at least 15 days prior thereto.
 - (3) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.
 - (4) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating date of mailing for all letters on or before the meeting date.
 - (5) Said notices shall state the date, time, and place of the hearings before the historic district commission, a brief description of the project and shall state that a copy of the application and plan is on file with the planning office for public review.
 - (6) If the planning commission is reviewing a project in accordance with other sections of this article, then the public hearing notice on those applications must also give notice of architectural review certification.
- (D) *Application information.* The applicant shall provide such information and documents listed below which will satisfactorily illustrate the proposed action as indicated in the architectural preapplication meeting required in subsection 3.26(A):
 - (1) All plan elements required in subsection 2.5.
 - (2) Plans and specifications indicating existing and proposed development, including structures, architectural elevation drawings, trees and any other landscaping, existing and proposed, including the general design, location and orientation of structures in relation to curb line, right-of-way line and neighboring buildings, colors, and materials to be used on exterior surfaces, detailed plans for any signs, photographs of the existing site and neighboring buildings, and such other information as will enable the historic district commission or planning commission to determine conformity with the ordinance.
- (E) *City planner report.* For each application to the planning commission the city planner shall issue a report to the planning commission including comments from other agencies detailing how the

application conforms to the requirements of the zoning ordinance and other provision of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and state code requirements. The city planner shall transmit copies of the proposed site development plan and the city planner's report at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.

- (F) *Historic district commission action.* The historic district commission shall act to review and render a recommendation to approve any such application within 45 days of transmittal to the commission or within such additional time as may be consented to by the applicant. The recommendation of the historic district commission shall be forwarded to the planning commission and acted upon by the planning commission in conjunction with action on the associated site development plan. If a site development plan application is not filed in accordance with the provisions of subsection 2.4 of this article within one year of recommendation, the recommendation shall expire. The historic district commission may grant a one-year extension of its recommendation upon written request by the applicant. Such request shall be made in writing to the planning office at least thirty days prior to the expiration of the historic district commission's recommendation.
- (G) *Substantial amendments.* Substantial amendments to an application or an architectural review certificate shall be acted upon in the same manner as the original plan.
- (H) *Expiration of architectural review certification issued by the historic district commission.*
 - (1) Architectural review certification approval shall expire on the last day of the 12th month after the date of approval if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the historic district commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the historic district commission.
 - (2) Request for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such request, the matter shall be considered at the next regularly scheduled meeting of the historic district commission.
 - (3) In considering a request for an extension of approval, the historic district commission shall consider, but not be limited to, the following:
 - (a) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.
 - (b) Whether the applicant has made substantial progress toward obtaining final approvals.
 - (c) Whether there have been any significant changes in the surrounding neighborhood.
 - (d) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.
 - (4) Requests for extensions shall be submitted in writing to the planning office.
 - (5) Under no circumstances shall the historic district commission grant extensions beyond 24 months from the date of first approval.

3.3 Historic district amendments.

- 3.31 *Historic district commission review required.* Any motion or petition to amend, supplement, or repeal a historic district by the city council in accordance with section 5, Amendments, shall require a report by the historic district commission as set forth in article 3, subsection 21.4.
- 3.32 *Review criteria for placing individual structures in a historic district.* The historic district commission may recommend that an individual structure or property be placed in an existing contiguous historic district or be placed in a historic district specifically created for the property or structure upon considering the following criteria and factors:
- (A) Significant value as part of the historical, cultural, artistic, social, ethnic or other heritage of the nation, state or community;
 - (B) Association with an important person or event in national, state, or local history.
 - (C) Representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of indigenous material;
 - (D) Notable work of a master builder, designer, architect, or artist whose individual genius has influenced an era;
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- 3.33 *Review criteria for amendments or creation of new historic districts.* The historic district commission may recommend amendments to an existing historic district, recommend repeal of an existing historic district or recommend the creation of a new historic district upon considering the following criteria:
- (A) Any criteria listed in subsection 3.32.
 - (B) Distinctive character or homogeneity of architectural design or dates of construction throughout the area.
 - (C) Identifiable by clear and distinctive boundaries.
 - (D) Repetition of distinguishing architectural or land use characteristics throughout the area.
- 3.34 *Public hearing required.* For all proposed amendments to the boundary of the historic district, the historic district commission shall hold a public hearing subject to the following public notification procedures:
- (A) The planning office shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.
 - (B) The planning office shall notify, by mail, all directly affected property owners and all property owners within 200 feet of the extreme limits of the properties proposed for addition to or removal from the district as their names appear on the municipal tax record at least 15 days prior thereto.

3.4 *Demolition by neglect.*

- 3.41 *Responsibility of property owners.* Property owners of properties within the historic districts shall not allow their buildings to be demolished by neglect (see Definitions, article 12) by failing to provide ordinary maintenance or repair.
- 3.42 *Responsibility of the historic district commission.* The historic district commission shall monitor the condition of historic properties and existing buildings in the historic district to determine if they are being demolished by neglect by failing to provide ordinary maintenance and repair (see Definitions,

article 12). In the event that the commission determines a demolition by neglect is occurring, it shall carry out the following:

- (A) Determine and set forth steps required to remedy the situations or defects.
- (B) Direct the city planner to inform the property owners of its findings, determination, and recommended remedies.
- (C) In the event that the property owners fail to commence work within the reasonable time allotted by the commission, the commission may direct the building inspector to begin proceedings under chapter 22, buildings, and building regulations, article XI, dangerous buildings, of the Code of Ordinances for the City of Dover to bring about the repair or demolition of the building.

3.43 *Responsibility of the city planner.* The city planner shall notify the historic district commission of buildings within the historic district that have been referred to him by the building inspector that meet the definition of dangerous buildings under the provisions of chapter 22 Buildings and Building Regulations, article XI Dangerous Buildings, of the Code of Ordinances for the City of Dover. In such cases the commission shall determine if the building is being demolished by neglect. Before referring a property to the commission for consideration as demolition by neglect, the city planner shall give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before historic district commission at the time, date and location specified.

(Ord. No. 2011-14, 8-8-2011)



**CITY OF DOVER, DELAWARE
PLANNING COMMISSION
Monday, June 17, 2024 at 7:00 PM**

City Hall Council Chambers, 15 Loockerman Plaza, Dover, Delaware

AGENDA

Written comments are accepted via mail to City of Dover – Planning Commission, P.O. Box 475 Dover DE 19903 and via email at CompPlan@dover.de.us.

IN-PERSON and VIRTUAL MEETING NOTICE

The Planning Commission Meeting for June 17, 2024, will be as an In-Person Meeting at City Hall in City Council Chambers. The public is welcome to attend in person. The Meeting will also be provided as a Virtual Meeting using Webex, an audio video conferencing system as an electronic means of communication. See participation information below to join by phone or computer.

**PUBLIC PARTICIPATION INFORMATION
City of Dover Planning Commission Meeting of June 17, 2024**

Join by Phone: 1-650-479-3208

Access Code: 253 362 20101 (Password: 3683772)

Join Online: <https://bit.ly/PCMeeting6172024>

Webinar Number: 2533 622 0101

Webinar password: DoverPC

If you are new to Webex, get the app now at <https://www.webex.com/> to be ready when the meeting starts. For problems accessing the meeting, please call the Planning Office at (302) 736-7196.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF AGENDA

APPROVAL OF MINUTES

1. Adoption of Minutes of May 20, 2024

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Planning Commission regular meeting date is July 15, 2024 at 7:00 PM.

Update on City Council Actions

Department of Planning & Inspections Updates

OPENING REMARKS CONCERNING MEETING PROCEDURES FOR APPLICATIONS

OLD BUSINESS

Request for Extension of Planning Commission Approval

NEW APPLICATIONS

2. C-24-01 Tower-Based Wireless Communications Facility at 640 Lafferty Lane (Rise Up Towers, LLC) - Public Hearing and Review of a Conditional Use Site Plan application to permit construction of a tower-based wireless communications facility (WCF) and associated equipment compound in the northeastern area of the mini-storage facility property. The proposed wireless support structure is a monopole of 124 feet with a lightning rod for a total height of 129 feet. The 18.68-acre subject property is located on the north side of Lafferty Lane, east of South Bay Road. The property is zoned IPM (Industrial Park Manufacturing Zone). The owner of record (parcel) is Secure Storage, LLC and the applicant (WCF developer/owner) is Rise Up Towers, LLC. Property Address: 640 Lafferty Lane. Tax Parcel: ED05-077.00-01-25.00-000. Council District 2.
3. S-24-09 Procter & Gamble Warehouse Expansions & Parking Improvements - Public Hearing and Review of a Site Development Plan Application to permit a phased construction of a 110,000 SF addition to JE Warehouse, a 20,000 SF addition to Warehouse 3, an expansion of employee/visitor parking lot, an expansion and reconfiguration of contractor parking lot, and expansion of truck drop Lots A & B with associated site improvements. The property of 84.10 acres ± is zoned IPM (Industrial Park Manufacturing Zone) and is subject to the SWPOZ (Source Water Protection Overlay Zone): Tier 3 – Excellent Recharge Area. The property is located on the south side of W. North Street/Hazlettsville Road at the southeast corner of Electric Avenue and Mifflin Road intersection with W. North Street. The owner of record is The Dover Wipes Company and equitable owner Procter & Gamble. Property Address: 1340 W. North Street. Tax Parcel: ED-05-076.00-01-07.00-000. Council District 2. *Waiver Requests: Elimination of Upright Curbing, Partial Elimination of Sidewalks, and Consideration of Performance Standards Review Application.*

NEW BUSINESS

4. HI-24-02 Building at 148 S. Bradford Street: Demolition – Appeal to the Planning Commission of the Historic District Commission Action to deny the Architectural Review Certification for the Demolition of the existing 1 ½ story, stucco clad building. The parcel consists of 0.13 +/- acres of land. The property is zoned C-2 (Central Commercial Zone) and subject to H (Historic District Zone). The property is located on the west side of S. Bradford Street and slightly north of Minor Street Alley. The owner of record is Russell and Dee Ann Widder. The applicant is the Downtown Dover Partnership. Property Address: 148 S. Bradford Street. Tax Parcel: ED-05-077.09-02-25.00-000. Council District 4.

5. HI-24-03 Building at 150 S. Bradford Street: Demolition – Appeal to the Planning Commission of the Historic District Commission Action to deny the Architectural Review Certification for the Demolition of the existing 2 ½ story, frame building. The parcel consists of 0.17 +/- acres of land. The property is zoned C-2 (Central Commercial Zone) and subject to H (Historic District Zone). The property is located on the west side of S. Bradford Street at the corner with Minor Street Alley. The owner of record is CEI Properties, LLC. The applicant is the Downtown Dover Partnership. Property Address: 150 S. Bradford Street. Tax Parcel: ED-05-077.09-02-27.00-000. Council District 4.

ADJOURN

Posted Agenda: June 7, 2024.

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(e)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING.

CITY OF DOVER PLANNING COMMISSION
JUNE 17, 2024

The Meeting of the City of Dover Planning Commission was held on Monday, June 17, 2024 at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system WebEx. The Meeting Session was conducted with Vice Chair Mrs. Denney presiding. Members present were Mr. Cooper, Mr. Roach (virtual), Mr. Witham, Mr. Reaves and Mrs. Welsh. Mr. Baldwin, Dr. Jones and Mrs. Maucher were absent.

Staff members present were Mrs. Dawn Melson-Williams, Ms. Katherine Oehmke, Mr. Jason Lyon (virtual), and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA

Mr. Witham moved to approve the Agenda as submitted, seconded by Mrs. Welsh and the motion was carried 6-0 with Mr. Baldwin, Dr. Jones and Mrs. Maucher absent.

APPROVAL OF MEETING MINUTES OF MAY 20, 2024

Mrs. Welsh moved to approve the Planning Commission Meeting Minutes of May 20, 2024, seconded by Mr. Witham and the motion was carried 6-0 with Mr. Baldwin, Dr. Jones and Mrs. Maucher absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, July 15, 2024 at 7:00PM in the City Hall Council Chambers.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on June 10 & 11, 2024.

Mrs. Melson-Williams stated that our offices have been involved in it seems like a special event every weekend and this upcoming weekend is Positively Dover; the African American Festival. Staff is involved with the Special Event permitting for that. She does also want to bring to everyone's attention that DNREC, their Division of Parks and Recreation is preparing to update the Statewide Comprehensive Outdoor Recreation Plan known as SCORP. It relates to the State's recreation inventory and identifies needs for infrastructure and programs and public planning related to recreational opportunities. They have scheduled a series of five community information sessions across the State. The one that may be of most interest here that's to be held in Kent County is scheduled for June 25, 2024 at 5:30PM at the Kent County Public Library. If you need more information on that, certainly visit DNREC's website at www.DNREC.delaware.gov/parks/planning/scorupdate and you can find more information.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the In-Person Meeting and Virtual Meeting using the WebEx system.

OLD BUSINESS

Requests for Extensions of Planning Commission Approval: None

NEW APPLICATIONS

C-24-01 Tower-Based Wireless Communications Facility at 640 Lafferty Lane (Rise Up Towers, LLC) - Public Hearing and Review of a Conditional Use Site Plan application to permit construction of a tower-based wireless communications facility (WCF) and associated equipment compound in the northeastern area of the mini-storage facility property. The proposed wireless support structure is a monopole of 124 feet with a lightning rod for a total height of 129 feet. The 18.68-acre subject property is located on the north side of Lafferty Lane, east of South Bay Road. The property is zoned IPM (Industrial Park Manufacturing Zone). The owner of record (parcel) is Secure Storage, LLC and the applicant (WCF developer/owner) is Rise Up Towers, LLC. Property Address: 640 Lafferty Lane. Tax Parcel: ED05-077.00-01-25.00-000. Council District 2.

Representatives: Mr. Mike Malloy, attorney for Rise Up Towers; Mr. Brett Magaran, project engineer; Mr. Andrew Peterson, radio frequency engineer specialist, Mr. Scott Galloway, general contractor; and Mr. Joe Petrosky, representative of the owner

Mrs. Melson-Williams stated that this is the Tower-Based Wireless Communications Facility proposed at 640 Lafferty Lane. The property owner is actually Secure Storage, LLC but Rise Up Towers, LLC is the applicant/developer in this case. The address 640 Lafferty Lane is a property that is over 6.86 acres in size. It is probably most readily recognized as a mini-storage facility at that site. The property is zoned IPM (Industrial Park Manufacturing Zone) and this proposal is for construction of a Tower Based Wireless Communications Facility; a monopole specifically. She does want to note for our Planning Commission members that they did receive an updated plan set which addresses a number of the Development Advisory Committee comments that were outlined. We have provided that on the Commissioner's desks this evening. Additionally, they did submit for Staff review, the waiver for the Partial Elimination of Upright Curbing. That is something that the City Planner can review and approve. This is a Conditional Use Site Plan application. The proposed monopole is to be a total of 129 feet in height. That is basically a tower monopole that is 124 feet and then there is a 5-foot lightning rod at the top of it. In the height diagram image on the screen, you can see that there would be opportunity for multiple antenna sectors with this construction. It is to be located within a fenced compound area. The area that is fenced is about 50 feet by 50 feet in size. It is enclosed by a chain link fence that meets the minimum height requirements and it is surrounded by a grouping of evergreen trees. The IPM (Industrial Park Manufacturing Zone) obviously allows the mini-storage facility as an allowable use and any Tower Based Wireless Communications Facility is a Conditional Use Application when found in non-residential zones. The provisions of the Conditional Use are outlined in the *Zoning Ordinance* and more specifically for Wireless Communications Facilities, there is a section of the Code in the *Zoning Ordinance*, Article 5 Section 23 that outlines how Wireless Communications Facilities are reviewed and their requirements. This is considered a new facility. It is limited to a maximum height of 150 feet for such types, and they are certainly under that. There is also a setback distance from property lines that is required to be 110% of the structure's height. It has to be more than 129 feet from any adjacent property lines. They have placed it in such a fashion that it meets those requirements. There are some additional kind of

conditions related to tower facilities that are outlined and that also includes providing the opportunity for what they would call “co-location.” They have to have a minimum of three other service provider locations on the support structure and they do with this Application. They have the security fence around the compound and the screening of the evergreen plantings. This is an unmanned facility. There is no particular building and as such, we recognize that there really isn’t a parking need for the tower itself. There are certainly some parking options at the mini-storage facility as well as the opportunity for access to this tower compound area. Likewise, Staff has recognized that when it comes to Dumpsters, normally a non-residential use requires two but since this is an unmanned facility, it would likely be the carry-in/carry-out method. They recognize that as an alternative solution. They did file as noted, that request for curbing elimination. Parking areas and drive aisles are intended to have upright curbing. She thinks that Staff can readily approve that (waiver) for this location given the scenario with the limited access to the tower compound. The Plan does note those tree plantings. There are other existing tree plantings as part of the Secure Storage Mini-Storage Facility. There is also an unmarked cemetery that is on part of the mini-storage facility but not where the tower is proposed. Because this property in the IPM (Industrial Park Manufacturing Zone), there is typically a Performance Standards Review process. Planning Staff has found that in making their submission for the tower, that they have likely satisfied any kind of discussion about “objectionable elements” related to its use on the property. This is a Conditional Use Application. Staff has found that the proposal is generally in compliance with the Wireless Communications Facility regulations of the *Zoning Ordinance*. It is a location that has a number of industrial type uses in its proximity and from the views here, there is some vegetation that is going to further screen it from nearby roadways. With their submission, she will also note that they did include the full text of the Wireless Communications Facility Ordinance. She thinks that this is the first time that the Planning Commission has seen that. In their submission, they provided kind of a background document about their project and then there is also from the FAA (Federal Aviation Administration), a determination of “No Hazard to Air Navigation” that was submitted as well. Most people recognize that this is in the southeastern portion of the City which is in proximity to the Dover Air Force Base. The Planning Commission tonight will be looking at that Conditional Use Site Plan.

Mr. Malloy stated that he has a full team ready to answer any questions that the Planning Commission may have about the application. Rise Up Towers really began ten (10) years ago. His business partner started a tower company where he built primarily for leases on municipal land and public land. He always looked for out-of-the way spaces. He did it in 2009 because he recognized that the iPhone was coming out and so that created this boom for towers. About 2.5 years ago, he recognized after COVID that we are constantly on our phones and we are constantly using more and more capacity. Rise Up Towers specializes in two things: placing towers on municipal land and also working hand-in-hand with T-Mobile for their most problem locations. In this case, they have a utility pole where the lease is expiring. T-Mobile, he will have you know, is becoming the third largest wireless provider of internet service in the country. They are entirely tower based. So, when a tower becomes threatened or an antenna location becomes threatened, they go into full relocation mode. They call us; they came in and found what they think is a great location, industrially zoned, dimensionally sound, and in compliance with your Ordinances. They think it will not have an adverse impact on any future development of the area. They think it’s compatible with the area. They have given consideration to stealthing, and they

think that the traditional kind of stealth would look a little ridiculous. They have a saying, “you can’t tell us where the nearest cell tower is, but you can always tell us where the nearest tree cell tower is.” This one would stand out like a sore thumb in the middle of nowhere. Given the proximity of the airport, it is going to require lights at the top; so, it’s not something that you want to cloak or hide necessarily. They think that it’s vital to provide the coverage and to allow T-Mobile to maintain the coverage in the area. They think that this is the lowest possible tower that they could get. They recognize that the Ordinance would have let them to go higher. They have found what they think is a “sweet spot” that will allow them to put not only four antennas if they are so fortunate that they come abroad and want to lease space, but also what they didn’t point out is that Rise Up Towers also puts any municipal antennas on for free and rent free. Mr. Scott Galloway, the general contractor says to drop them off, tell us where to put them, and they will put them up. They have fifteen (15) towers under development right now. They have one that is built in Langhorn, PA and it has four municipal antennas on it. They have leases for \$1.00. They expect some sort of emergency management or some sort of interest maybe from other utility providers. They clearly agree with all of the comments on the Advisory Committee’s memo. They actually turned around that Revised Plan given our rescheduling to this meeting.

Mr. Witham stated that the articles of our Ordinance require you to demonstrate that the proposed structure cannot be accommodated on existing approved buildings. Is this going to be a freestanding antenna? Responding to M. Witham, Mr. Malloy stated yes.

Mr. Witham asked if there were any updates on why it can’t be attached to a building. Responding to Mr. Witham, Mr. Malloy stated that this is why he has experts and Mr. Andy Peterson may be standing up right now to take a walk down; he will answer that question. The long and short of it is, we are near the airport and there are no really tall buildings. It’s tough to accommodate that antenna anywhere.

Mr. Peterson stated that the short answer is that where T-Mobile is currently installed with their antennas on a utility structure is about three quarters of a mile southwest of this location. They have to remove their antennas from that structure, so they are looking for a new facility to support their antennas. The overwhelming preference from the carriers is to utilize existing tall buildings or existing towers. That way they don’t have to tap a Rise Up or another tower developer and go through the ordeal of building a new structure. In this case though, there is nothing in the area that even approaches the height that is required here. As was testified, we are going to have the antennas at 124 feet. The closest structures in height to that are the utility towers at about 80-90 feet or so and T-Mobile has to come off of there. In order to adequately replace the coverage that is being lost, they need to have the antennas elevated to that height of 124 feet. That is going to replace the coverage that is being anticipated to be lost here and actually improve things a little bit to the north of the exchange there the highways.

Mr. Reaves stated that regards to the Kent Conservation District and where it speaks to the stormwater plans, it says on the map plan it doesn’t have the site for the third pond. Are you going to show that on the map? Responding to Mr. Reaves, Mr. Peterson stated that they certainly can. The site itself is entirely gravel. The County (KCD) has asked them to submit some sort of stormwater calculation along with their next submission or before Building Permit. So, they will include some kind of calculation because he understands that the City also

recognizes gravel as impervious surface. They are adding very little stormwater, but they did see that comment and they will make sure they go back and add whatever basin structure they need to add there and plus submit whatever minimal stormwater calculations they will have to provide.

Mrs. Melson-Williams stated that the Kent Conservation District is the delegated stormwater management agency and they have, as noted in their comment, an active approved plan for stormwater management for what was a phase development of the mini-storage facility. She thinks that the closest pond is Pond #3 that may not have been implemented as of yet. In order for them, should this be successful tonight, to move onto the next step as part of any final plan approval, the Kent Conservation District will have to sign off on their submission. It sounds like they are willing to focus in on this one particular tower construction and look at the stormwater impact to make sure the plans plan for that accordingly.

Mrs. Welsh stated that they mentioned the airport, but she is assuming that they mean the Air Force Base. Responding to Mrs. Welsh, Mr. Malloy stated yes.

Mrs. Welsh stated that she didn't see anything in here about coordination with the Air Base. She is assuming that all of that has been taken care of. Responding to Mrs. Welsh, Mr. Malloy stated that before they even approached the City and before they started to obviously invest resources and time and money into this site, they wanted to make sure that everything was clear with the Air Base. They have submitted with the application to the FAA (Federal Aviation Administration) and for clearance with the Base. That is where they got the feedback that the tower will have to have a light on top of it.

Mrs. Denney opened a public hearing and after seeing no one wishing to speak, closed the public hearing.

Mr. Witham asked if they have to take action on the partial elimination of upright curbing or does Staff take care of that? Responding to Mr. Witham, Mrs. Melson-Williams stated that the Waiver Request for the partial elimination of upright curbing is a waiver that the *Zoning Ordinance* allows the City Planner to take action on. They typically list it in your application report just so you are aware of it, but it is something that Staff will deal with. At this point, she is thinking that they are going to be recommending for that approval to eliminate that requirement.

Mrs. Welsh moved to approve C-24-01 Tower-Based Wireless Communications Facility at 640 Lafferty Lane (Rise Up Towers, LLC), seconded by Mr. Witham and the motion was carried by 6-0 by roll call vote with Mr. Baldwin, Dr. Jones and Mrs. Maucher absent. Mrs. Welsh voting yes; it is a well thoughtout design and it looks like everything has been covered that needs to be addressed. It looks like a good plan that will benefit the community. Mr. Cooper voting yes; for reasons stated. Mr. Roach voting yes. Mr. Witham voting yes; for the reasons stated on the record and for the information that is submitted in the application. Mr. Reaves voting yes; for reasons previously stated. Mrs. Denney voting yes; she definitely think that it's needed and it will be a benefit to our community.

S-24-09 Procter & Gamble Warehouse Expansions & Parking Improvements - Public Hearing

and Review of a Site Development Plan Application to permit a phased construction of a 110,000 SF addition to JE Warehouse, a 20,000 SF addition to Warehouse 3, an expansion of employee/visitor parking lot, an expansion and reconfiguration of contractor parking lot, and expansion of truck drop Lots A & B with associated site improvements. The property of 84.10 acres ± is zoned IPM (Industrial Park Manufacturing Zone) and is subject to the SWPOZ (Source Water Protection Overlay Zone): Tier 3 – Excellent Recharge Area. The property is located on the south side of W. North Street/Hazletville Road at the southeast corner of Electric Avenue and Mifflin Road intersection with W. North Street. The owner of record is The Dover Wipes Company and equitable owner Procter & Gamble. Property Address: 1340 W. North Street. Tax Parcel: ED-05-076.00-01-07.00-000. Council District 2. *Waiver Requests: Elimination of Upright Curbing, Partial Elimination of Sidewalks, and Consideration of Performance Standards Review Application.*

Representatives: Mr. Bob Palmer, Beacon Engineering; Mr. Joe Taylor, Procter & Gamble, Mr. Justin Hebert, Procter & Gamble

Mrs. Melson-Williams stated that this is a Site Development Master Plan because they are showing us a series of phases for this project at Procter & Gamble located at 1340 West North Street. The property is just over 84 acres of land. It is zoned IPM (Industrial Park Manufacturing Zone) and there is a portion of it that is subject to the SWPOZ (Source Water Protection Overlay Zone): Tier 3 – Excellent Recharge Area. On the image on the screen, it's the kind of shaded light gray that swoops in from the left towards the bottom of the image. Since we are talking about that, with the SWPOZ (Source Water Protection Overlay Zone) there is a maximum lot coverage for that portion of the site. It is limited to 30%; however, impervious cover can be increased to 60% if they are doing a infiltration method for stormwater management and in this project, it is targeting that in that area. The project is several phases and they are outlined here. The blue color shown on the screen is two areas of improvement. First in the far upper left corner, there is the contractor parking lot. In this case, it would be reconfigured and also have a connection to Electric Avenue. These are contractors that work on the property; it's not just for construction but they are in the plant on a daily basis. The second phase is Phase II as shown in green and this is the two warehouse expansions. There is a larger one on the west side of the building (kind of "L" shaped in size); and then a small warehouse, there on the southeast corner of the building. Those are the building aspects of the project. Phase III which is shown in red is improvements to what is called the "Truck Drop Lot A area" and this is where truck and trailer parking spaces are currently but there will be some improvements to that parking area. Phase IV, shown in yellow adjacent to North Street, is improvements to the Employee and Visitor Parking Lot area that has over 262 vehicle parking spaces. This project is multiphases. It met the qualifications to have to go through the Preliminary Land Use Services review process. Those comments from the PLUS Review were made part of the Planning Commission meeting packet and also the applicant's response to those comments as well. Over time, there have been several applications for this site as its expanded since its initial construction, but this is the first one in probably just over ten years for the site. It is an industrial area of the City and it has neighbors of Kraft Heinz and some utility infrastructure and to its west and south is the Shutte Park which is a City owned park which is accessed from Electric Avenue. The IPM (Industrial Park Manufacturing Zone) of this property does allow for a manufacturing facility and the associated warehouse shipment and distribution type logistics supports for that facility. With a Site

Development Master Plan, it allows basically one trip to the Planning Commission where they present in concept the phases for the project and then each phase would not have to come back to the Planning Commission if there are no significant changes. It would go through an Administrative Site Plan review process. It allows them to put the big picture out there for the Planning Commission and then have the technical review process move through an administrative process. The next slide shows some existing conditions. We do see parking in all three of the areas where parking will ultimately play out. One thing of note here is that there is a swale drainage ditch that crosses through the property. As part of the Master Plan, that ditch network will be partially piped to allow for the accommodation for the proximity to the new warehouse addition on this project.

Parking for this site has been a little tricky to say the least. There was previously a Variance Application back in 2013 that established at that time, a set number for the parking requirements for that property. Parking in the IPM (Industrial Park Manufacturing Zone) is either based on a rate based on a floor area calculation or a number of employees on the largest shift. The applicant provided a narrative letter that Staff has analyzed. That Variance from a number of years ago with the massing of the building basically how it is today, set the parking requirement at 306 parking spaces; so, we clearly have that. If you looked at that Variance closely, it translates at a rate based on almost double (rate of 1 space per 1,600 SF) what the Code would require. They are recognizing that and also finding that from a parking perspective while there are two lots that are really targeted for the vehicle parking spaces of the normal passenger vehicle, parking in the truck and trailer areas could accommodate a lot more vehicle parking spaces if it had to be converted for passenger parking should staffing increase there. Staff is satisfied that they meet their parking requirements for this property. Likewise for loading spaces, there are truck docks pretty much around the building on almost all sides so that clearly would be sufficient based on the call to Planning Staff to determine that sufficiency when buildings are in excess of 150,000 SF in size. The maximum that the Code can require is three and they are certainly well beyond that. They are providing bicycle parking and the site includes improvements to what will be the main access point to West North Street. There is lighting throughout these parking lot areas. Their Dumpsters are a process as part of the manufacturing facility itself. They are requesting partial elimination of curbing in select areas. Planning Staff has granted approval of that finding that they intend to use some of that elimination of curbing for stormwater management practices adjacent to some of the parking areas. They may include the parking bumper at the head of its parking spaces that do need that. The other Waiver Request for the Planning Commission to consider is the partial elimination of sidewalks. Along North Street, there is a multi-use path that is there. As part of this project they will construct sidewalk along a portion of Electric Avenue but are seeking relief for kind of the balance of Electric Avenue. They intend to construct about 450 feet of sidewalk which carries it to the entrance of the contractor parking area, but for the balance of that where it would run along the east side of Electric Avenue past the truck areas and around the curve, they are asking for relief from that. Staff is recommending approval of that to the Planning Commission, but it is the Planning Commission's decision regarding that sidewalk.

The project site also includes some wetland areas and they have included the appropriate buffering from that. There is a portion of the eastern part of the site that is subject to the Special Flood Hazard Area, the 100-Year Flood Plain. Their project development is not near that. The

final thing with an IPM (Industrial Park Manufacturing Zone) property is the Performance Standards Review Application. They have submitted a narrative focused on how the project would not have any of the “objectionable elements” that are outlined in our Code. This Plan does include landscaping as part of it. There is some woodland area that will be eliminated as part of the phase for expansion of one of the truck drop lots, but they are under the maximum clearing that is allowed related to woodland areas. For the Planning Commission, remember that this is a Site Development Master Plan. They have the Waiver for the partial elimination of sidewalks to consider and also whether they have satisfactorily made their case as part of the Performance Standards Review Application.

Mr. Palmer stated that as Mrs. Melson-Williams was giving the presentation, he checked off items that he wanted to cover; so, he won't be duplicative. There are a few things that he wants to go over, in particular, the dumpsters and recycling. The area where the “L” shaped building is actually called the JE Warehouse. The point of this project is not only expansion of the growing need for Procter & Gamble's products, but it's also a facility efficiency project. What he means by that is that there is a shortage of warehousing space for both raw materials and finished product. And there is also a shortage of trailer space on the project as you can see by the number of parking spaces that they are adding for the drop lots. What happens today is, the trucks bring in raw materials and they are checked in at the guard house. Those trucks are either dispatched to a drop lot space where a yard jockey will then bring them to the plant to off load the product, or those trucks will be turned around and sent back out to offsite warehousing within the community or an offsite drop lot that is up north of town. When that raw material is needed at the plant, then a truck is dispatched to gather that material and then it is checked back in at the guard shack and distributed about the property. Unfortunately, the same thing happens with the finished product. So, through this project it is as much an expansion as it is creating efficiency for the operation at this facility which will have a benefit to reducing truck traffic by 26-30% when the project is completed. Getting back to the Dumpster area, in the alcove which is at the bottom just left of center, that is the proposed JE Warehouse expansion. In that kind of right end of the “L”, that's where two roll-offs are located for trash that's created at the facility as well as a recycling space. Those Dumpsters in that covered roll-off area will be relocated to the south side of the building and we have an area earmarked in the southwest corner. There is discussion about moving it to the south central area in one of the existing loading bays kind of in the top center to the right of that lower bump out, basically in between where the Warehouse 3 expansion is shown in the southeast corner. It would be just west of that. They are providing their Dumpsters and making sure that they are covered and screened from view.

He would like to talk about the sidewalk waiver and the shared use path across the front of the property. In discussing with Staff and kind of pondering the nature of the request, with existing pathways through Schutte Park and the main pedestrian draw of Schutte Park for the ball fields and other activities that go on at the park, it doesn't feel like a wise use of sidewalk on the eastern side along the wooded area. What he means by that is, not only does the sidewalk provide access to the park, but it would also provide access to the facility that it runs along. The existing facility is restricted. There is a fence that runs around the entire perimeter of the property so there would be no access or opportunity for pedestrians accessing the facility from a sidewalk that ran any further south than the proposed entrance to the contractor lot. That is really the main basis for the Waiver Request. They did speak with Staff about some opportunities to

provide alternative means of compliance and they intend to work through that process and whether it's made whole in that it's a true one for one transition or alternative or whether it's some higher percentage. They do have intention of complying but in an alternate way. For wetland and buffering, Mrs. Melson-Williams spoke about the wetlands that are shown on the Plan. They did have a delineation conducted. The Army Corps of Engineers and Subaqueous Land Section from DNREC were both present and have signed off on the wetland delineation as it's been depicted on the Plan. With the acreage of undeveloped area that they have at the south side of the facility, they are intending to avoid any disturbance to any of the Code prescribed wetland buffers. With regard to the Performance Standards, he won't belabor the Report that they prepared, but he does want to touch on the comment with regard to DelDOT. They have since met with DelDOT and held our presubmittal meeting to discuss the continued use of the existing entrance. They are in the process of working with DelDOT to seek a design deviation from the left turn lane warrant. There's a left turn lane that's warranted, a right turn lane that's warranted, and the existing right turn lane at the facility exceeds the minimum requirement. There is a third lane for truck queuing and staging that is proposed at the guard shack to also help with maintaining trucks onsite as they are going through the check in process. The other item of note that he thinks is important from a multi-modal perspective is that DelDOT is requiring that the existing bus stop that's in front of Procter & Gamble be improved for ADA accessibility. So, that bus pad will be improved to meet current requirements and it will be relocated slightly east of its current location; they are coordinating with DelDOT with all of that. With regard to the DAC comments, they see no issues with any of the comments or recommendations and it's their intent to comply with those comments. There was a note about electric and providing consideration for electric vehicles charging. He will let Mr. Hebert or Mr. Taylor speak to this, but essentially, Procter & Gamble's corporate policy hasn't been updated to allow that provision to exist on the property. They are looking at renewable energy sources. They have several acres of rooftop. They are considering solar panels but that's very early in the process. They haven't made any final decisions yet but they are looking very seriously at it. Mrs. Melson-Williams referenced that they have a number of locations where they have bicycle parking. They have two access points for pedestrian mobility, along with the existing shared use path that runs along West North Street. He spoke to the bus stop that would serve not only the employees at Procter & Gamble, but the visitors and travelers in the area. So, they have also taken a look at the multi-modal element.

Mr. Reaves asked what impact, if any, would that have on the individuals who travel down that road to the Little League fields? Responding to Mr. Reaves, Mr. Palmer stated that he is not sure that he understands the question.

Mr. Reaves asked if any of the construction or any of the improvements hinder people from traveling down Electric Avenue to the baseball fields? Responding to Mr. Reaves, Mr. Palmer stated that there is no intent to disrupt the existing traffic pattern. They do have, as you can see on the screen, the proposed entrance to the reconstructed contractor parking lot. They are working with Mr. Lyon and his team to make sure that it all meets City Code. There may be lane closures during the day but during the nights and weekends, there would be no construction. Their construction entrance would be used during the construction and development of the drop lots and also bringing raw materials in for constructing the two warehouses. From a traffic perspective, they will see an uptick in traffic on Electric Avenue during construction but it would

be during normal working hours, not evenings and weekends and times when the ball fields would be in play.

Mr. Reaves stated that during the normal operation once you get everything constructed, Schutte Park is often used for a lot of high schools and middle schools for cross country and a lot of people run inside that park. Will that have any impact environmentally on anyone that is participating in sports in that area? Responding to Mr. Reaves, Mr. Palmer stated no.

Mr. Witham stated that given the expansion of the warehouse facilities, he would expect that you may anticipate an increased number of trucks going in and out of the property. Have you considered if that is going to have any adverse effect that you are aware of with respect to the roadways? Responding to Mr. Witham, Mr. Palmer stated that this project, despite adding nearly 130,000 SF of warehouse space, will actually reduce the truck traffic that accesses this facility because they are eliminating the duplicative handling of both raw materials and finished product. Raw materials will come into the site once and then they will leave as baby wipes. They are actually proposing that this project will reduce the 10-year projected truck traffic by 20% over today's truck traffic.

Mrs. Denney stated that she is trying to understand the sidewalk issue. So, if you are inside the fence and you have employees parking and as they are walking from their parking lot into their job, walk her through how they get there. Are they crossing parking lots? These days you will see employees go out and take a break at lunch and just take a walk. Will there be some sidewalk or some area available, whether it's just a walking path? Responding to Mrs. Denney, Mr. Malloy stated yes, there are two sources. With the contractor parking lot, there is of course the sidewalk that is proposed along Electric Avenue that connects in with the West North Street and Hazletville Road pedestrian network. That sidewalk comes into the site and then crosses the entrance and runs south on the south side of the parking lot between the contractor lot and the fenced drop lot. There is also a sidewalk that runs in a north/south direction along the east side of the contractor lot that is proposed. Those two sidewalks come together in the southeast corner and then run through a secure area for the workers. There is a crosswalk at the stop movement at the guard shack and then they would continue along with employees. Skipping over to the employees, there is an existing sidewalk that runs along the south side of that employee parking lot. At this point, contractors and employees use the same path. That path continues in an easterly direction, crosses the fire lane, and then there are existing sidewalks that bring the contractors and employees to the main facility entrance. There are a number of outdoor spaces for employees for breaks. There's a number of personnel doors about the facility and there are in some locations, just a picnic table and other cases it might be covered with some sort of an awning. He is not sure if those are sanctioned or if they just kind of show up with employees. There is also a service road that runs around the entire perimeter and while it doesn't qualify as a fire lane in all locations, it's marked as such. There is a line that runs along the entire perimeter of the property along this road and he is told that it's a "health path" should workers desire on their break to walk. There are secure and safe places on the facility to do that.

Mrs. Denney opened the public hearing.

Mr. Zack Prebula – Kent Economic Partnership at 555 Bay Road Dover, DE 19901

Mr. Prebula stated that they are the economic development organization for Kent County and they are in support of this project. Part of his role as a business developer is to focus on business retention and expansion with local companies and this is a great example of a major employer in the area looking to do just that and expand. In 2021, they had the Rockport 2.0 Study completed and this study identified that warehousing and manufacturing as our local target companies for Kent County and Dover. This expansion is looking to touch on both of those target industries. With that being said, they ask that the Commission please support this project.

Mrs. Denney closed the public hearing.

Mrs. Welsh moved to approve S-24-09 Procter & Gamble Warehouse Expansions & Parking Improvements inclusive of the DAC comments and the Waiver Requests for the elimination of upright curbing, for the partial elimination of sidewalks, and consideration of the Performance Standards Review Application, seconded by Mr. Witham and the motion was carried 6-0 by roll call vote with Mr. Baldwin, Dr. Jones and Mrs. Maucher absent. Mrs. Welsh voting yes; the presenters gave a very good description of what they plan to do. It seems like it is very necessary and that their solutions are quite equitable for the improvement of the site and the expansion of business in the Dover area. Mr. Cooper voting yes; based on the motion. Mr. Roach voting yes; based on reasons stated. Mr. Witham voting yes; the Site Development Master Plan appears to him, to be a well-developed and thought-out plan. Mrs. Reaves voting yes; for the reasons stated previously. Mrs. Denney voting yes; she thinks it's well thought-out and it's a really good plan. It's going to bring employment to our area. She did initially have some questions about the sidewalk but now that it's been explained, she thinks it's perfect.

NEW BUSINESS

HI-24-02 Building at 148 S. Bradford Street: Demolition – Appeal to the Planning Commission of the Historic District Commission Action to deny the Architectural Review Certification for the Demolition of the existing 1 ½ story, stucco clad building. The parcel consists of 0.13 +/- acres of land. The property is zoned C-2 (Central Commercial Zone) and subject to H (Historic District Zone). The property is located on the west side of S. Bradford Street and slightly north of Minor Street Alley. The owner of record is Russell and Dee Ann Widder. The applicant is the Downtown Dover Partnership. Property Address: 148 S. Bradford Street. Tax Parcel: ED-05-077.09-02-25.00-000. Council District 4.

HI-24-03 Building at 150 S. Bradford Street: Demolition – Appeal to the Planning Commission of the Historic District Commission Action to deny the Architectural Review Certification for the Demolition of the existing 2 ½ story, frame building. The parcel consists of 0.17 +/- acres of land. The property is zoned C-2 (Central Commercial Zone) and subject to H (Historic District Zone). The property is located on the west side of S. Bradford Street at the corner with Minor Street Alley. The owner of record is CEI Properties, LLC. The applicant is the Downtown Dover Partnership. Property Address: 150 S. Bradford Street. Tax Parcel: ED-05-077.09-02-27.00-000. Council District 4.

Representative: Ms. Diane Laird, Executive Director for Downtown Dover Partnership; Mr. Ken Anderson, Downtown Dover Partnership; Mr. Jed Hatfield, Colonial Parking; Mr. Michael

Caine, Bernardon; Mr. J.D. Bartlett, EDiS Company; Mr. John Childress, Mosaic Development Partners

Mrs. Melson-Williams stated that Application HI-24-02 Building at 148 S. Bradford Street has a proposal for demolition. This is an Appeal from the action taken by the Historic District Commission. In the *Zoning Ordinance*, the requirement for a property such as this in the Historic District then, demolition requires an approval through a process called Architectural Review Certification. This was an Application that was to the Historic District Commission. That application, in front of the Historic District Commission was subject to a public hearing. That Historic District Commission consideration happened back on May 16, 2024 and their vote was a vote of 2-1 to deny the Architectural Review Certification for Demolition. The City's *Zoning Ordinance* in Article 10, Section 3 includes a process whereby the action taken by the Historic District Commission can be appealed to the Planning Commission to determine whether or not the Architectural Review Certification for Demolition should be issued. The information on this Application consists of basically the Report that went initially to the Historic District Commission along with the applicant's request to demolish the building. The information that Staff provided as part of the Staff Review Report notes that basically this is a property that has an existing 1 ½ story building on it. The property is zoned C-2 (Central Commercial Zone) and is within the H (Historic District Zone). On the screen, you see a couple of historical maps who always give kind of a sense of how the building may have come to be. On the screen is the 1868 *Beers Map* where the location is circled, but it's likely not the same building that the map initially depicts. In the Sanborn Map that's next and in the Bird's Eye View Map, we start to see additional buildings in the area. This building at 148 S. Bradford Street still really doesn't look like what is there currently. It doesn't truly appear until you see the 1929 *Sanborn Map* on which it is depicted. From an architectural perspective, it does look like it's an early 1920's construction. The property was noted in the National Register of Historic Places Inventory as a 20th Century construction. You can see that it's kind of a craftsman style building now stucco sheathed. It has that kind of projecting dormer window on the front and there is a more recent addition to the rear. It was listed as part of a Historic District in the National Register of Historic Places known as the Victorian Dover Historic District. With the location, the project is within the City's Historic District and as such, there is a process for review of activities within the Historic District. In this case, their project proposal is for demolition and that's what the applicant initially outlined to the Historic District Commission. The Historic District Commission and now the Planning Commission is charged with review of the *Design Standards and Guidelines of the City of Dover Historic District Zone*. That document includes a discussion in Chapter 4 that deals with demolition. It basically puts forth a series of specific criteria that you are to consider when evaluating a property for demolition. If you are looking at the Report, it's on Page 4 where there are Numbers 1-5 as Items that are identified. Staff initially gave comments and recommendations in regards to the request noting the situation with the potential for demolition and also identifying other options perhaps related to this building or its documentation should its demolition be approved. Back on May 16, 2024, the Historic District Commission conducted a Public Hearing. Their Draft Meeting Minutes were forwarded to the Planning Commission today; and there is also a copy of them on your desks this evening. That was a pretty busy meeting, so it took them a bit to get through the Minutes. The Historic District Commission action was a motion to deny demolition of the building. Tonight, the Appeal to the Planning Commission of that Architectural Review Certification is before you. That Historic District

Commission action can be appealed to the Planning Commission. The Commission has to review it with the same standards. The process and she knows this is probably going to be a little difficult for most of the people in the room to hear, it does not require a Public Hearing in front of the Planning Commission. The Code does not outline that requirement as Planning Staff has read and interpreted the Code. The only time that an Architectural Review Certification is very specifically called out for a hearing before the Planning Commission is when the Planning Commission is considering another application type. For example, if there was a Site Development Plan, you would be also considering the Architectural Review Certification along with that Site Development Plan. In this case they are just looking at just demolition. It is an Appeal regarding the Building at 148 S. Bradford Street. The applicant is given the opportunity to present their Appeal request to the Commission. She believes that they have a number of individuals that will share on their project. There is a presentation that they have and there is also a copy of that on the Commissioner's desks this evening because sometimes seeing screens at a distance may be a little bit difficult.

Ms. Laird stated that as you know, their team is here tonight to Appeal to the Planning Commission with regard to the 2-1 decision of the Historic District Commission to deny the request for demolition of two properties within the Victorian Dover Historic District. This presentation will actually be simultaneous for two properties: this one and the next one on the Agenda. (Note: The next one is HI-24-03 Building at 150 S Bradford Street: Demolition.) These parcels are required to enable the build of a Mobility Center in the heart of the business district and this follows the priority recommendation of the *Capital City 2030: Transforming Downtown Dover Master Plan*. Just to clarify, they are here to discuss the location, the massing, and proposed configuration of the Center, not the actual design which will be discussed at a later time. It would not be a stretch to say that this Mobility Center is the cornerstone on which many components of the much larger, more comprehensive plan rests. A plan that will bring about the growth and development required to make Delaware's Capital City a truly transformed center of sustainable commerce and vibrant residential activity. She wants to take a moment to introduce members of their team that are here this evening: Mr. Todd Stonesifer, DDP Board President; Mr. Ken Anderson, DDP Property Development Director, Mr. Jed Hatfield, President of Colonial Parking, Inc.; Mr. Michael Caine, Senior Designer for Bernardon; Mr. J.D. Bartlett, Operations Manager for EdiS; and Mr. John Childress, Business Development Director from Mosaic Development Partners. You will hear briefly from members of this group tonight. Our team has taken your concerns and suggestions provided as a result of both the Historic District Commission hearing and a subsequent Open House with regard to the design and considerations for this mobility center. They believe that you will find a broad and thoughtful and responsive consideration was given with regard to the input that they have received. They are continuing to seek the best solution for the Mobility Center for the Downtown Dover. While this is just one priority project in the Master Plan, we cannot over emphasize the importance of this specific project as a catalyst to bring about increased public and private investment in mixed use redevelopment and to address parking needs that together, will provide the foundation to reach target numbers of new residents and to fill storefronts that are now well over 50% vacant, including recruitment of restaurants that are so necessary to vibrant cities and require substantial parking resources. Discussion of the need for a parking structure and transportation amenities goes back to at least 2006 when the Hyett Palama consultants recommended three cameo projects; one of which was a parking garage. In 2018, a parking study concluded that while

parking was sufficient at the time, it would be necessary to reassess capacity and that time is now with the targeted infusion of 2,000 new residents over the next 6-8 years and the increase commercial activities to ensure that our storefronts are filled to capacity. In 2019, the *Dover Comprehensive Plan* recommended balancing preservation, development activity and planning initiatives to strengthen Loockerman Street and adjacent areas. Now, the *Capital City 2030 Master Plan* calls for increased density, more residents, varied modes of transportation including cars, bikes, micro-transit and buses, and a coordinated architectural approach that honors the history while introducing new designs that will complement the historic landscape. The 2030 Master Plan engaged and continues to invite considerable input from residents, property and business owners, leaders, subject matter experts, and elected officials by way of charettes, group discussions, one-on-ones, Zoom and in-person meetings, and surveys. At this point, at least 900 people have been engaged and formally weighed in at some point. We focus on a new vibrant future. This future targets some compelling results. Over 900 new residential units and as she mentioned, about 2,000 new residents, a river walk, an art walk, a new amphitheater for music, a grocery store, improved and fully occupied commercial spaces in the district and nearly 800 parking spaces to support this development. The Mobility Hub at the heart of Downtown, is the catalyst for the majority of other re-development recommended in the Plan. The value of the mobility hub has brought in significant plans under consideration through the Dover/Kent MPO include removing some parking on Loockerman Street to invite more place making and pedestrian oriented activities and restaurants with outdoor dining. The Mobility Hub will be able to absorb that parking while promoting Downtown safety and convenience. Onsite professional staffing, consistent monitoring with cameras, better lighting, and more eyes on the street will create a safer area reducing illegal activity and increasing viability of small businesses which will reduce commercial vacancy. This will all enhance residential opportunity along Loockerman Street and in Downtown to focus on people and business.

Mr. Hatfield stated that they have been working on parking with Downtown Dover Partnership for over fifteen years. They have had a lot of time studying this and being involved in the thoughts and planning and have been involved through the Master Plan and now what they are looking at for the implementation of the Mobility Center. As Ms. Laird said, the pivotal role that a Mobility Center plays in attracting retention for businesses Downtown is the lack of parking. It has been referred to as a deterrent over the years and providing a centrally located parking facility that will be support for the small businesses and restaurants Downtown and create one hub for mobility throughout Downtown to help reverse the vacancy in upwards of 50% that's been seen in the current condition. They see this as also a key element to support residential expansion and create a safe and convenient parking area for residents in some of the proposed new residential development Downtown. It also will be owned by the Downtown Dover Partnership to be a source of revenue generation to re-invest into the City. Part of the Master Plan was talking about a parking benefits district so any of the revenue generated from the Mobility Center will come back to the Partnership and be able to be deployed in streetscape improvements and things to improve the Downtown overall. They also looked at through the Master Plan, and where to locate a Mobility Center with an eye towards trying to be in the center of town. They looked at really the star at the center of main and main in Dover with Governors Avenue and Loockerman Street as really the key to Downtown. During the course of the process, the City also looked at what the C-2 (Central Commercial Zone) looked like to be able to support this type of growth and the concept outlined in the Master Plan. So, part of the changes that he's

sure this Committee played a role in and with the Planning Department of the City for the C-2 (Central Commercial Zone) was eliminating parking mandates that previously existed for individual projects. It's a trend that's happening nationally and creates an opportunity for having centralized shared parking rather than each project having parking, often times oversized for its need. A Mobility Center is a little bit different than a parking garage. It is designed to meet a variety of needs. It's designed to bring together all of the different mobility options: bicycle parking, potentially bike sharing, scooter parking, access for car share and electric vehicle charging. Those types of things are within the Mobility Center. It's thought to be kind of a destination from which people can then, within a half a block, be on Loockerman Street or right across the street from the proposed multi-use facility at 120 S. Governors Avenue. It would be a shared facility. Rather than specific to one project, it would be available for people coming to work during the day, for people who live in town at night, for visitors 24 hours a day, and be more efficient and get more utilization than a private single purpose building parking facility may. In the original Master Plan, we contemplated a site that is illustrated on this slide for how they would situate the Mobility Center element on the property. At that time, it was looking at the Bradford Street Parking Lot which is largely owned by the Downtown Dover Partnership and the City of Dover and for its central location and ownership. It seemed like a logical place to be. There was one key property that was not within that ownership structure and they were not able to reach a conclusion to acquire that to make this footprint work. So it drove them to look at what the other options were in locating it. After a lot of research and looking at design, it's what led them to 148 and 150 S. Bradford Street as alternatives to be able to allow the Mobility Center to move forward and fit it to the property. Thanks to the comments of the Historic District Commission, it forced them to go back and really look at what they were contemplating with the project and what were they trying to accomplish. Their initial thought was that the buildings were within the footprint and they needed to remove them to build. At the encouragement of the Historic District Commission, they stepped back and they really went through a fairly extensive process of looking at what are the options. One that they looked at in earnest, and some of the team will talk about a little bit more soon, is relocation. Would it be feasible to preserve these buildings by relocating them somewhere else to get them off of the site? The other option where they started is replacement of those with the Mobility Center; and then the third was co-habitation of how could we preserve those buildings and work with the site with a smaller site around those buildings. That led them to two potential schemes as they started analyzing what could they do with the site. Scheme A on the left was the original plan that occupies from Governors Avenue to South Bradford Street and occupies the entire site including the footprints of 148 & 150 S. Bradford Street. It's a five level parking structure that nets a little over 400 parking spaces which is the goal of the Mobility Center. Scheme B was the co-habitation. How could they design the garage to be able to fit and preserve those buildings? Part of it, they still need some of the land from those properties in order to have the ramping work. The garage encroaches on the back yards but they are able to make it fit. But in order to meet the goal of 400 spaces, it got taller. So less parking per floor, more floors to be able to accommodate the goal. It too, is a little over 400 parking spaces on seven floors rather than five. The rendering on the screen helps kind of put it in context of what that looks like. The same design with Scheme A on the left with five floors and Scheme B on the right with seven floors. He will now turn it over to Mr. Michael Caine who is the project architect working on the project for us who has done a great deal of research and design to figure out what the alternatives are.

Mr. Caine stated that that his company has offices in Philadelphia, Wilmington, and West Chester. They have been a large component in compiling the original *Capital City 2030 Master Plan* including the recommendations for the original scheme. Moving forward, one thing to mention is that for both of these schemes, they are striving to acknowledge not only the architectural fabric of Downtown including the zone of historic cornice lines and historic rooflines, but finding ways to architecturally integrate into the story and compliment those historic structures. Public comments during this June 3, 2024 (Open House) meeting, the majority of them have been in favor of replacing the two structures. They want to ensure the Commission that they intend to address and have investigated all design options as previously addressed by Mr. Hatfield. One thing to note zooming out aerially is that the structure will be located within a five minute walk to the majority of the Central Business District on Loockerman Street, providing an easy way to commute to businesses as well as their further recommendations down the line as part of this Master Plan. He would also like to note the two blue lines are the additional parking garages that are being constructed: one at Legislative Hall and another at Family Court. Those will primarily address the activities pertaining to those activities and this structure will really pertain to the Central Business District for the public. They would also like to acknowledge that this project does sit within the Victorian District of Dover as well as the Historic District of the City itself. They plan to fully investigate architectural implementations to fold their structure into this typology. Zooming out a little bit further and looking at the parcels, he won't belabor this point; he believes Mr. Hatfield and Mrs. Melson-Williams have really outlined thoroughly their intent for these parcels and he will not waste time. Looking at the existing conditions of the site, the two structures in question, 148 and 150 S. Bradford Street are surrounded on three sides by surface parking lots. This will really consolidate and reduce the amount of footprint required for parking. Going into the Historic Places Nomination for the National Register, the index (inventory listing) of these two buildings have been acknowledged. One thing that they would like to note is the block description of the inventory that states within the Nomination 1979 that within the 20th century the residential character of this block has been altered and the buildings were removed and replaced with parking lots in both the center and northern sections of this block. The two structures within the description have only been grouped as an index and not particularly named as contributing structures. That is 118 (S. Bradford Street), which is for the block, the most interesting. It is the chapel north of this site. Going in further, the Historic (National Register) nomination and the character that this nomination was describing may not be fully seen today. Through previous zoning conditions a large portion of the Victorian District's footprint has been eroded to facilitate the creation of dedicated surface parking. With the recently passed C-2 (Central Commercial Zone) Rezoning Ordinance, a conveniently located structure will allow Dover to consolidate parking and rebuild the density lost to surface parking creating a vibrant and cohesive Downtown core. With that consolidated parking, they can begin to imagine the future of Downtown Dover as they reclaim these empty spaces to enhance Dover's fabric. They would also like to acknowledge the *Design Standards and Guidelines* set forth for us through the City of Dover Historic Zone and they would also just like to outline that for these development related applications. The City should review these plans for the new structure and help weigh the virtues of the new versus what exists. The relocation of these two buildings in the eyes of the Historic Zone Design Standards is to be viewed as the same effect as demolition as moving these structures will eliminate the fabric and story that these structures tell to the District in how they are exhibiting or displaying within the blocks that they will be relocated to.

Mr. Bartlett stated that as part of the Historic District Commission's review comments and also comments received from the public at the Open House mentioned on June 3, 2024, they heard a lot of feedback about reconsidering relocation of these structures. As part of their analysis and sort of listening to the concerns of the public and vetting those, he participated in an existing conditions analysis as well as a study on relocation of structures. Starting with the relocation study, in talking with regional experts in the structure moving industry, typically relocations of such are one to two blocks in nature and never further than five blocks. He wants to outline why there is that limitation. The need for relocation is typically in a Downtown setting and you end up with vertical circulation issues related to the routing. As an example, these buildings are 1.5 stories plus and when they are lifted to haul, they would be upwards of thirty feet of aerial clearance. When you think about any direction from this part of the City, there is a lot of trouble that would go into that. There would be detours required for traffic and really the ability to facilitate moving the buildings. He thinks that along with that, we all know the tree canopies in the City of Dover and the aerial utility lines, they really add to the streetscape here. Those would all have to be interpreted. In fact, to relocate these structures they would really have to look at cutting the tree lines back, nearly to the full street width in some cases in order to relocate these buildings. In addition, they also analyzed the existing conditions of the building. He wants to provide a little oversight that isn't clear just by looking at the aesthetics of the exterior. Starting with 148 S. Bradford Street, the existing exterior has stucco which contains asbestos and will need to be completely remediated prior to relocating the structure. He thinks the thing that is difficult to hear is that not only will the whole exterior have to be shed off of the building, in order to do this you would have to remove all of the window trim, the eaves, and the soffits that are all coated with stucco. Those would all of to be removed in order to completely remediate the asbestos. Again, this would all have to be done prior to disturbing this material. On the interior of the building, they have 7,000 SF of asbestos also found in the joint compound of the drywall. Nearly all of the drywall of the building is impacted and again, this would have to be addressed before they could consider disturbing the building. Lastly, in terms of environmental considerations for 148 S. Bradford Street, there is an underground fuel oil tank that is 10,000 gallons adjacent to the foundation. It is noted and a study was completed by the Downtown Dover Partnership that this tank has likely leached into the soil and that's anticipated. That would also have to be addressed. He thinks that the difficulty is without removal of the structure, it would be a question mark as to whether or not they were able to achieve removing all of that soil that needs to be remediated. Moving onto structural considerations on 148 S. Bradford Street, the original structure, again that's a 46x30. Any of the subsequent additions that were done on the structure are not structurally connected meaning the building could not be relocated as one structure. It would have to be relocated in individual pieces. With that, he thinks it's worth noting that the existing exterior wall construction is single width masonry. So, when they talk about preparing to relocate what will be a fragile structure, they will definitely have to invest in shoring and reinforcement. When you think of ship crating that is sort of what would come to mind and would have to be done to prepare this building for relocation. Next, the service entrances for all of the utilities and the bulk of the building systems originate in the basements of these buildings. So in order to lift the structure, those systems would all have to be removed and replaced at its new location. Lastly, related to the context of the original construction, the current windows have been replaced with vinyl windows and they are currently trimmed in aluminum. You can see in the existing photo that it appears that those were wood windows with wood trim

originally. Shifting gears to 150 S. Bradford Street, that structure does not have the same environmental concerns. They did; however, look at the structural considerations. That original structure was a 41x18 and again, the same situation where any of the additions that were done, although they are physically connected, they are not structurally connected so you couldn't relocate the building in one piece. To complicate that, with the porch foundation and floor framing that you kind of see in the 1979 photo on the screen, that porch is independently supported. Again, the roof ties into the sidewalls, but from a foundation standpoint they are independent from each other. To complicate that, there is a projection on the second floor that extends over the porch foundation that is solely supported by the structure that is the porch. One other point of note, the existing chimney interior to the building is in severe disrepair and would have to be removed in order to relocate the building. It's in such a condition that the owner has a setup for cleaning the bricks that fall out of it on a regular basis. The service entrances, again, on this structure originate in the basement and also would have to be removed and reinstalled at its new location as well. To point out what is similar in comparing the 1979 view to today, you will note that the original construction was slate roof and this is now an asphalt shingled roof. The exterior siding previously was a lap siding and it's now a cedar shake siding. You will see in the 1979 view, there was a screened porch and now it's no longer. You can't really see it in the picture provided but he thinks there are other contexts on other sheets. This kind of gives you a better idea of what the current condition is if you are not familiar.

Mr. Hatfield stated that having gone through the exercise that they just enumerated of looking at the three options that they identified: a relocation, of removal. and of cohabitation, where they have landed in their conclusion of the best option to be able to create this vital element to the Downtown Dover Master Plan was with removal of the buildings. They think relocation is not practical for all of the reasons that Mr. Bartlett enumerated. So, its looking at how do we create the best Mobility Center for the future of Downtown Dover and be able to provide that critical element for the future master planning. Keeping it five stories rather than seven was part of the consideration. In the design of the full block, because of the ramping requirements, they are also able to gain a little more ground level retail in the Governors Avenue side which they are contemplating maybe a bicycle shop for that form of mobility or other amenities for the Downtown. It created an improved visibility. The Mobility Center will be visible from both Bradford Street and Governors Avenue rather than hidden behind the two existing buildings. As the earlier slide illustrated it's the five-minute radius to everything within the Downtown, it creates a pedestrian friendly path. It would have the opportunity to improve Minor Street as a pedestrian connector as well as its connection and to both to the planned multi use facility at 120 S. Governors Avenue and the half a block to all of the businesses along Loockerman Street. For all of those reasons, they have concluded that the best design for the Mobility Center would be the removal of the buildings at 148 and 150 S. Bradford Street and designing the whole block.

Mr. Stonesifer stated that he is the President of the Downtown Dover Partnership and he lives and works Downtown and he owns buildings Downtown. He is so proud of how far we've come in the Master Plan for of the future of the City of Dover. He is super excited about where we are going. He remembers his own history of walking Downtown on Governors Avenue and Loockerman Street and it was the center of commerce. Everything was open. Sears was there. Athletic Attic was there. They did all of their shopping there. Today, we are where we are. This is the history of Dover. We want to preserve the history. The definition of insanity is doing the

same thing and expecting a different result. They have come so far. They have federal grants that the private sector can't obtain to clean up environmental conditions. They have State funding; the Governor's Team has supported the success of this Plan through the offering of \$25 million. \$15 million of that money comes with strings and those strings say that the money has to be spent by December 31, 2026. You guys (the Commission) has a decision that will absolutely make or break the success of this Master Plan. Anything other than yes, you are allowed to take those buildings and replace them for the betterment of the City of Dover, sets them back to a point where they cannot meet that requirement. The entire thing hinges on tonight. Please be careful, please be considerate, and please make a wise decision. With that, they ask that the Commission please consider demolition and the replacement of these two buildings so that they can prune this bush and they can save the history of the rest of the Downtown of the City of Dover. They promise that they will do everything in their power to make as many people happy as possible, but they understand that they can't make everybody happy all of the time.

Mrs. Denney stated that this point there is no public hearing because this is an Appeal on a decision that was made by the Historic District Commission to deny this. There is no public hearing and no public comment. At this point, the Commissioners certainly have an opportunity to discuss this and then vote on it.

Mr. Witham asked that since this is an Appeal, is the appeal "day novo" or on the record. Responding to Mr. Witham, Mrs. Denney stated that it's really on the record. They were provided with the minutes at the eleventh hour, which could help them understand their thinking process, but it's just an Appeal on what they found. Do we agree with it or do we not?

Mr. Witham stated that given that it's an Appeal on the record, he would move if it's appropriate, that we add to the record the Draft Minutes of the decision of the City of Dover Historic District Commission. Since this is only a Draft, his motion would apply to a Final Minutes of the Meeting since the Appeal has to be based upon that decision by the Historic District Commission. Second of all, he would add to that that they should also admit into the official record the applicant's presentation today which is reflected on the slides and we all have hand copies of the record along with those portions of the Code that tells us what's involved with the demolition from the City standpoint. He thinks Mrs. Melson-Williams knows what he's talking about; the actual standards that they have to go by.

Mrs. Melson-Williams stated that for the *Design Standards and Guidelines* document, they were included as part of the transmittal for tonight's meeting. They are listed in the attachments and as were the Draft Minutes excerpt. When they issued their Staff Report, they were pending completion and they got through the two applications that they needed to for tonight's meeting. But there is a motion by Mr. Witham to clearly add some things to the record, you will need a second and an action on that and then we can proceed.

Mr. Witham moved to add the Minutes from the Historic District Commission and comments from this evening to the record prior to our decision making, seconded by Mrs. Welsh and the motion was carried 6-0 by voice vote with Mr. Baldwin, Dr. Jones and Mrs. Maucher absent.

Mr. Witham asked if the opponents have a right to respond or not. Responding to Mr. Witham,

Mrs. Melson-Williams stated that she noted at the beginning that the *Zoning Ordinance* and Article 10 Section 3 is where it talks about this process called Architectural Review Certification. It lays out certain types of activities that can be reviewed by Staff, others that require Historic District Commission action, and even a third level if it's a project that is going through a Site Plan review process and then it's the Historic District Commission and a Planning Commission action. When it is an Application to the Historic District Commission, they conduct a public hearing and take action on what is called Architectural Review Certification which is basically the authorization of the project finding that it meets the City's *Guidelines and Standards* for the Historic District Zone which is a somewhat subjective document. That *Zoning Ordinance* allows the Historic District Commission action on an Architectural Review Certification to be appealed to the Planning Commission. So, that is what we have this evening; an Appeal of the decision that was made by the Historic District Commission. What the Planning Commission is really charged with is for their Architectural Review Certification Request for Demolition whether you agree with the Historic District Commission or you think otherwise and would grant that Architectural Review Certification. The Code charges you to look at the provisions for an Architectural Review Certificate in that the Code, Article 10 Section 3.25 Architectural Review Standards, Item A states, "an architectural review certificate may be issued if it's found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complimentary to the traditional architectural standards of the Historic District as set forth in the Historic District Guidelines and Standards adopted by the Planning Commission and as set forth by the Secretary of Interior Standards for Rehabilitation." That statement really focuses on if they were building new or doing something with materials on a structure. It doesn't really necessarily focus on demolition; however, the "Design Guidelines and Standards" that are referenced in that Code are the *Design Standards and Guidelines for the Historic District Zone* document which does have a discussion about demolition. That discussion gives a series of criteria upon which to evaluate demolition and its certification for it to be allowed to happen. You can certainly look at those criteria and make your determination of whether their proposal meets those criteria or could meet those criteria with additional conditions perhaps in looking at a way to focus on that Architectural Review Certification process. In short, you have a decision that the Historic District Commission came to. The Planning Commission is charged at looking at the same thing basically. That's why Staff gave you all of the same documentation that was presented to the Historic District Commission and their meeting minutes. The Planning Commission then goes through kind of the same process to look at Architectural Review Certification. Staff has looked on the question of whether the opposing side gets to speak. In looking at the Code, it does not specifically say that an Appeal to the Planning Commission requires a public hearing. The references in that section talk specifically about hearings before the Historic District Commission. The only reference to a public hearing before the Planning Commission in that referenced section, in Article 10 Section 3.26C Item 6 is that "if the Planning Commission is reviewing another type of application process wise; Conditional Use, Site Plan, or whatever the case may be, then the notice of public hearing on those types of applications must also reference that an Architectural Review Certification is under consideration." In that situation, the scenario would be a new building that required it to go to the Historic District Commission, the Historic District Commission makes a recommendation to the Planning Commission, and as part of your review as a Site Plan, you have a public hearing and it also includes that action on Architectural Review Certification. She knows that it is a little

confusing, but it is Staff's interpretation that an Appeal does not require a public hearing at the Planning Commission level.

Mrs. Denney stated that what they do have the opportunity to do, is ask questions and speak among ourselves.

Mrs. Welsh stated that she is just curious as far as reviewing the Scheme A and Scheme B proposals in the packet. At this point, she is hearing that demolition is the only option. She is curious as to the purpose of the two schemes. Was that an exercise in economics or feasibility or is that something that they can contemplate at this point? Responding to Mrs. Welsh, Mrs. Denney stated that they are here not to say whether or not they like a certain plan. They are here for is the Historic District Commission voted that this should not happen and there is an Appeal as to whether or not they take that side. It's not about what will replace it because they all know that it's not another historic building.

Mrs. Welsh stated that she understands that. It's not so much that she's saying that they would choose one over the other or that we are looking at that, she is just not sure why it was brought to their attention. Responding to Mrs. Welsh, Mrs. Denney stated that she was listening and letting them go on and thinking that she's not exactly sure because they are not deciding on what they do next. She feels privileged to be on a Board for the City of Dover. She has said this from time to time in public hearings and things, we live in the Capital City of the State that started the Nation. It is filled with history; it's part of history. Whether this building was built in 1638 or it was built in the 1900's, when you follow it through that legacy, it's not all about the buildings in the 1600's. We are packed with tourism; people come because of our history. What it demonstrates to the people is that you can follow through the architecture. She has often said to her kids that her grandkids will all look up and say that's Victorian because she always says if you go to New York City, look up. That's where the real story is. You can follow our history through the architecture. In reading the Minutes, that's somewhat what the Historic District Commission was saying when they said no. Again, we are just here to hear the Appeal, but they did allow the applicants to tell them why. They kind of gave them a little plan but in this Design Plan, which by the way they wouldn't be held to anyway. She doesn't see any historic Victorian building like we would see if we went to New York City or someplace like that. The other thing is that absolutely right, is the testimony tonight is theirs. Its adjacent to an empty lot that doesn't have Victorian buildings because somebody let them take them down.

Mrs. Melson-Williams stated that Staff would note that they think why we heard a little bit about potential schemes is that it was part of their evaluation and looking at the criteria because the criteria for demolition does give some suggestion as to looking at what is next. In this case, she thinks they gave us a glimpse of what is next. You are certainly correct, anything that they presented tonight they could not hold them to because "what's next" is not what's under consideration with the Architectural Review Certification step that we are at. The Architectural Review step that we are at is regarding demolition and there are certainly options related to demolition. She thinks that the Commission has heard a little bit about that. Staff did, in their Report to the Historic District Commission that you have a copy of, note some other scenarios for "what ifs". She thinks they addressed the "what if" options of relocation or the cohabitation. But with these buildings, there is definitely what was the initial core of the building and then it

has rear additions that happened over time for 148 and 150 S Bradford Street. But right now, we are dealing with 148 S Bradford Street.

Mrs. Denney stated that as do many historical buildings because a lot of them here, especially some of the really early ones began with a kitchen and then grew.

Mr. Cooper stated that when we are reviewing this application, he understands that we are just an Appeal on the original ruling. But as the Planning Commission, shouldn't we be looking at what could be coming and what would be coming as a result of the Appeal? Or is he just looking at the same exact thing that the Historic District Commission looked at? Responding to Mr. Cooper, Mrs. Denney stated that she believes that they are not looking at what comes next because there is nothing written in stone. This is not like the Ten Commandments written in stone; it's what she would always call "the book of suggestions." What could, should, or might happen but doesn't have to happen. The only thing that they are deciding when they make this vote tonight is not about the future other than will those two buildings remain. They are buildings on the National Register of Historic Places. Again, no they are not 1600's or 1700's buildings but not everybody just looks at the architecture of the building. A lot of people follow history through how they developed. Originally, if you want to think about it, there were thirteen brick houses here in this area, in what we consider Kent County. Then slowly, they built different style houses so that the people who were serving or working for or bringing goods to the people that had the money to build the original houses. That is kind of how it developed. It's not like modern day development where people want to live near this so they build a beautiful new modern home development out west or east or something. It's how people lived back there; they all kind of lived together. Again, there is no guarantee and all that they are voting on here is to say if they agree with the Historic District Commission. They made a decision and do we agree with them? Are we going to uphold them? They have had an opportunity to tell us. Are we going to let them (the applicant) do what they want?

Mr. Witham stated that as he understands it, what was before the Historic District Commission was an application and a public hearing was conducted in review of an action on the Architectural Review Certification for a Demolition of two existing structures in the Downtown Dover Historic District. The vote on both applications was 2-1. So the Appeal is an appeal of that decision. Before us today is whether we agree with the Appeal or are we going to reverse the Appeal. What we do by that action is we are saying that they are going to give an Architectural Review Certification for the Demolition of the two buildings. He reviewed what the Historic District Commission is designed to do and primarily they are concerned with the preservation of historic buildings; a laudable thing to do and we all support that he believes. They are going to have a strong presumption that those buildings should be preserved. In the notes, he sees that they say when you move historical buildings out of or into or within the Historic District, it should be discouraged. The moving of historic buildings within the Historic District has the same effect as demolition. He doesn't think that they really cared about whether or not they were going to move them and what the cost would be; they were concerned about the preservation of these two buildings. He doesn't consider that as a major impediment for our decision. Responding to Mr. Witham, Mrs. Denney nor does she.

Mr. Witham stated that their marching orders from the Code is that they are more than just

interested in preserving buildings. They are here to make sure that whatever is being built in Dover is designed correctly, is placed correctly, and does not have an adverse impact on surrounding property owners. It will improve the City of Dover. Our interest is broader than the Historic District Commission. He is saying that as his thought process. It seems to him that if the City of Dover has approved this long term Plan called the 2030 Master Plan of Downtown Dover which has been approved by the public, that if it's our position to reverse this, then they would be supporting that Plan.

Mr. Witham moved to reverse the order of the Historic District Commission and authorize the Architectural Review Certification for the Demolition of the existing buildings and his proposal would apply to both properties.

Mr. Reaves stated that he thinks that they are still in discussion and he would like to further the discussion before there is a motion. He thought that in the process, the Vice Chair would say that she was moving the floor to a motion rather than someone just making it from the beginning with no discussion. He doesn't think that's the process; so, he thinks that they should continue with discussion. Responding to Mr. Reaves, Mrs. Denney stated that in order to discuss it, there has to be a second to a motion. That brings it forward so that we can have discussion on it.

Mr. Witham withdrew his motion since there was a need for more discussion.

Mr. Reaves stated that as they were on the path of having a discussion to talk about what's going to transpire with regard to the Architectural Review Certification for Demolition, the thought of what's going down into the Dover District should be irrelevant to our decision of deciding on the demolition. It should not be based on what's going to be built. It should be based on the decision of the historic buildings and what is required for demolition. Responding to Mr. Reaves, Mrs. Denney stated that she agrees that they should not be entertaining what comes next because they are addressing an Appeal from the Historic District Commission because they voted not to allow these historic buildings to be demolished. You are absolutely right in what you are saying and suggesting.

Mr. Reaves stated that what he would like to contribute to the discussion and Mrs. Melson-Williams can give more clarity to this, but it's the supplemental document which calls for demolition and the characteristics of the demolition. He is not sure of the name of this document; however, he has not received enough information from the presentation to understand that these buildings meet the criteria for Demolition according to what is reviewed by the Historic District Commission. He just does not see that at this point in time. Responding to Mr. Reaves, Mrs. Denney stated that she agrees with him. She also read, although it's a Draft and they came at the eleventh hour, but in what they received from the Historic District Commission in their Minutes, it gives you a greater understanding of why they voted no.

Mrs. Welsh stated that on Page 4 of the package under Demolition and it says "the proposal for demolition of the building must be reviewed for conformity with the design criteria guidelines found in Chapter 4" and it lists the names of the Chapter. Skipping down it says "these guidelines are summarized below and an excerpt of Chapter 4 is attached." Then it has five guidelines. The first one is "determine the financial implications of maintaining a property versus

demolition.” Then “regardless of economic issues, the relative significance of the individual building slated for demolition shall be evaluated.” Number 3 says “in development related applications, the City should review the schematic plans for the new structures to weigh the virtues of the new structure versus what exists.” She is not sure that that doesn’t tell them to evaluate more than just demolition. Can Mrs. Melson-Williams clarify that? Responding to Mrs. Welsh, Mrs. Melson-Williams stated that there is not always a “what’s next” if that makes any sense. Number 3 of that demolition criteria talks about “in development related applications, the City should review the schematic plans for new structures to weigh the virtues of the new structure versus what exists.” So, if this was a combination application where the Request for Demolition was also accompanied by the new building. They have seen that with some applications in the past but that is not the case with this one. They chose to do a step at a time. The Request for Demolition was the first step here and that is all that they brought forward. Certainly in their presentation, they gave some suggestion that this is related to a project for the Mobility Center to come, but the Commission is not doing Architectural Review Certification on the project for the Mobility Center. How it would be constructed, what does it look like, and all of that; that is not what is before the Commission.

Mrs. Welsh stated that clarifies that paragraph for her.

Mr. Cooper stated that he understands everything that we have said and he has read the five bullets. It’s hard to ignore the gigantic elephant in the room when looking at this discussion. We have what he believes is a perceived parking issue in Downtown Dover at our current state of 50% businesses occupied. He doesn’t visit the Downtown as much as he should and he doesn’t support the businesses as much as he should but he has never had trouble finding a parking space. With that being said, when we get to a point where we are 100% occupied and we get to a point where we have apartments over retail and so on and so forth, the elephant that’s in the room is going to be needed. We can’t get there from here. He hates to see an old building go as much as anybody else. He lives in an old historic house, but he also understands that we can’t get to where we want to get to as a city with our *Comprehensive Plan*, with DDP’s plan, and with all of the Plans that are involved without moving in this general direction. So, he is having a hard time separating the two.

Mrs. Denney stated that frankly she can think of other areas like what she always calls the old Acme Building, on Governors Avenue which is a huge lot much bigger and could certainly accommodate a parking garage. Although she honestly doesn’t believe that parking garages belong in historic venues unless they look historic, but that’s just her personal opinion. There are other places that could accommodate them, especially with the new Family Court Building which is not a vision; it’s a reality that is being done now. That would be a perfect area and actually, to me, she has never had a problem parking but we are going to have new development with this Downtown revitalization. But nowhere when they were charged with this were they told that they were going to that. They were going to do something but to take away some of the historic stuff either to her, there are other places for a parking garage. Obviously, the parking garage is going to include apartments somewhere in the vicinity but there is room for both there on that lot as well.

Mr. Cooper stated that he thinks the lot on Governors Avenue with the old Acme is under

different ownership and he has heard rumblings that there are other plans for that so this couldn't go there. Responding to Mr. Cooper, Mrs. Denney stated that we are really not voting on what's going there in the future. We are voting on whether we are going to support our Historic District Commission in what they said. Either we are or we're not going to support the Historic District Commission's decision.

Mr. Witham stated that not to offend anyone, in his view, this train has left the station for these two houses. For these two houses, he has heard nothing on the record that some famous person lived in these houses or that they may be a representative of good architectural structures in Dover. One is Victorian and the other is a different type of really quite interesting structures; however, there are other structures just like these throughout Dover. The problem with these two houses is that they are unoccupied, they are deteriorating, and the owners want to sell and the Downtown Dover Partnership wants to buy them. So what is going to happen? Are we going to make Downtown Dover Partnership maintain those properties? At what cost? We don't have the power to do that by this Commission, but is that what the citizens of Dover expect them to do? If so, that's not going to happen. They will come with a different plan. The plan may fail given what we have heard tonight. We may be facing another 10-20 years of Dover going through the same process that we have gone through the last 20 years of not getting anything done.

Mr. Reaves stated that he didn't necessarily hear all of the additional information about the owners of the property wanting to sell, but he might have missed that information. Responding to Mr. Reaves, Mrs. Denney stated that she thinks she missed that information as well.

Mr. Reaves stated that it just seems like it's information that is added to this conversation; however, because the Historic District Commission voting like they did, he believes that they put a lot of thought and effort and understanding into what they were making a decision on. He thinks that for them to just overturn it that could be a mistake. However, when you look at the scheme proposals with regards to the second scheme of parking, it then allows for the additional parking and it allows for the preservation of the buildings. In his opinion, he thinks that voting just to overturn a Board's decision as we are a Board/Commission also; he thinks that has to be well thought-out before we just arbitrarily do that.

Mrs. Denney stated that would be her sentiments. Again, they had a hearing and we have a Draft of the Minutes. She doesn't think that they just arbitrarily made a decision either. Unfortunately, because of the rules and procedures for this meeting, a representative from that group can't stand up and tell their side because essentially they are appealing what was done and what's in the minutes. She does not disagree with Mr. Reaves.

Mr. Reaves stated that unless there is more Commission discussion on the floor or we are going to continue discussion, he would like to make a motion when that time comes.

Mr. Witham stated that he draws at inference at the fact that the Downtown Development Corporation has gotten commitments from the owners of these properties to buy them. Why else would they present this Plan if they did not believe that they could control these properties? He disagrees, respectfully to Mr. Reaves' position. He thinks that you can draw that inference from the discussions. Responding to Mr. Witham, Mrs. Denney stated, again, we are not here because

they could say yes, tear the buildings down, and there is nothing written in stone saying what they are going to do next. That really can't be part of what we are here for. We are here and our lens is focused on after the Historic District Commission's hearing and their recommendation and their vote. Do we agree with our Historic District Commission or do we go against them; and it's with regard to the structures of these two buildings.

Mr. Reaves stated that on Page 4-11 of the Supplement, it says the following criteria should be evaluated and considered for applications for demolition of historic buildings within Dover Historic District: "to determine the financial implications of maintaining property versus demolishing it. The City may ask an applicant to submit documentation pertaining to differential costs, structural soundness, or suitability." He has not heard in the presentation, anything about the differential cost or the structural soundness. They spoke to the estimated market value of the property but he didn't hear anything with regards to that. He believes that if the Downtown Dover District was offering some compensation for these properties, he believes that it may have come out in their presentation but he did not hear anything with regards to that. Responding to Mr. Reaves, Mrs. Denney stated that she can't recall anything in the Draft Minutes. Again, they had hearings and the same group of people had an opportunity to speak; and they (the Historic District Commission) made the decision. That is all that we are here to discuss; not whether they should do what they proclaim they propose to maybe do. What is before is before us is do we agree with the decision of the Historic District Commission or not. She managed a town once and she chairs a Board for Kent County. The people who speak at those particular meetings come and are sworn in by an attorney. That doesn't happen here; it's far more casual. Nobody is signing agreements or swearing to anything that will happen. She gets what Mr. Witham is saying about do we want to discourage the Downtown revitalization; and certainly that's not the point, but she has seen buildings with brand new stuff built around the preservation of old historic buildings just to keep the flavor of what's going on.

Mr. Witham stated that he has a technical question and it may be just because he doesn't know what City of Dover approved. Has the City of Dover approved this 2030 Downtown Development Plan? Responding to Mr. Witham, Mrs. Melson-Williams stated that the *Transforming Downtown Dover: Capital City 2030 Plan* was a plan that was commissioned by the Downtown Dover Partnership. They had a number of partners that participated in its development. Certainly the City heard presentations on it but it is not a formal application or plan that required action by the City Council or even this body as kind of a regulatory process. It's certainly in the City's *Comprehensive Plan* which is formally adopted by the Planning Commission and City Council and certified by the Governor. It has a number of things that focus on Downtown and its redevelopment and about development citywide, but the *Transforming Downtown Dover Plan* is not adopted in the same fashion.

Mr. Reaves moved to deny the Architectural Review Certification of demolition of 148 and 150 S. Bradford Street in support of the Historic District Commission's decision that was previously made.

Mr. Witham stated that he believes that the more appropriate motion would be to affirm the decision of the Architectural Review Certification under the Historic District Commission's decision.

Mr. Reaves moved to affirm the Historic District Commission's decision to deny the Architectural Review Certification for Demolition of 148 and 150 S Bradford Street, seconded by Mrs. Denney and the motion failed 2-4 by roll call vote with Mr. Baldwin, Dr. Jones and Mrs. Maucher absent. Mr. Reaves voting yes; to affirm the denial of the Architectural Review Certification for demolition based upon the reasons for the opportunity for the development of the parking in support of the future goals of the Downtown District and also preservation of the historical buildings that we have in Dover. Mrs. Welsh voting no. Mr. Cooper voting no. Mr. Roach voting no; he would like to demolish the buildings and he feels as though the parking is needed and preserving the Historic District is not lost entirely by two buildings. He feels as though the parking is definitely needed. He knows that other people say that they haven't had parking issues, but he has had them a lot because he frequents that area often. Mr. Witham voting no; he votes to reverse the decision of the Historic District Commission on the presentation that they made before their Commission. The reason why is because the City of Dover is waiting for redevelopment. Many people have had the opportunity already. It's confirmed already in the record not by the City of Dover as an official plan but most people wanted to support this redevelopment. If we don't allow these two houses to be demolished, then we are going to hold up the process; and in terms we may lose \$25 million unless the applicant can move promptly to come up with a better plan, but the time bomb is ticking on the situation. Mrs. Denney voting yes; she believes that this wasn't just a quick decision that was made by the Historic District Commission. She thinks a lot of thought went into it. She thinks that they can still have a parking lot if they need a parking lot. What they probably can't have is a parking lot and a bunch of apartment buildings and a paid parking lot. She goes Downtown now and parks for free and she enjoys that ability. Once there is a business there for paid parking, she's not sure that's going to help businesses Downtown.

Mrs. Melson-Williams stated that in light of the motion failing, she thinks it would be appropriate to entertain an alternative motion so that it is clear on the action taken.

Mrs. Denney stated that Mrs. Melson-Williams is suggesting that we have another motion and that it be an opposite motion. She is hoping that people will change their mind when they vote. Responding to Mrs. Denney, Mrs. Melson-Williams stated not necessarily.

Mr. Reaves asked if it is possible in this appeal process to remand this to the Historic District Commission. Responding to Mr. Reaves, Mrs. Melson-Williams stated that she thinks that technically that may be an option, but the (Planning) Commission would have to give very clear direction as to something that they (Historic District Commission) did not consider in making their first action taken. She is not sure that it would yield any different result at this point.

Mr. Reaves stated that he believes that this Commission was not supplied with enough information to either validate or refute the decision by the Historic District Commission. He would feel like we are missing something because we don't have the full picture in order to make the proper decision. Also receiving the updated proposal by the Downtown Dover District (Partnership) at the last minute in this forum doesn't give an opportunity to all participants to understand the gravity of the options that are available to preserve two buildings and also provide for parking.

Mr. Witham stated that he doesn't see anything in the Code that gives us the power to act as a court. We are not a court. We are an administrative body and he agrees with Mr. Reeves that they could have gotten more information. He doesn't think the Historic District Commission went through the process properly to weigh all of the factors. They just simply heard testimony and quickly made a decision. They didn't support the votes; so, we don't have a whole lot to go on.

Mrs. Denney asked if they could table it. Responding to Mrs. Denney, Mr. Witham stated that you will have to reconsider the vote and be prepared to entertain a motion to table the vote for more information, but we have already voted so we would have to reverse that.

Mrs. Melson-Williams stated that Staff is getting a little uncomfortable if you are looking to do some of what you mentioned, then we would actually need legal counsel to weigh in on it. You have acted on a motion. She is not sure if that pertained to one or both of the applications. It wasn't clear but she would imagine that it meant both of them. These questions of remanding or deferring action are treading in a territory that is going to be beyond Staff's ability to answer questions and we would need legal counsel.

Mr. Roach stated that he wants to echo what was stated earlier that we are not here to look at what's going on in the future. Our job here today is to make a decision. He feels as though tabling it would kind of be irresponsible with the task that they are given this evening because to say that we are going to table it, why would we table it if the original vote wasn't approved? Mrs. Denney said multiple times that we are here to focus on what we are going to do with the information presented to us, not what is going to happen in the future. Now that it didn't go in that direction, he doesn't think it's fair to table it. Responding to Mr. Roach, Mrs. Denney stated that some of what he said was broken. What she is trying to discern is if you making make a motion to table it or are you saying that we should not table it?

Mr. Roach stated that he is saying that they should not table it because as stated by the Chair this evening, we are here to make a decision based upon the information that we have. He doesn't know why we would table it now since the vote didn't go in the direction of the Historic District (Commission). We were okay making that vote without the information to support the Historic District so why would we want to table it.

Mrs. Denney stated that essentially Mr. Roach thinks that we should not be tabling the motion.

Mr. Reeves asked if Mr. Roach could see the screenshot that is on the screen now. Responding to Mr. Reeves, Mr. Roach stated yes.

Mr. Reeves stated that in regards to that and you said that your interest in your vote was for the parking, but the Scheme B provides for parking and it also provides for the preservation of the buildings. He just wants to understand what Mr. Roach's position is as far as the demolition. Is it just the parking or is it just the demolition of the buildings? Responding to Mr. Reeves, Mr. Roach stated that he is going based off exactly what they are saying. Mrs. Denney stated that our job tonight is not to pay attention to what is going to happen in the future. It is just whether we

are going to overturn or uphold the decision by the Historic District Commission. Why was it okay for us to vote on it to support the Historic District Commission but then when we voted no, now all of a sudden we talk about tabling it to get more information? To him, it seems irresponsible that we can put it in a scope to just focus on whether we are supporting or not supporting the Historic District until we are not supporting the Historic District. It just doesn't feel right to him.

Mrs. Denney stated again what it comes down to is do we or do we not support the Historic District Commission's decision.

Mrs. Melson-Williams stated that there is not a motion. Staff suggested a clarifying motion be made because the motion was to affirm the decision of the Historic District Commission and that motion failed 2-4. Responding to Mrs. Melson-Williams, Mrs. Denney stated that essentially she is asking that the Commission reword it so that we affirm of vote of denying the Historic District Commission's ruling so that it's clearer.

Mrs. Melson-Williams stated that she thinks its how Mr. Witham worded it earlier to reverse their decision and grant the Architectural Review Certification for Demolition. Responding to Mrs. Melson-Williams, Mr. Witham stated that he withdrew that motion and the motion that we approved was to affirm that decision of Historic District Commission; therefore, the appeal is going to fail.

Mrs. Melson-Williams stated that the motion that was made was to affirm the decision to deny the Architectural Review Certification. The vote on that motion was 2 yes votes and 4 no.

Mr. Witham stated that the Historic District Commission voted to deny the application to demolish the two buildings by a 2-1 decision on both houses. Responding to Mr. Witham, Mrs. Denney stated that is correct.

Mr. Witham stated that what is before us is whether an Appeal of that decision. If we grant the Appeal, then they will reverse the decision of the Historic District Commission. Responding to Mr. Witham, Mrs. Denney stated yes.

Mr. Witham stated that he doesn't understand Mr. Reaves' motion. He made the motion.

Mr. Reaves stated that he made the motion to affirm the denial. The clarification would most likely be to 148 and 150 S Bradford Street. But the motion would still stand as affirming the Historic District Commission's denial of the Architectural Certification of Demolition. Responding to Mr. Reaves, Mr. Witham stated that means the Appeal failed.

Mr. Roach moved to reverse the Historic District Commissions' decision in regards to 148 and 150 S. Bradford Street.

Mrs. Denney stated that just for clarification, Mr. Roach made a motion to reverse the decision of the Historic District Commission. Responding to Mrs. Denney, Mr. Roach stated yes, for both properties.

Mr. Witham asked if everyone understands the motion. Responding to Mr. Witham, Mrs. Denney stated that she does. Her understanding is that it is to reverse the decision of the Historic District Commission which would mean that they will be permitted to tear the buildings down.

Mr. Roach moved to reverse the Historic District Commissions' decision in regards to 148 and 150 S Bradford Street, seconded by Mr. Witham and the motion was carried 4-2 with Mr. Baldwin, Dr. Jones and Mrs. Maucher absent. Mr. Roach voting yes; because he feels as though the upgrade as far as parking is more of a need in the Downtown Development project to keep the City moving in the right direction. Mr. Witham voting yes; because he believes the reversal of the Historic District Commission is necessary to further the improvement of the City of Dover with the understanding that this is the first step. We are not just starting a parking lot; we are bringing other businesses and apartments into the area and we need to have a fair and equitable manner. Mr. Reaves voting no; because the Historical District had 2 votes to 1 with one person being absent and another person recusing themselves. The outcome could have been more favorable to prevent demolition of the buildings. He also feels that the parking objectives will still be met with the buildings not be demolished. Mrs. Welsh voting yes; she really is torn about it because she really in her heart is in favor of historical preservation but she has thought about it and she's seen Dover change over the years. She doesn't see right now in the last few years, a lot of growth or activity that are building up our Downtown or other areas of the City. She understands the whole problem with vagrancy and things like that. She thinks that at some point, they need to do something to start in another direction as far as addressing issues like that. She thinks that just trying to take steps for revitalizing the City and it's her thought that even though there are two houses now that would be missing from the footprint of the City, that revitalizing the City in the term and the future would preserve the majority of the other areas of the City rather than have the City end up declining and we lose everything that is of historical significance of the City. Mr. Cooper voting yes; for the reasons stated previously by himself, Commissioner Witham and Commissioner Welsh. Mrs. Denney voting no; she doesn't think that they have to destroy those buildings in order to improve that lot. She thinks that if somebody wants to go to the back of the lot and put up a giant money making condominium building or apartment building with parking underneath of it; great, but she absolutely doesn't think that a parking garage goes there.

Meeting adjourned at 10:21 PM.

Sincerely,

Kristen Mullaney
Secretary



EXHIBIT D

ARCHITECTURAL REVIEW REPORT
Before Dover Historic District Commission
May 16, 2024

**Appeal of Historic District Commission Action
to the Planning Commission for Meeting of June 17, 2024.**

Project Name: Building at 148 South Bradford Street: Building Demolition

Location: West side of South Bradford Street between West Loockerman Street and Reed Street, just north of the Minor Street Alley.
148 South Bradford Street

Tax Parcel: ED-05-077.09-02-25.00-000

Property Owner: Russell and Dee Ann Widder
Applicant: Downtown Dover Partnership

Present Zoning: C-2 (Central Commercial Zone)
H (Historic District Overlay Zone)

Present Use: Offices (Previously a single-family home)

Proposed Use: Vacant site

File Number: HI-24-02

Action by Historic District Commission:

The Historic District Commission conducted a public hearing and considered the Application HI-24-02 for Architectural Review Certification to demolish the building at 148 S. Bradford Street. The vote was 2-1 to deny the Architectural Review Certification for demolition (1 member absent and another recused).

Application: HI-24-02 – Building at 148 South Bradford Street: Building Demolition

This Architectural Review Certification application was reviewed by the Historic District Commission on May 16, 2024. The following is the content of the Architectural Review Staff Report and includes information the Historic District Commission considered.

PROJECT DESCRIPTION:

The Historic District Commission will act on an Architectural Review Certificate regarding Demolition of the one-and-half story building located at 148 South Bradford Street. The property is zoned C-2 (Central Commercial Zone) and subject to H (Historic District Zone). The parcel consists of 0.13 +/- acres of land. The property is located on the west side of S. Bradford Street and slightly north of Minor Street Alley. The owner of the record is Russell and Dee Ann

Widder. The applicant is the Downtown Dover Partnership. Property Address: 148 S. Bradford Street. Tax Parcel: ED-05-077.09-02-25.00-000.

The following application for demolition at 148 South Bradford Street is submitted to the Historic District Commission regarding the issuance of the Architectural Review Certificate for a Demolition project. Applications for certain types of construction activity within the Historic District Zone (H) are reviewed by the Historic District Commission for Architectural Review Certification as part of the application review process. The Application is for review under the provisions of *Zoning Ordinance*, Article 10 Section 3.23. See below:

3.23 Architectural review certification by the historic district commission.

- (A) The historic district commission shall issue architectural review certificates for the construction or demolition of single-family and two-family homes, and nonresidential structures or additions involving a gross floor area of 3,000 square feet or less, after review of the proposed construction and after a determination that the construction is in general accordance with the standards set forth in subsection 3.25 below.
- (B) All applications to the historic district commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.
- (C) All decisions of the historic district commission pursuant to this subsection shall be formalized in a written notice of decision. When the commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.
- (D) An applicant may appeal the decision of the historic district commission to the planning commission, and such appeal shall be considered as an architectural review certification application to the planning commission and shall meet all of the requirements set forth in subsection 3.24 and subsection 3.26.

The Historic District Commission will act on an Architectural Review Certificate regarding the request for Demolition of the building at 148 S. Bradford Street.

Property Information

This building is located within a National Register of Historic Places Historic District, specifically the Victorian Dover Historic District. Provided below is the building summary from the building inventory listing found within the National Register nomination completed for the Victorian Dover Historic District (nomination completed 1977-78).

K0396.152 – 148 South Bradford Street – 20th Century, 1 ½, 3-bay, frame, bungalow-style dwelling, now used as a doctor's office; stucco-sheathed; gable roof, dormer, overhang on gable ends with large triangle brackets, hip roof façade dormer; 4/1 sash, Palladian window in gable end, half-round attic window; modern brick porch with iron rail.

The property is located within H (Historic District Zone) as established by the City of Dover.

A series of historic maps were reviewed by Planning Staff for preliminary information on this block of South Bradford Street. The 1868 Beers Map published by Pomeroy & Beers shows the established street grid and rear alley although the parcel lines may be slightly different. There appears to be a building on the site, with a different size, shape, and orientation. The 1885 Bird's

Eye View of Dover shows a series of residential buildings on this west side of S. Bradford Street and smaller detached structures in rear yards. The series of Sanborn Fire Insurance Maps is also a reference source for information on the series of buildings which occupied this property over time. The 1897-1919 Sanborn Maps show a building with a vacant space at the subject site just north of the Minor Street Alley with another building located further north. The 1929 Sanborn Map shows this building present with an accessory structure along the alley and what appears to be a new division of the parcel. (see Attachments at the end of report)

According to the tax records for the City of Dover, the Craftsman style stucco clad building at 148 S. Bradford Street was built in 1930. There is a parking lot at the rear of the property that looks to be connected to the parking lot at 150 S. Bradford Street. The accessory structure that was present in the 1929 Sanborn Map is not mentioned in the 1978 inventory for the National Register of Historic Places application. A small open front porch has a low metal railing.

PROJECT PROPOSAL FOR DEMOLITION

The applicant has filed an application for Architectural Review Certification for the demolition of 148 S. Bradford Street. The submission consists of a narrative with attachments including a photo gallery. The project is described below:

1. Demolition of Building: The project involves the demolition of the existing 1 1/2-story stucco clad frame building on the property.

The scope of Demolition notes that an asbestos survey will be conducted and the process for demolition and removal of debris. Information on the stabilization of the surfaces following removal of the building listed installation of sand/gravel to fill (to bring to grade). The rear of the existing property is paved for parking with access from a rear alley. The future use of the property is part of the Downtown Dover Partnership's strategic plan *Transforming Downtown Dover: Capital City 2030*. This site will be combined with others to create a multi-modal transportation hub to be used for multiple businesses in the area for current and future enhancements to the downtown area. The redevelopment of the site will be subject to a separate review process.

Review of DESIGN STANDARDS AND GUIDELINES

The subject property is located in the Dover Historic District Zone within the Loockeman Historic Context. The Loockerman Historic Context is described on pages 2-7 through 2-8. Location within the Dover Historic District Zone requires proposals for specific types of construction activities such as new construction, additions to existing buildings, exterior renovations, and demolition of buildings to receive an Architectural Review Certificate.

As stated in the *Design Standards and Guidelines for the City of Dover Historic District Zone*, an Architectural Review Certificate will be granted for the project "if it is found that the architectural style, general design, height, bulk and setbacks, arrangement location and materials affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district."

Demolition

The proposal for demolition of the building must be reviewed for conformity with the design criteria guidelines found in Chapter 4: New Construction, Additions, Demolition and Relocation. The *Design Standards and Guidelines* gives guidance to the Historic District Commission by listing specific criteria to be evaluated when considering applications for the demolition of buildings (or portions of buildings) in the historic district (Chapter 4: pages 4-10 to 4-12). These guidelines are summarized below (see *Design Standards and Guidelines* for the complete text); an excerpt of Chapter 4 is attached.

1. Determine the financial implications of maintaining a property versus demolition.
2. Regardless of economic issues the relative significance of the individual buildings slated for demolition should be evaluated.
3. In development related applications the City should review the schematic plans for the new structures to weigh the virtues of the new structure versus what exists.
4. Determine the extent of adequate recordation of a property the applicant would be required to complete if demolition were approved.
5. Lots left vacant by demolition should be treated in a manner that is sympathetic to the historic context.

The *Design Standards and Guidelines* note that parking should not be permitted on vacant lots and suggests alternative uses. Also provided is information about development of parking lots (page 3-27) in the Historic District. The *Guidelines* excerpt for parking lots is as follows:

Parking lots are the awkward by-product of a mobile culture. Their incorporation into historic districts is problematic. Parking lots should be screened from the street, their layout should include borders, and islands planted with trees and shrubs to break-up expanses of paved areas. Given any parking lot within the Dover Historic District zone, at least 20% of the area within it should be unpaved and planted.

The Applicant, in their narrative, considers the *Design Standards and Guidelines* for Demolition outlining their reasons for such Demolition request.

STAFF COMMENTS AND RECOMMENDATIONS

The following are the Staff comments and recommendations for this application regarding project activities and an Architectural Review Certificate.

- 1) The *Design Standards and Guidelines* outline specific criteria to be evaluated in considering demolition applications (Chapter 4). The following are Staff's consideration of the criteria for Demolition.
 - a) In this instance, the economic maintenance evaluation of the property individually is not the issue for the applicant, but rather the need for the land to as part of a larger project in the Downtown Dover Partnership plan to revitalize the Downtown area and provide central parking. A central parking area would allow people to park their cars and visit businesses and residences on foot.

- b) Most of the structures included in the National Register of Historic Places Victorian Dover Historic District were constructed in the mid to late 1800's. The Victorian Era, by definition, goes from 1820-1914. This building was built after the Victorian Era and along the way has had modifications to keep it current with the times and building code.
 - c) Included in the application is a draft concept of the lots and its future use. However, the redevelopment project is not being reviewed at this time.
 - d) We have not been provided detailed plans or renderings for the multi-modal transportation hub development. Nor have bids gone out for the demolition of the building. An asbestos survey will be initiated when the project can move forward, as required by the building and inspections department.
 - e) The lot is not expected to be left vacant past 2026.
 - 2) While it is not the practice of the Planning Staff to recommend Demolition of a historic building that has been adaptively reused, consideration must be given to the future redevelopment of the area. The building generally has integrity of its form of the Craftsman Style Bungalow. However, improvements to some exterior finishes (i.e. window replacements, doors, and roofing) since its original construction as a house. It became an office prior to 1978 and has functioned as that use since.
 - 3) Staff notes the opportunities for the relocation of the building could also be an option for consideration.
 - 4) Staff are not aware of any documentation/recording of the existing building. The Historic District Commission could require additional documentation/recording of the building if deemed appropriate.
 - a) If demolition is unavoidable then, given the early twentieth century age of the building, the building should also have additional documentation completed in the form of measured drawings of the building's floor plans. This should include other data gathering on the building's construction.
 - b) A series of photographs of the building's exterior and interior should be systematically completed to include keyed location map of photographs.
 - 5) If approval for demolition of the building is granted, Staff recommends the following conditions pertaining to the building demolition and site stabilization. These conditions are presented to improve the project's compliance with the recommended guidelines for consideration of demolition in the *Design Standards and Guidelines* and other code provisions:
 - a) A specific timeframe for demolition activities and site stabilization should be established.
 - b) All utilities must be properly capped and/or abandoned.
 - c) Clarify the plan for site stabilization of the site.
 - i) The building footprint area following demolition of the building and removal of the basement foundation walls must be restored to grade. The disturbed area is to include stabilization with topsoil and seeding to establish a grass lawn area. The grass lawn area is to be properly maintained.
 - d) Staff do not recommend installation of solid (opaque) fencing or chain link fencing on the site. If areas need to be segregated on the site, other alternative fence styles may be more appropriate.

- e) Parking could continue on the paved (rear parking) area only. Stabilization of the building footprint area with gravel is not an approved parking surface even as a temporary measure.

ADVISORY COMMENTS:

- 1) The applicant shall be aware that a Demolition Permit is required to proceed with any demolition activities on the property should Architectural Review Certification be granted for the demolition proposal. The Demolition Permit application must comply with the conditions of approval granted through the Architectural Review Certification process.
- 2) If major changes and revisions to the project proposal occur, contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Historic District Commission.
- 3) Any future construction activities such as redevelopment of the site for a building or for an expanded parking facility are subject to additional review processes for permitting and plan review.
- 4) If the building is or will be vacant prior to the Demolition, then it may be required to be registered as a Vacant Building with the City under the Vacant Buildings program.

Historic District Commission Action

The Historic District Commission at their meeting of May 16, 2024, considered the proposal for demolition of the building at 148 S. Bradford Street and took action to deny the request for Architectural Review Certification for demolition. The application was represented by Diane Laird (Downtown Dover Partnership), Ken Anderson (Downtown Dover Partnership), and Jed Hatfield (Colonial Parking Inc.).

- See Draft Meeting Minutes of May 16, 2024 (being prepared).
- Motion to deny the demolition of the building at 148 S. Bradford Street was passed with a vote of 2-1 with the following Historic District Commission members present; Eric Czerwinski, Ann Baker Horsey, and Ellen Richardson. Mary Terry Mason was absent. Jonathan Street was also in attendance but recused himself as a board member of the Downtown Development Partnership.
- Staff noted that the decision of the Historic District Commission could be appealed to the Planning Commission.

Appeal to the Planning Commission

The *Zoning Ordinance* allows for decisions of the Historic District Commission to be appealed to the Planning Commission (*Zoning Ordinance*, Article 10 Section 3.2 Architectural Review Certification). The Planning Commission is to determine if the proposal for the Demolition of the Building at 148 S. Bradford Street should be granted Architectural Review Certification based on the following standards:

Article 10
3.25 *Architectural review standards.*

(A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.

The "historic district design guidelines" referenced in the *Zoning Ordinance* are the document entitled *Design Standards and Guidelines for the City of Dover Historic District Zone*. The Planning Commission may add conditions to their action.

Attachments:

- 1) Letter of Notice of Historic District Commission Action
- 2) Draft Excerpt of Historic District Commission Meeting Minutes of May 16, 2024 (pending completion).
- 3) HI-24-02 Application Submission Documents.
- 4) Historical Maps of the property
- 5) *Design Standards and Guidelines for the City of Dover Historic District Zone* - Excerpts from Chapter 4: New Construction, Additions, Demolition and Relocation.
- 6) *Design Standards and Guidelines for the City of Dover Historic District Zone* – Excerpt from Chapter 3: Maintenance, Repair, Preservation and Restoration of Existing Historic Buildings.
- 7) Google Street View photo.
- 8) Applicant's Letter requesting Appeal dated June 4, 2024.



June 7, 2024

Downtown Dover Partnership
101 W. Loockerman St., Ste 2B
Dover, DE 19904

Emails: ken@downtowndoverpartnership.com & diane@downtowndoverpartnership.com

RE: **Notice of Historic District Commission Action (Architectural Review Certification)**
Demolition Application HI-24-02 to Historic District Commission
Proposed Demolition of the Existing Building at 148 South Bradford Street, Dover DE
Tax Parcel: ED-05-077.09-02-25.00-000

Dear Applicants:

Under the provisions of *Zoning Ordinance*, Article 10, Section 3.23 the Application HI-24-02 was filed for review and consideration by the Historic District Commission regarding the issuance of the Architectural Review Certificate due to its location within the City of Dover's Historic District zone.

Demolition Application HI-24-02 was considered on May 16, 2024, for demolition of the existing building at 148 South Bradford Street in Dover, Delaware. The Project outlined in the Application for Architectural Review Certification submission listed demolition of the building.

The *Design Standards and Guidelines for the City of Dover Historic District Zone*, Chapter 4: New Construction, Additions, Demolition and Relocation presents approaches to activities in the Historic District. For Demolition activities, the *Design Standards and Guidelines* also gives guidance by listing specific criteria to be evaluated when considering applications for the demolition of buildings (or portions of buildings) in the Historic District.

At its Meeting of May 16, 2024, the City of Dover Historic District Commission considered this Demolition Application and acted to deny the Architectural Review Certificate for Demolition Application HI-24-02. After discussion of the request for demolition, the motion to deny was passed by a vote of 2-1 (with one member recused and one member absent).

The appeal process for a Historic District Commission decision is outlined in the *Zoning Ordinance* Article 10, Section 3.23 (D). Please be aware that future uses and/or improvements to the property are subject to additional review processes for plans and permits. If you have questions, please contact the Planning Office at (302)736-7196 or by email at dmelson@dover.de.us.

Sincerely,
On Behalf of the Historic District Commission
Department of Planning and Inspections

A handwritten signature in black ink, reading "Dawn Melson-Williams".

Dawn Melson-Williams, AICP
Principal Planner

CC: HI-24-02



Downtown Dover Partnership
Main Street Dover
101 W. Lookerman Street, Ste 2B
Dover, DE 19904
(302)678-2940

April 22, 2024

To: Members of the City of Dover Historic District Review Commission (May 16 meeting)

Re: 148 S. Bradford St., Dover, DE

The Downtown Dover Partnership (DDP) seeks an Architectural Review Certificate for 148 S. Bradford St. The DDP acknowledges and values this historic building, as well as the historic context of which this building is a part. Nevertheless, a larger initiative is underway that will require demolition of this property: *The Capital City 2030: Transforming Downtown Dover!* master plan ("the Plan").

The Downtown Dover Partnership has led development of The Plan, the goal of which is to transform downtown Dover into a thriving residential, cultural, and business district with recreational, arts and music amenities, as well as a multi-modal transportation hub. The plan was created through significant community engagement and has been supported by a broad range of public and private entities, as well as non-profits and individuals. Most recently the Governor committed \$25M toward two projects to kick-start the transformation.

The property that has been identified for the public transportation hub is comprised of two existing parcels (city and DDP-owned, respectively) and requires the adjacent parcel of 148 S. Governor's Ave. to complete the land massing for the structure.

We ask that members of the committee be assured that The Plan will not only set the stage for a strong, sustainable future for the downtown business district and neighboring communities of Dover for years to come, but will also ensure that the Downtown Dover Historic Victorian district maintains a majority of its assets, character, and intrinsic value throughout the encompassing transformation that is associated with The Plan.

The DDP appreciates the committee's thoughtful consideration for the proposed demolition.

Sincerely,

Diane Laird
 Executive Director

CC: DDP Board of Directors



(11/78)

UNITED STATES DEPARTMENT OF THE INTERIOR
HERITAGE CONSERVATION AND RECREATION SERVICE

NATIONAL REGISTER OF HISTORIC PLACES INVENTORY -- NOMINATION FORM

FOR HCRS USE ONLY

RECEIVED

APR 25 1979

DATE ENTERED

JUL 16 1979

Victorian Dover Historic District

CONTINUATION SHEET

ITEM NUMBER 7 PAGE 42

K-396

INVENTORY

- ➔ .152 148 South Bradford Street - 20th century, 1½-story, 3-bay, frame, bungalow-style dwelling, now used as a doctor's office; stucco-sheathed; gable roof, overhang on gable ends with large triangular brackets, hip roof facade dormer; 4/1 sash, Palladian window in gable end, half-round attic window; modern brick porch with iron rail.
- .153 120-122 South Bradford Street - Pre-1885, 2½-story, 3-bay, frame dwelling; 1-story, 2-bay, frame section north gable end (possibly designed as an office); aluminum siding; gable roof, bargeboard trim, modillion cornice 1-story addition; 2/2 and 2/1 double-hung sash windows, multi-pane sash on 1-story addition.
- .154 118 South Bradford Street - Late-19th century, 2-story, frame dwelling; unusual brick veneer, flat surface on edge; gable roof, gable end faces street, bargeboard trim; 2-story tower, low hip roof, finial; 2/2 double-hung sash; 1-story rectangular facade bay window, panelled base; entrance portico, pierced brackets, turned columns, twisted iron railings.
- .155 46 South Bradford Street (People's United Church of Christ) - Built 1909; remodelled and enlarged 1923; 2-story, wire-cut brick ecclesiastical building; 3-story, brick bell tower north end of facade; slate gable roof, gable end faces street; coping stones on edge; large, round stained glass window gable end of facade, stained glass windows set in arched openings; large parish house wing added 1923.
- .156 38-40 South Bradford Street - Late-19th century, 3-story, masonry, double dwelling; yellow brick facade, natural pressed brick sides and rear walls; slate mansard roof, pedimented dormers, pseudo-Graham gable with two gable dormers, double bracket cornice; 1/1 double-hung sash, brick segmental arches, keystones; facade porch, turned columns, decorative porch cornice, turned balusters; pedimented entrance, shaped wooden shingles in tympanum.
- .157 34 South Bradford Street - Late-19th century, 2-story, frame dwelling with a projected 1-bay, 2-story gable end section facing street; originally designed as single-family residence, rehabilitated into apartment units;

148 S. Bradford St.

Page 42

Victorian Dover Historic District:

https://s3.amazonaws.com/NARAprdstorage/lz/electronic-records/rg-079/NPS_DE/79000622.pdf



148 S. Bradford St

Page 165 Victorian District (https://s3.amazonaws.com/NARAprdstorage/lz/electronic-records/rg-079/NPS_DE/79000622.pdf)

148 SOUTH BRADFORD ST, DOVER, DELAWARE

This application seeks an Architectural Review Certificate of 148 S. Bradford St., one of two adjacent properties within the Dover's (Historic District Zone) for which the applicant is requesting demolition.

Existing 148 S. Bradford Street Building/Property

- See Photo Gallery for series/description of property and views (ATTACHMENT A)

Context for Demolition Request

While the applicant acknowledges and values this historic building(s), as well as the historic context of which the building is a part, a larger initiative is underway that will require demolition of this property. This larger initiative, the *Capital City 2030: Transforming Downtown Dover!* master plan ("the Plan") will not only set the stage for a strong, sustainable future for the downtown business district and neighboring communities of Dover for years to come, but will also ensure that the Downtown Dover Historic Victorian district maintains a majority of its assets, character, and intrinsic value throughout the encompassing transformation that is associated with The Plan.

(ATTACHMENT: B)

Anticipated Scope of Demolition

At this writing, Information to Bid (ITB) or Request for Proposals (RFP) has not been released for the demolition of this structure.

An Environment Assessment Asbestos Containing Materials Survey will be initiated to confirm or dismiss the presence of asbestos containing material at the site. This is a requirement prior to the demolition of any structure. The survey will be conducted by an EPA accredited building inspector.

The result of the above survey may or may not dictate any special follow-up actions prior to demotion of the structure.

For this structure, we anticipate responses to any Information to Bid or Request for Proposals, to propose a demolition to the structure utilizing an excavator and skid steer working from the top to the bottom of the structure, and from the front to the rear.

Disposing of the resulting work debris would be off-site to DSWA (Sandtown), using a Rolloff truck with containers removing concrete as required. The Rolloff truck containers will also dispose of all vegetation and overgrowth on the lot.

The demolition will include the installation of clean sand and gravel in the demolished area, compacted every 6 to 12 inches. A barricade fence is normally installed around the work area before any work begins or as the City of Dover permit might require. That will be removed once approved by the City of Dover.

In Consideration of Dover's Historic District Guidelines

The *Design Standards and Guidelines for the City of Dover, Historic District Zone*, in Chapter 4 entitled "*New Construction, Additions, Demolition, and Relocation, starting at Page 10 entitled "Demolition* "provided the DDP with guidelines regarding the criteria to be thoughtfully considered prior to the demolition of any structure, for any purpose in the City of Dover Historic District.

After a thorough review of the above guidelines, and coupled with the overall impact to the citizens of the City of Dover, we offer the following to support a proposed authorization to proceed with the demolition of 148 South Bradford Street, Dover Delaware:

- The 148 South Bradford Street property is being acquired for specific future use and is not being demolished because of catastrophic damage or neglect, nor is the building currently a threat to public safety.
- The DDP is acquiring the property for demolition, to provide a critical component of a multi-modal transportation hub to fulfill a recommendation within The Plan. This plan was resoundingly supported by the State of Delaware, as reflected by a recent award of \$25M by Governor Carney toward this transportation hub and a related mixed-use redevelopment project at 120 S. Governors Ave. (\$15M ARPA; 10M Bond Bill).
- The evolving design of the \$14M multi-modal transportation hub requires the footprint of two parcels, one of which is 148 South Bradford Street, Dover, Delaware, which is the subject of this application. ATTACHMENT C

- The 148 South Bradford Street property being acquired for demolition by the DDP, we understand, is not a noteworthy source of revenue currently to the City of Dover.
- The property is included in the inventory of National Register of Historic Places – Victorian Dover Historic District, and is referenced as Item Number 7 on Page 42.
- The projected adaptive reuse of the parcel will be a portion of a multi-modal transportation hub which 100% percent fully funded.
- If requested, the DDP will facilitate the recordation of, and if necessary, provide archival photographs of the property, prior to demolition.
- Upon proposed demolition of 148 South Bradford Street, the resulting parcel is anticipated to be vacant for a very limited time (under one year), as the funding received from the State of Delaware requires that the funds identified for the construction of the multi-modal transportation hub be allocated by the end of 2024 and fully expended by year end 2026.

The applicants appreciate the thoughtful consideration of the members of Dover's Historic District Review process and look forward to working with the Commission to ensure our combined goals will support Dover's sustainable and exciting future.

ATTACHMENT A

Photo Gallery

148
**150 S. Bradford from S.
Bradford St.**

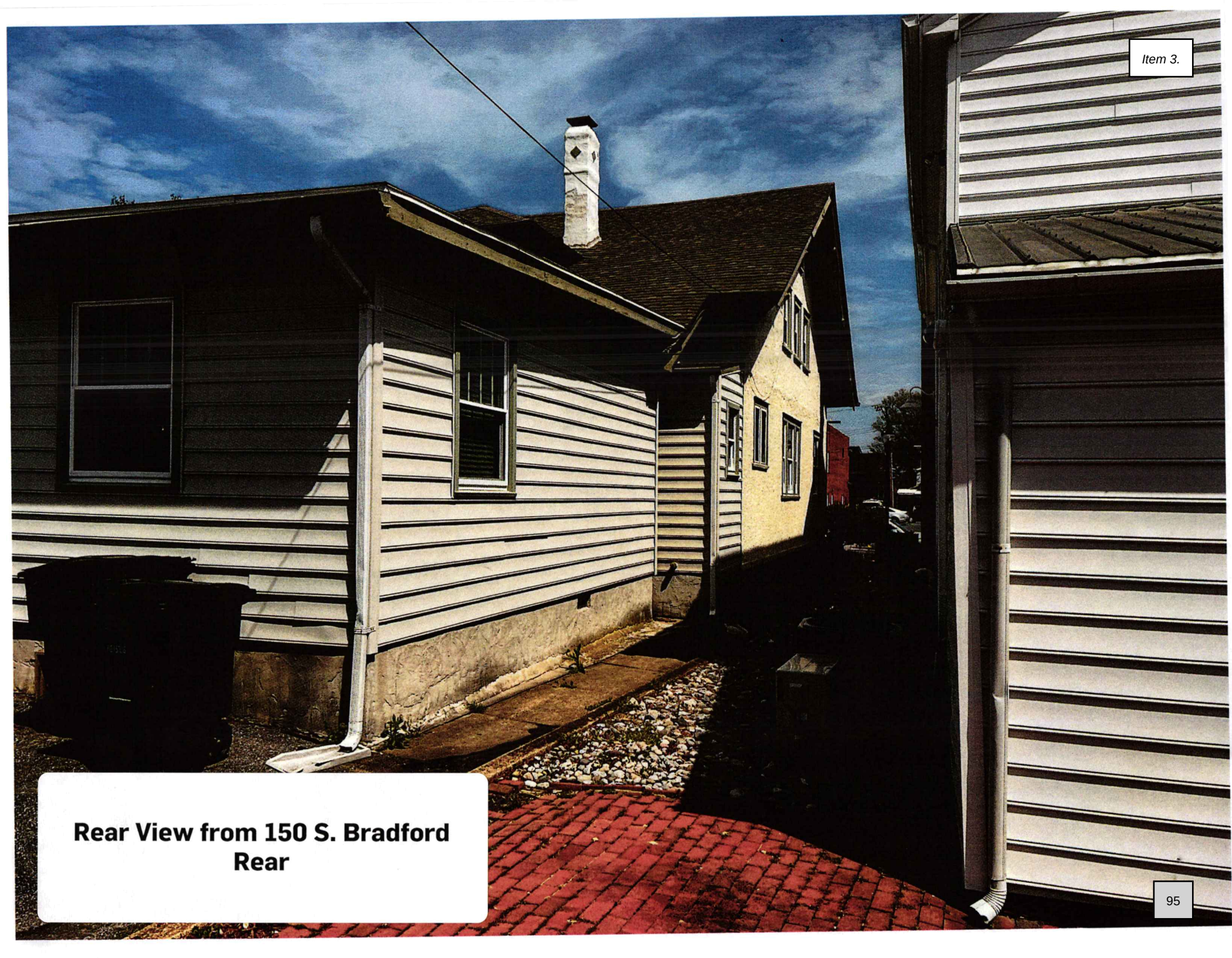
Item 3.

View from Parking Lot

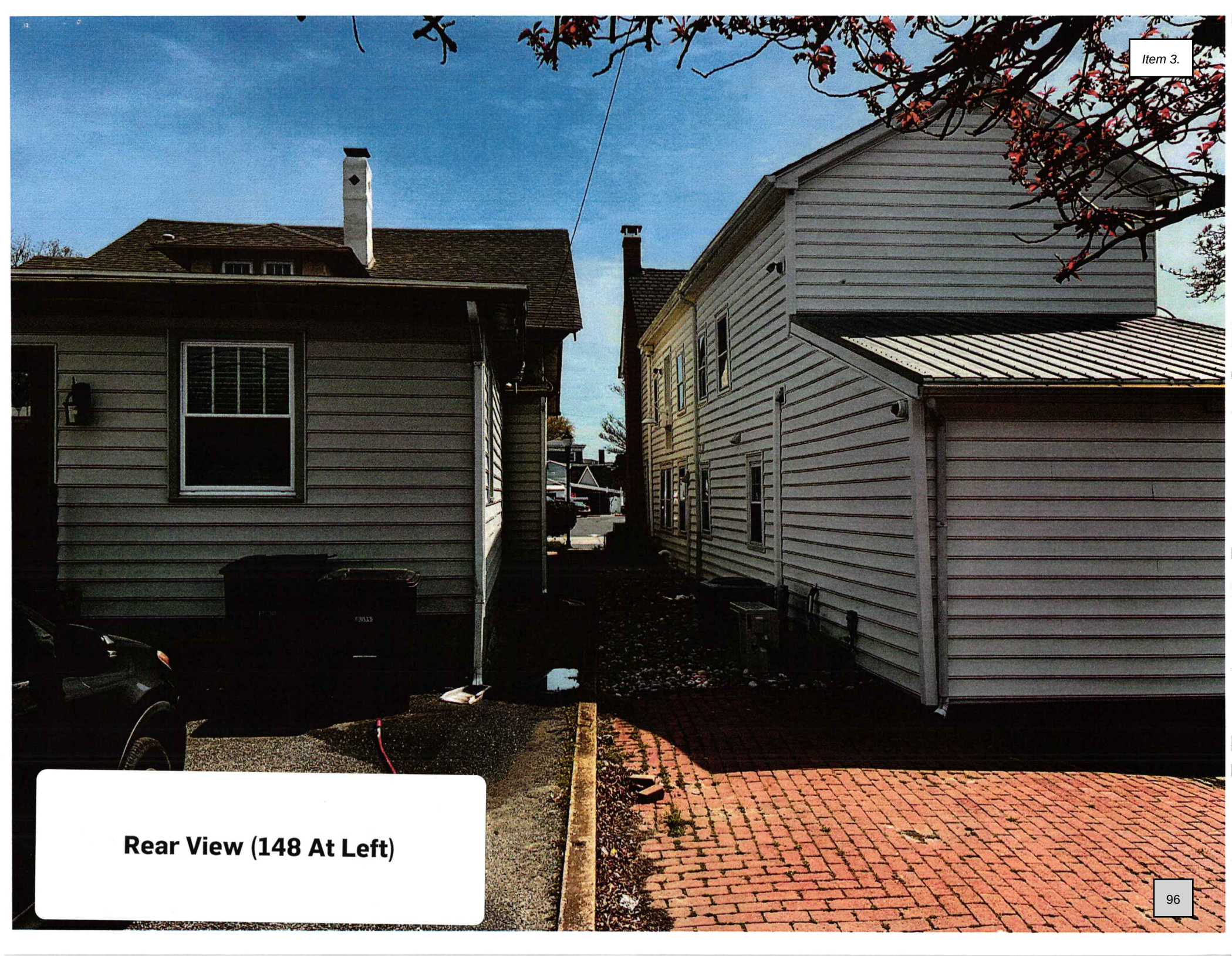


Rear View from Parking Lot

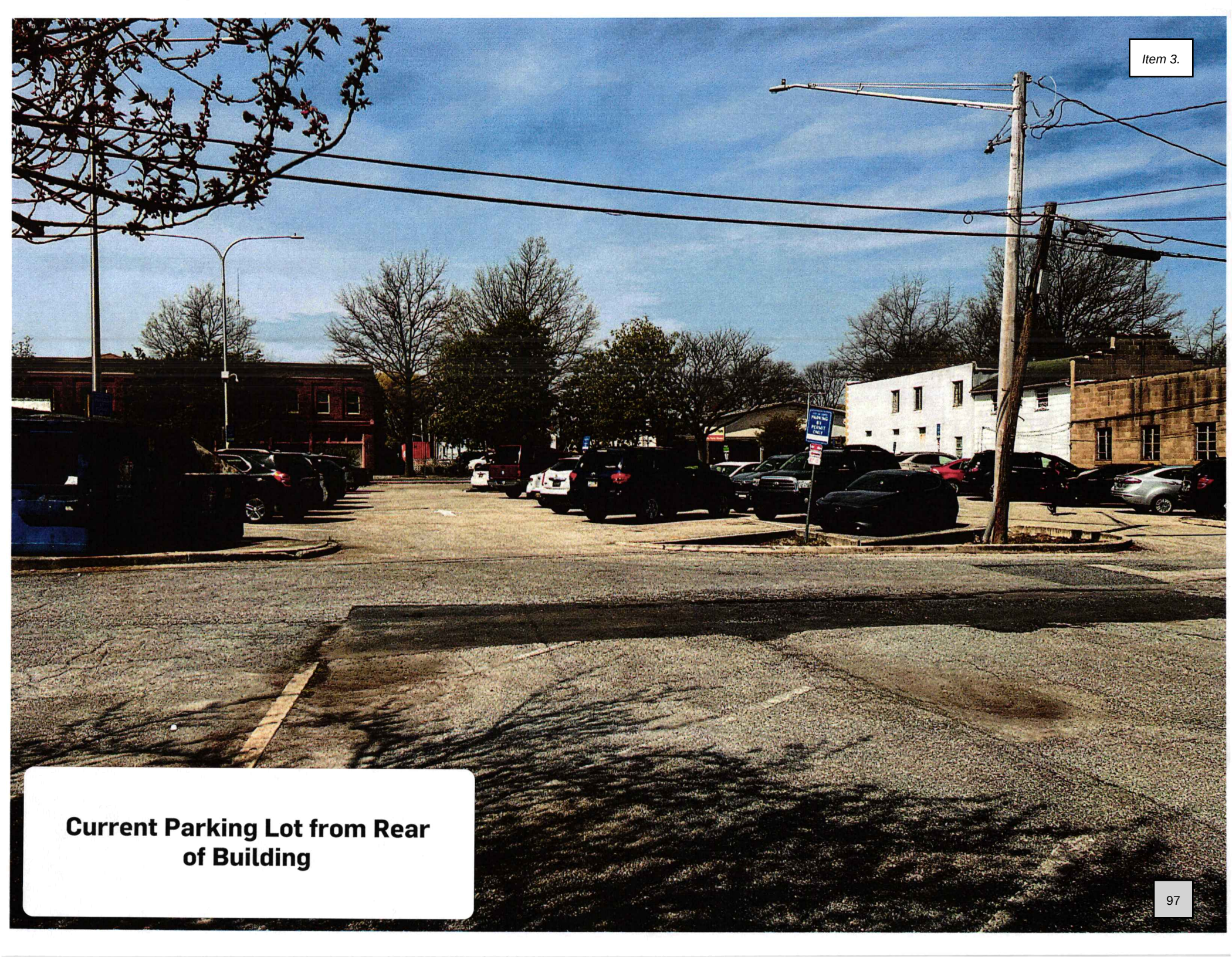
**Rear View from 150 S. Bradford
Rear**



Rear View (148 At Left)



**Current Parking Lot from Rear
of Building**



Aerial View



ATTACHMENT B

(Master Plan)

Capital City 2030: Transforming Downtown Dover!

For additional information on The Plan:

[DOVER Masterplan Presentation 1.31.23.pdf - Google Drive](#)

<https://tinyurl.com/CapitalCity2030>

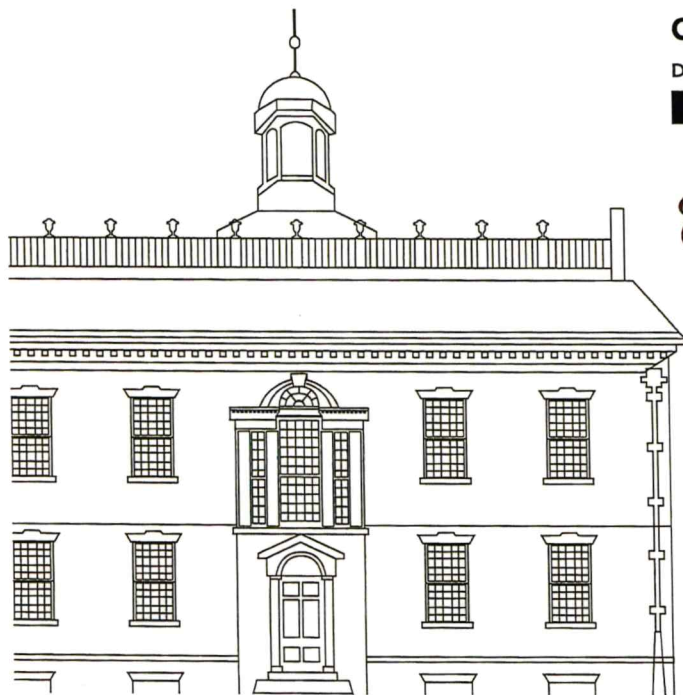
Transforming **Downtown Dover**

Capital City 2030

DOVER, KENT COUNTY, DELAWARE

January 2023

Executive Summary



Transforming Downtown Dover:

CAPITAL CITY 2030

TRANSFORMING DOWNTOWN DOVER: CAPITAL CITY 2030

provides a fresh and integrated approach to transform Downtown Dover and the surrounding area into a vibrant, thriving community and regional destination. With the support of the public, the business community and public officials, this document is intended to spur public and private investment to realize this vision.

The team engaged in an intensive listening process, reaching more than 800 residents, business owners, property owners, elected officials, and public and private stakeholders. The team then dissected key issues, needs and concerns to identify opportunities for meaningful growth.

They focused on a range of physical and programmatic solutions to jump start Downtown Dover and augment its already historic and bucolic setting. The areas of focus included key destination points, business attraction and connection, public financial support tools, architectural strategies, ground floor activation, multi modal transportation, public space, permits and zoning and new residential density.

The plan puts people first, with a focus on the customer who may be an employee, a resident, a student, a soldier, a nurse and artist, or a public servant. DDP's plan respects cars but is not constrained by them. The plan welcomes those who walk, cycle, use a scooter, take a bus or drive. We prioritize how streets interact with residents and visitors to increase

connection and improve the overall experience on the ground. Specifically, we reimagined the future Loockerman Street to again serve as the spine for the downtown district, having wider sidewalks, better tree infrastructure, brighter store fronts, more food and retail options, outdoor seating and traffic calming strategies.

The central premise of a reignited downtown district calls for density and connection to become the engines that drive change. The future requires new developments that activate ground floor spaces, adding nearly 1000 new residential units, a boutique hotel, centralized parking, more contemporary architecture, upgraded existing building structures, restaurants with outdoor seating, authentic retail, programmed public spaces, streamlined government approvals and government assisted financial incentives.

Our plan recommends incentives for building owners and businesses to stay or come to Downtown Dover. To attract and keep businesses, we recommend continued public investments in infrastructure, creating new financial tools such as TIFs to spur economic development, and an expedited path to approval for projects that align with the DDP plan.

By working with our existing key anchors, we start from a position of strength. These anchors are located within minutes of the downtown district, and include government entities, healthcare, and education. Delaware's state capital, its government agencies, Bayhealth, Delaware State University, and Dover Air Force Base are all longtime investors who could create synergy and directly benefit from a revitalized community.

These anchors employ and/or house thousands of people who currently are not fully engaged with downtown. This plan will build stronger connections through initiatives such as safe and convenient pathways from the anchor sites to downtown, quality residential housing and amenities and other programming that directly supports these anchors.



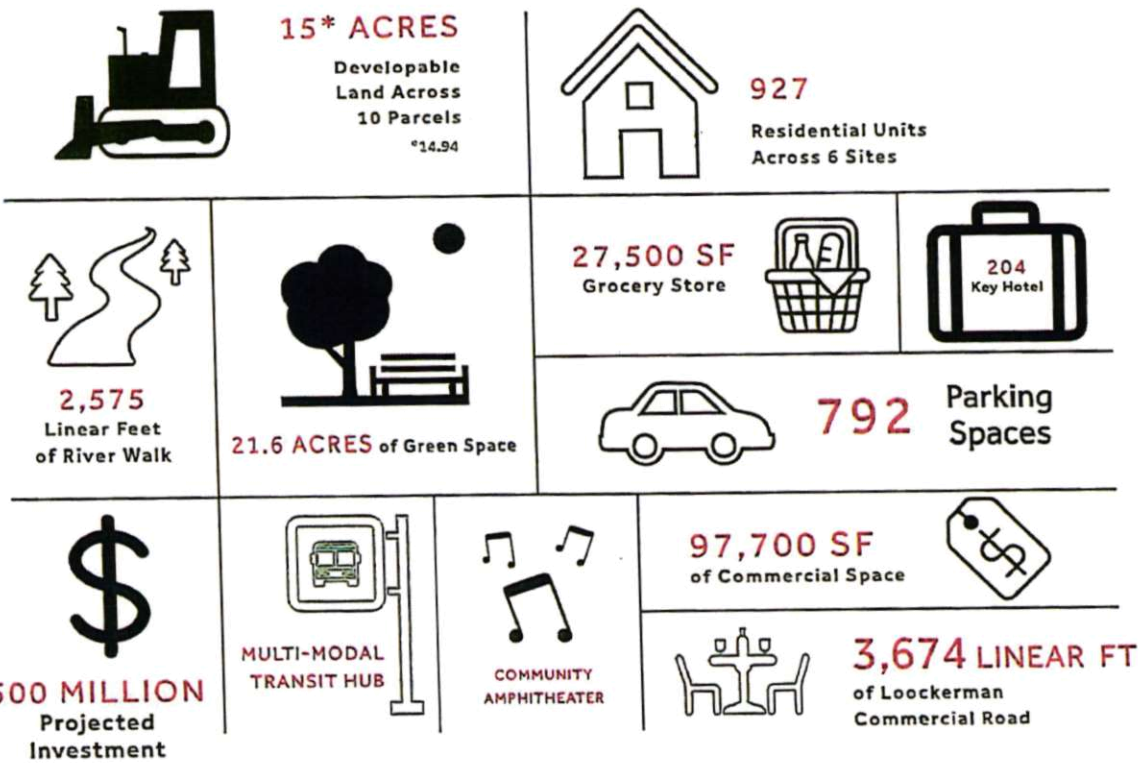
This plan was also built on the principles of equitable development. Building a more vibrant community also means including those who are traditionally left behind in the process. Dover has a large population of low- and moderate-income residents, many of whom need programmatic support to invest in job training, small business development, stabilized housing, and social support.

To help achieve that, we recommend attracting new businesses and training programs that emphasize local hiring, working closely with not-for-profits to leverage all investments, and working with established agencies to lessen the burden of homelessness, vagrancy, drug addiction and crime. The plan creates spaces for young people to learn, create and play, giving them new ways to enjoy the downtown.

To implement this plan, we recommend strengthening public-private cooperation. Leading this plan will be the Downtown Dover Partnership and its supporters. To assist them, we recommend adding a high-level development position to DDP to guide this project, convening a public-private Finance task force to investigate, implement, and manage financial incentives to bring investment to downtown, continue to outreach to the community to maintain support and engage the private sector directly in the development of DDP controlled sites.

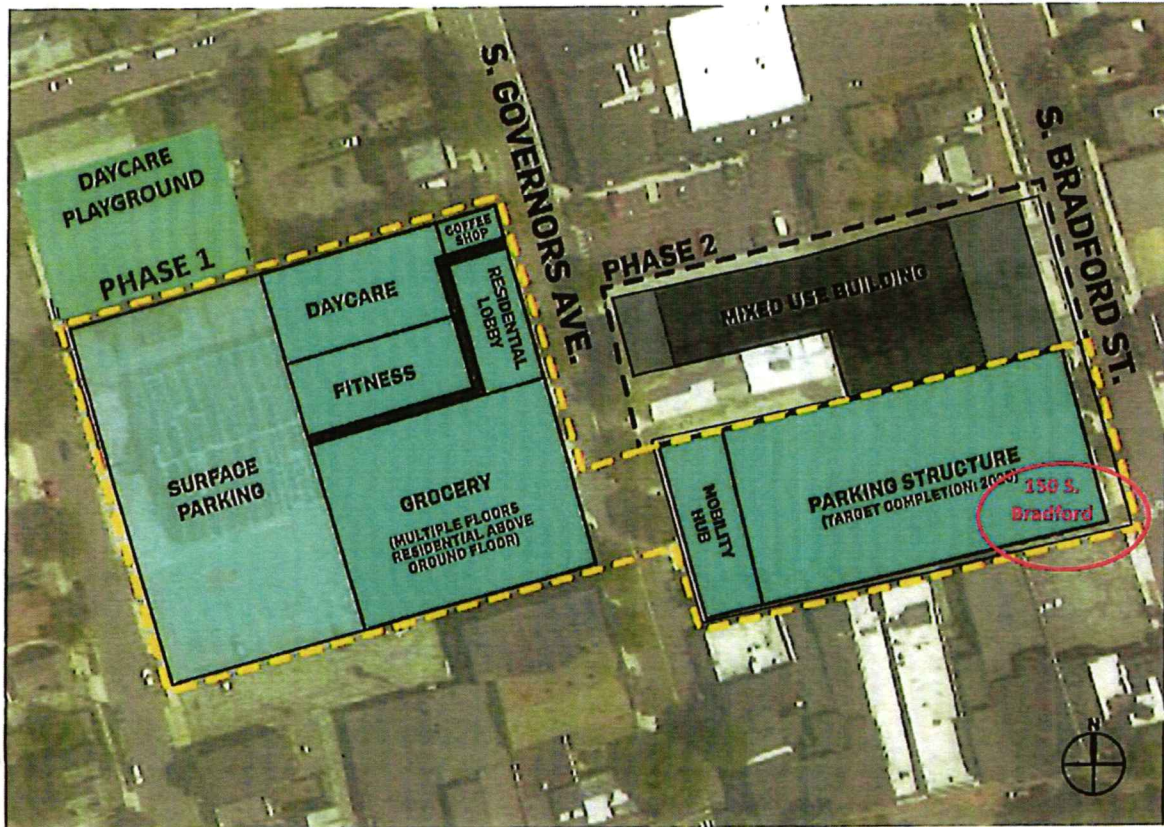
Capital City 2030 will create a new downtown for the City of Dover. This will become a model community for people to live, work, and play. Working together, we can make the Capital of the First state of the nation a true destination worthy of its heritage.

Projected OUTCOMES



ATTACHMENT C

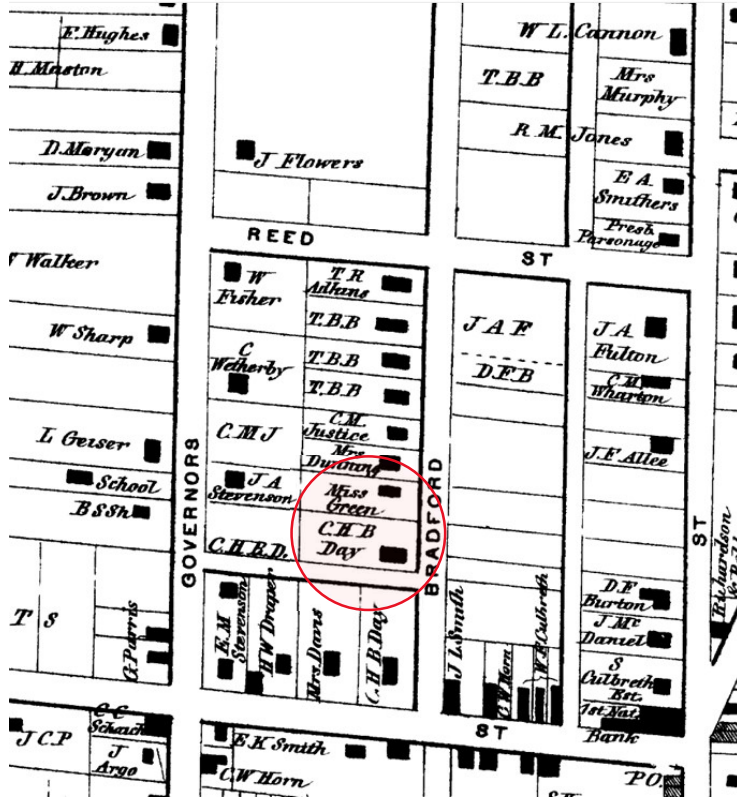
Proposed location of multi-modal transportation hub



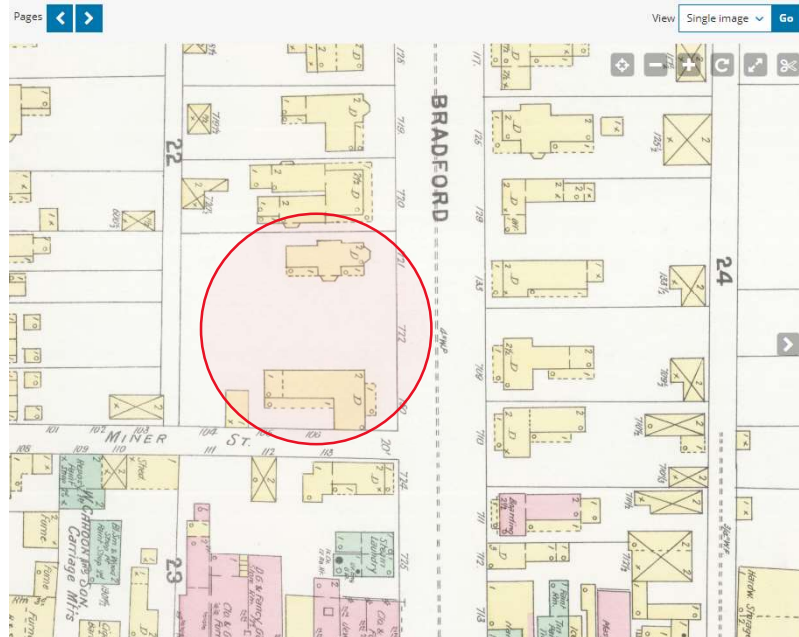
Aerial view of parcels for the Multi Modal Transit Center and 120 S. Governors Ave.

150 S. Bradford Ave. (approximate location)

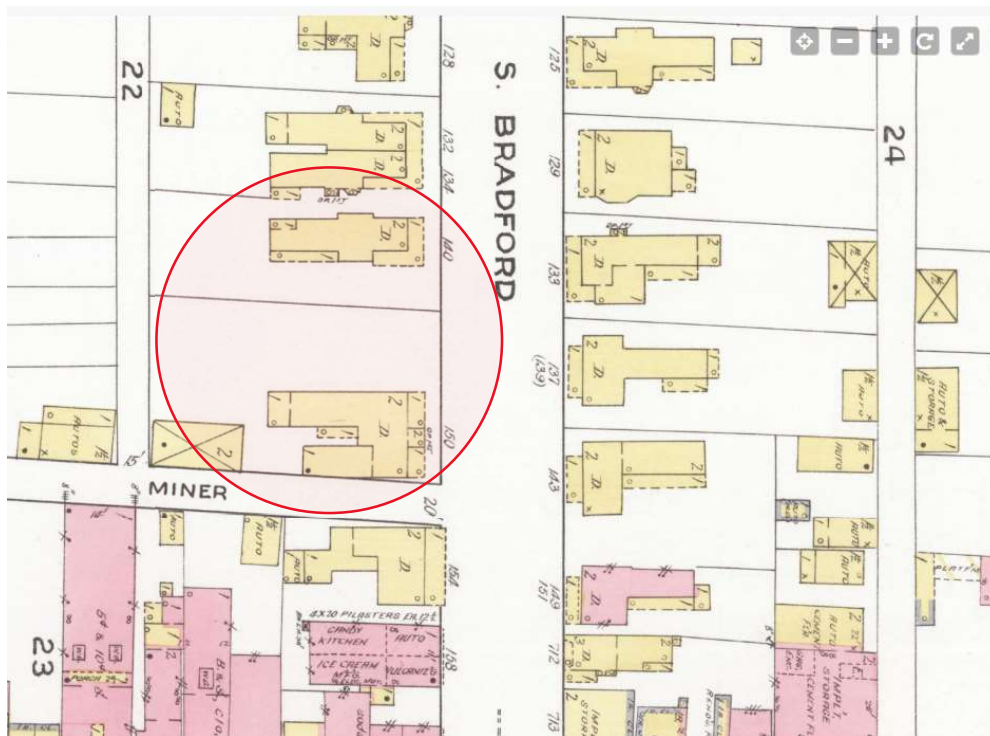
1868 Pomeroy & Beers Map:



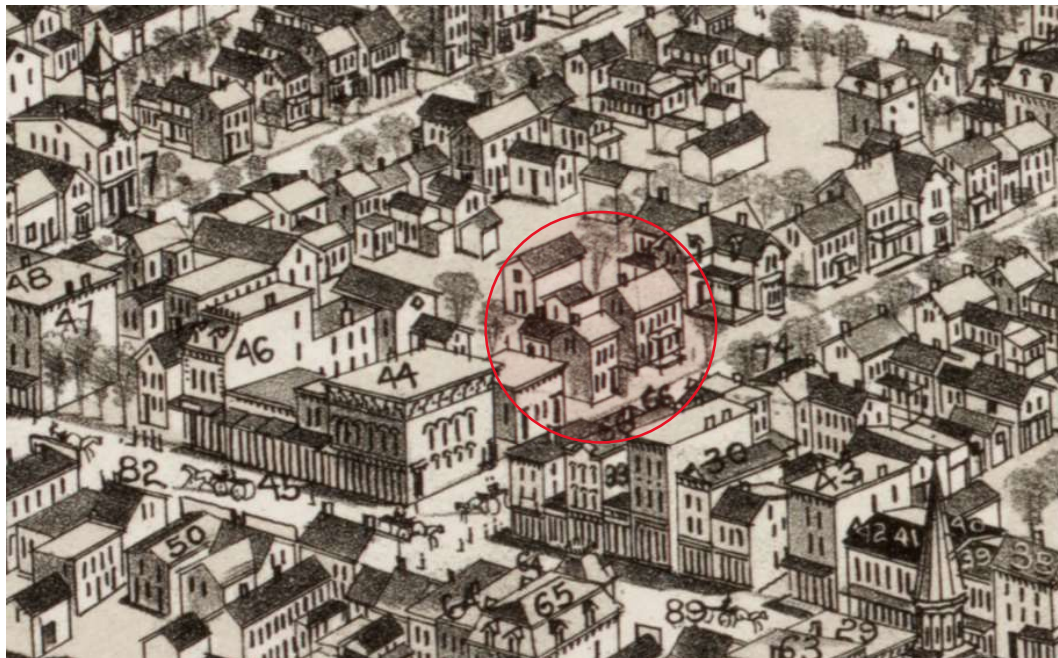
1897 Sanborn Map



1919 Sanborn Map



1885 O.H. Bailey & Co Bird's eye map



Demolition

The pressure to demolish buildings within any historic district is a regrettable fact of life. Either through catastrophic damage or through years of neglect, there are and will continue to be situations when a building is deemed beyond repair and "not worth" preserving. As the Dover Historic District continues to attract new residents and businesses, there will be pressure to "make way" for the "progress" that new construction is believed by some to represent.

Whereas issues of design guidelines for preservation and new construction are driven by architectural and aesthetic considerations, demolition, especially of repairable structures, is more frequently an economic issue. Indeed, the only other legitimate reason for consideration of demolition is if the building poses a threat to public safety. In considering applications for demolition, especially those based on economic or development considerations, the City must weigh issues beyond matters of architectural appropriateness, for demolition of an historic building in an Historic District is rarely if ever appropriate. Rather, the City must be convinced that all possible means of saving the building have been exhausted.

It should be noted that the City of Dover is trying to prevent unnecessary demolition by giving the Historic District Commission the authority to determine when "Demolition by Neglect" is occurring. "Demolition by Neglect" is defined as "improper maintenance or lack of maintenance of a building, structure or object which results in substantial and widespread deterioration of the building, structure or object which threatens the likelihood of preservation, and which presents a threat to the public safety, health and welfare of the immediate community." Once the Historic District Commission determines that a property is in a state of Demolition by Neglect, it can direct the building inspector to take actions under the City's Dangerous Building Code or Housing Code to order repairs. It is the responsibility of all citizens to look for and report instances of Demolition by Neglect to the City of Dover Historic District Commission.

The following criteria should be evaluated in considering applications for the demolition of historic buildings within the Dover Historic District:

To determine the financial implications of maintaining a property versus demolishing it, the City may ask an applicant to submit documentation pertaining to differential costs, structural soundness, suitability for rehabilitation, estimated market value of the property as is and after renovation for continued use, economic feasibility of rehabilitation, purchase price, income, and cash flow information (relating to the property only) and any other information considered necessary.

Regardless of economic issues, the relative significance of the building slated for demolition should be evaluated. If the building is not considered a contributing structure in the District, then its demolition may not be objectionable. If a building is significant, then even a finding of economic hardship may not be sufficient to allow demolition. Some buildings, such as the Richardson mansion, the Parke-Ridgely House, the Rose Cottage, etc., are so significant that extraordinary measures should be made to delay or prevent their demolition. Adaptive reuse of historic buildings is always preferable to demolition and new construction.

In development-related applications, the City should review schematic plans for the new structure, in order to help weigh the virtues of the new versus what exists.

Further, in order to provide some slight mitigation of the effects of unavoidable demolition of historic structures within the Dover Historic District, owners should be required to provide adequate recordation of a property. The extent of such recordation would depend on the significance of the property. At the least, archival photographs should be produced for every historic building that is lost to demolition within the District. When the demolition of an extremely significant building is unavoidable, measured drawings should be produced that comply with the standards of the Historic American Buildings Survey.

Lots left vacant by demolition should be treated in a manner that is sympathetic to the historic context. In the residential and commercial contexts, a 5' high opaque barrier should be constructed at the building line, either a fence or plant materials or both. Parking should not be permitted on vacant lots. Community gardens or parks should be encouraged.

Relocation of Existing Buildings

Moving historic buildings out of, into or within the Historic District should be discouraged. The removal of historic buildings from the District has the same effect as demolition on the historic character of the District. Moving historic buildings within the District confuses the actual history of the District. Moving historic buildings into the District falsifies the existing historic record by adding a building that does not belong to either time or place. Relocating a building, however, is always preferable to its demolition.

Inappropriate

- Concrete walls are inappropriate as a fencing material in the Dover Historic District zone and should be prohibited. Existing concrete walls should be stuccoed and painted, while "decorative" masonry screens should be painted black-green.

Paving and Bordering

The paving along or within the perimeter of a property provides the connection between the front door and the street. Providing the "carpet" to the door, it should be as graceful as the rest of the yard.

Recommended

- Brick, gravel, and compressed earth paths are appropriate for domestic walks and garden paths.
- Brick paving should be dry-laid in one of several patterns.



Brick Paving Patterns

- Concrete walks are acceptable in the Dover Historic District zone.
- Glazed brick borders are appropriate for planting bed borders in Victorian style gardens.

Not Recommended

- "Over-paving" to create formal gardens is not recommended in the Dover Historic District zone.
- Using concrete to replace brick, flagstone or other historic paving materials is not recommended.

Inappropriate

- Concrete block, painted rocks, and low wire fencing are inappropriate border materials in the Dover Historic District zone.

Parking Lots

Parking lots are the awkward by-product of a mobile culture. Their incorporation into historic districts is problematic. Parking lots should be screened from the street, their layout should include borders, and islands planted with trees and shrubs to break-up expanses of paved areas. Given any parking lot within the Dover Historic District zone, at least 20% of the area within it should be unpaved and planted.





Downtown Dover Partners Item 3.
101 W. Loockerman Street, Ste 100
Dover, DE 19904
(302) 678-2940
www.DowntownDover.com

June 4, 2024

Ms. Dawn Melson-Williams, AICP, Principal Planner
City of Dover
15 Loockerman Plaza
Dover, DE 19901

To the Members of the City of Dover Planning Commission:

Please consider this a Request for Appeal to the City of Dover Planning Commission from the Downtown Dover Partnership (DDP) regarding our Application for Architectural Review Certificate dated April 12, 2024 for the proposed demolition of 148 South Bradford Street, Dover Delaware. (A separate request for the adjacent property at 150 South Bradford Street has also been initiated.)

The above referenced application (HI-24-02) was reviewed and denied (by a vote of 2:1) at the Historic District Commission (HDC) meeting on May 16, 2024, held at the Dover City Hall Council Chambers.

There was no specific remedy or recommendation given by the HDC leading to support efforts toward approval of the DDP application for demolition. Nevertheless, since the May 16 meeting, the Downtown Dover Partnership and its Project Development Team have voluntarily reviewed options to proposed demolition of 148 South Bradford, including revisiting a previously considered design for the Mobility Center (previously referred to as the "Multi-Modal Transportation Hub"), as well as reorienting the Mobility Center on an adjacent smaller footprint in response to a community member's recommendation. (At this time, the Team is also exploring the option of moving the historic building to a new location.)

The DDP/Development Team then provided an Open House on June 3 to present these alternatives publicly and to invite public comment, both orally and in writing. 60 members of the public attended.

If approved, the DDP request for appeal to the City of Dover Planning Commission will, in part, include a presentation of the aforementioned-design alternatives, as well as the merits of each, which will allow us to convey our Team's justification for what we believe is the best design outcome for the community – the solution that best supports overall goals of the *Capital City 2030: Transforming Downtown Dover!* master plan, and largely addresses concerns indicated by both HDC and community members within the Capital City.

We understand, should this request be accepted, that the next appeal opportunity before the Planning Commission would be on June 17, 2024. We are hopeful for continued dialogue regarding this important project at that time.

Sincerely,

Kenneth R. Anderson
DDP Property Development Director

CC: Diane Laird, Executive Director
Todd Stonesifer, Board President





ARCHITECTURAL REVIEW REPORT
Before Dover Historic District Commission
May 16, 2024

**Appeal of Historic District Commission Action
to the Planning Commission for Meeting of June 17, 2024.**

Project Name: Building at 150 South Bradford Street: Building Demolition

Location: West side of South Bradford Street between West Loockerman Street and Reed Street, just north of the Minor Street Alley.
150 S. Bradford Street

Tax Parcel: ED-05-077.09-02-25.00-000

Property Owner: CEI Properties
Applicant: Downtown Dover Partnership

Present Zoning: C-2 (Central Commercial Zone)
H (Historic District Overlay Zone)

Present Use: Offices (Previously a single-family home)

Proposed Use: Vacant site

File Number: HI-24-03

Action by Historic District Commission:

The Historic District Commission conducted a public hearing and considered the Application HI-24-02 for Architectural Review Certification to demolish the building at 148 S. Bradford Street. The vote was 2-1 to deny the Architectural Review Certification for demolition (1 member absent and another recused).

Application: HI-24-03 – Building at 150 S. Bradford Street: Building Demolition

This Architectural Review Certification application was reviewed by the Historic District Commission on May 16, 2024. The following is the context of the Architectural Review Staff Report and includes information on the Historic District Commission considered.

PROJECT DESCRIPTION:

The Historic District Commission will act on an Architectural Review Certificate regarding Demolition of the 2 ½ story frame building located at 150 South Bradford Street. The property is zoned C-2 (Central Commercial Zone) and subject to H (Historic District Zone). The parcel consists of 0.17 +/- acres of land. The property is located on the west side of S. Bradford Street and north of Minor Street Alley. The owner of the record is CEI Properties. The applicant is the

Downtown Dover Partnership. Property Address: 150 S. Bradford Street. Tax Parcel: ED-05-077.09-02-27.00-000.

The following application for demolition at 150 South Bradford Street is submitted to the Historic District Commission regarding the issuance of the Architectural Review Certificate for a Demolition project. Applications for certain types of construction activity within the Historic District Zone (H) are reviewed by the Historic District Commission for Architectural Review Certification as part of the application review process. The Application is for review under the provisions of *Zoning Ordinance*, Article 10 Section 3.23. See below:

3.23 Architectural review certification by the historic district commission.

- (A) The historic district commission shall issue architectural review certificates for the construction or demolition of single-family and two-family homes, and nonresidential structures or additions involving a gross floor area of 3,000 square feet or less, after review of the proposed construction and after a determination that the construction is in general accordance with the standards set forth in subsection 3.25 below.
- (B) All applications to the historic district commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.
- (C) All decisions of the historic district commission pursuant to this subsection shall be formalized in a written notice of decision. When the commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.
- (D) An applicant may appeal the decision of the historic district commission to the planning commission, and such appeal shall be considered as an architectural review certification application to the planning commission and shall meet all of the requirements set forth in subsection 3.24 and subsection 3.26.

The Historic District Commission will act on an Architectural Review Certificate regarding the request for Demolition of the building at 150 S. Bradford Street.

Property Information

This building is located within a National Register of Historic Places Historic District, specifically the Victorian Dover Historic District. Provided below is the building summary from the building inventory listing found within the National Register nomination completed for the Victorian Dover Historic District (nomination completed 1977-78).

K0396.151 – 150 South Bradford Street - Late-19th century, 2-story, 5-bay, single family dwelling; gable roof; single-bay 2nd floor projection at the center of the facade; gable roof, full return; 6/1 sash; facade porch, fluted columns, Ionic capitals, balustrade; converted into double-dwelling in 1966.

The property is located within H (Historic District Zone) as established by the City of Dover.

A series of historic maps were reviewed by Planning Staff for preliminary information on this block of South Bradford Street. The 1868 Beers Map published by Pomeroy & Beers shows the established street grid and rear alley although the parcel lines may be slightly different. There appears to be a building on the site with a different size and shape. The 1885 Bird's Eye View of

Dover shows a series of residential buildings on this west side of S. Bradford Street and smaller detached structures in rear yards. The series of Sanborn Fire Insurance Maps is also a reference source for information on the series of buildings which occupied this property over time. The 1897-1919 Sanborn Maps show a building at the subject site with a growing footprint as rear additions were made. The accessory structure in the rear changed between 1897 and 1919. Between 1919 and 1929, the accessory structure was also enlarged. Staff believes this structure first presented in the 1897 Sanborn Map to be the structure that is present today. (see Attachments at the end of report)

According to the tax records for the City of Dover, the shingle clad building at 150 S. Bradford Street was built in 1930 (appears to be an inaccurate estimation). There is a parking lot at the rear of the property that looks to be connected to the parking lot at 148 S. Bradford Street. The accessory structure that was present in the 1929 Sanborn Map is not mentioned in the 1978 inventory for the National Register of Historic Places application.

PROJECT PROPOSAL FOR DEMOLITION

The applicant has filed an application for Architectural Review Certification for the demolition of 150 S. Bradford Street. The submission consists of a narrative with attachments including a photo gallery. The project is described below:

1. Demolition of Building: The project involves the demolition of the existing 2 1/2-story shingle clad frame building on the property.

The scope of Demolition notes that an asbestos survey will be conducted and the process for demolition and removal of debris. Information on the stabilization of the surfaces following removal of the building listed installation of sand/gravel to fill (to bring to grade). The rear of the existing property is paved for parking with access from a rear alley. The future use of the property is part of the Downtown Dover Partnership's strategic plan *Transforming Downtown Dover: Capital City 2030*. This site will be combined with others to create a multi-modal transportation hub to be used for multiple businesses in the area for current and future enhancements to the downtown area. The redevelopment of the site will be subject to a separate review process.

Review of DESIGN STANDARDS AND GUIDELINES

The subject property is located in the Dover Historic District Zone within the Loockeman Historic Context. The Loockerman Historic Context is described on pages 2-7 through 2-8. Location within the Dover Historic District Zone requires proposals for specific types of construction activities such as new construction, additions to existing buildings, exterior renovations, and demolition of buildings to receive an Architectural Review Certificate.

As stated in the *Design Standards and Guidelines for the City of Dover Historic District Zone*, an Architectural Review Certificate will be granted for the project "if it is found that the architectural style, general design, height, bulk and setbacks, arrangement location and materials affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district."

Demolition

The proposal for demolition of the building must be reviewed for conformity with the design criteria guidelines found in Chapter 4: New Construction, Additions, Demolition and Relocation. The *Design Standards and Guidelines* gives guidance to the Historic District Commission by listing specific criteria to be evaluated when considering applications for the demolition of buildings (or portions of buildings) in the historic district (Chapter 4: pages 4-10 to 4-12). These guidelines are summarized below (see *Design Standards and Guidelines* for the complete text); an excerpt of Chapter 4 is attached.

1. Determine the financial implications of maintaining a property versus demolition.
2. Regardless of economic issues the relative significance of the individual buildings slated for demolition should be evaluated.
3. In development related applications the City should review the schematic plans for the new structures to weigh the virtues of the new structure versus what exists.
4. Determine the extent of adequate recordation of a property the applicant would be required to complete if demolition were approved.
5. Lots left vacant by demolition should be treated in a manner that is sympathetic to the historic context.

The *Design Standards and Guidelines* note that parking should not be permitted on vacant lots and suggests alternative uses. Also provided is information about development of parking lots (page 3-27) in the Historic District. The *Guidelines* excerpt for parking lots is as follows:

Parking lots are the awkward by-product of a mobile culture. Their incorporation into historic districts is problematic. Parking lots should be screened from the street, their layout should include borders, and islands planted with trees and shrubs to break-up expanses of paved areas. Given any parking lot within the Dover Historic District zone, at least 20% of the area within it should be unpaved and planted.

The Applicant, in their narrative, considers the *Design Standards and Guidelines* for Demolition outlining their reasons for such Demolition request.

STAFF COMMENTS AND RECOMMENDATIONS

The following are the Staff comments and recommendations for this application regarding project activities and an Architectural Review Certificate.

- 1) The *Design Standards and Guidelines* outline specific criteria to be evaluated in considering demolition applications (Chapter 4). The following are Staff's consideration of the criteria for Demolition.
 - a) In this instance, the economic maintenance evaluation of the property individually is not the issue for the applicant, but rather the need for the land to as part of a larger project in the Downtown Dover Partnership plan to revitalize the Downtown area and provide central parking. A central parking area would allow people to park their cars and visit businesses and residences on foot.

- b) The structure of this property has been through several changes over the years. First from single family home, to duplex, to commercial use. The style was adapted by the owners at the time of renovations. If the structure present today is the same structure as the one present in the 1885 O.H. Bailey & Co Bird's eye map, the projecting upper level in the middle bay was not present. The fish scale shingles on the attic level and the diamond shaped window are not mentioned in the 1979 description in the inventory of the National Register of Historic Places. This structure seems to be a combination of many styles that have evolved over its lifespan and not a significant representation of the time frame for the Victorian era.
 - c) Included in the application is a draft concept of the lots and its future use. However, the redevelopment project is not being reviewed currently.
 - d) We have not been provided detailed plans or renderings for the multi-modal transportation hub development. Nor have bids gone out for the demolition of the building. An asbestos survey will be initiated when the project can move forward, as required by the building and inspections department.
 - e) The lot is not expected to be left vacant past 2026.
- 2) While it is not the practice of the Planning Staff to recommend Demolition of a historic building that has been adaptively reused, consideration must be given to the future redevelopment of the area. The building generally is a historic structure, though not a representative of a specific style. However, improvements to some exterior finishes (i.e. window replacements, exterior finishes, porch renovations, front decking addition, various building additions, doors, and roofing) since its original construction as a house. At some point, it became an office use.
- 3) Staff notes the opportunities for the relocation of the building could also be an option for consideration.
- 4) Staff are not aware of any documentation/recording of the existing building. The Historic District Commission could require additional documentation/recording of the building if deemed appropriate.
- a) If demolition is unavoidable then, given the late nineteenth century age of the building, the building should also have additional documentation completed in the form of measured drawings of the building's floor plans. This should include other data gathering on the building's construction.
 - b) A series of photographs of the building's exterior and interior should be systematically completed to include keyed location map of photographs.
- 5) If approval for demolition of the building is granted, Staff recommends the following conditions pertaining to the building demolition and site stabilization. These conditions are presented to improve the project's compliance with the recommended guidelines for consideration of demolition in the *Design Standards and Guidelines* and other code provisions:
- a) A specific timeframe for demolition activities and site stabilization should be established.
 - b) All utilities must be properly capped and/or abandoned.
 - c) Clarify the plan for site stabilization of the site.
 - i) The building footprint area following demolition of the building and removal of the basement foundation walls must be restored to grade. The disturbed area is to include

- stabilization with topsoil and seeding to establish a grass lawn area. The grass lawn area is to be properly maintained.
- d) Staff do not recommend installation of solid (opaque) fencing or chain link fencing on the site. If areas need to be segregated on the site, other alternative fence styles may be more appropriate.
 - e) Parking could continue on the paved (rear parking) area only. Stabilization of the building footprint area with gravel is not an approved parking surface even as a temporary measure.

ADVISORY COMMENTS:

- 1) The applicant shall be aware that a Demolition Permit is required to proceed with any demolition activities on the property should Architectural Review Certification be granted for the demolition proposal. The Demolition Permit application must comply with the conditions of approval granted through the Architectural Review Certification process.
- 2) In the event that major changes and revisions to the project proposal occur, contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Historic District Commission.
- 3) Any future construction activities such as redevelopment of the site for a building or for an expanded parking facility are subject to additional review processes for permitting and plan review.
- 4) If the building is or will be vacant prior to the Demolition, then it may be required to be registered as a Vacant Building with the City under the Vacant Buildings program.

Historic District Commission Action

The Historic District Commission at their meeting of May 16, 2024, considered the proposal for demolition of the building at 150 S. Bradford Street and took action to deny the request for Architectural Review Certification for Demolition. The application was represented by Diane Laird (Downtown Dover Partnership), Ken Anderson (Downtown Dover Partnership), and Jed Hatfield (Colonial Parking Inc.).

- See Draft Meeting Minutes of May 16, 2024 (being prepared).
- Motion to deny the demolition of the building at 150 S. Bradford Street was passed with a vote of 2-1 with the following Historic District Commission members present; Eric Czerwinski, Ann Baker Horsey, and Ellen Richardson. Mary Terry Mason was absent. Jonathan Street was also in attendance but recused himself as a board member of the Downtown Development Dover Partnership.
- Staff noted that the decision of the Historic District Commission could be appealed to the Planning Commission.

Appeal to the Planning Commission

The *Zoning Ordinance* allows for decisions of the Historic District Commission to be appealed to the Planning Commission (*Zoning Ordinance*, Article 10 Section 3.2 Architectural Review Certification). The Planning Commission is to determine if the proposal for the Demolition of the Building at 150 S. Bradford Street should be granted Architectural Review Certification based on the following standards:

Article 10

3.25 *Architectural review standards.*

(A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.

The "historic district design guidelines" referenced in the *Zoning Ordinance* are the document entitled *Design Standards and Guidelines for the City of Dover Historic District Zone*. The Planning Commission may add conditions to their action.

Attachments:

- 1) Letter of Notice of Historic District Commission Action
- 2) Draft Excerpt of Historic District Commission Meeting Minutes of May 16, 2024 (pending completion).
- 3) Application HI-24-03.
- 4) Historical Maps of the property
- 5) *Design Standards and Guidelines for the City of Dover Historic District Zone* - Excerpts from Chapter 4: New Construction, Additions, Demolition and Relocation.
- 6) *Design Standards and Guidelines for the City of Dover Historic District Zone* – Excerpt from Chapter 3: Maintenance, Repair, Preservation and Restoration of Existing Historic Buildings.
- 7) Google Street View photo.
- 8) Applicants Letter requesting Appeal dated June 4, 2024.



June 7, 2024

Downtown Dover Partnership
101 W. Loockerman St., Ste 2B
Dover, DE 19904

Emails: ken@downtowndoverpartnership.com & diane@downtowndoverpartnership.com

RE: **Notice of Historic District Commission Action (Architectural Review Certification)**
Demolition Application HI-24-03 to Historic District Commission
Proposed Demolition of the Existing Building at 150 South Bradford Street, Dover DE
Tax Parcel: ED-05-077.09-02-27.00-000

Dear Applicants:

Under the provisions of *Zoning Ordinance*, Article 10, Section 3.23 the Application HI-24-03 was filed for review and consideration by the Historic District Commission regarding the issuance of the Architectural Review Certificate due to its location within the City of Dover's Historic District zone.

Demolition Application HI-24-03 was on May 16, 2024, for demolition of the existing building at 150 South Bradford Street in Dover, Delaware. The Project outlined in the Application for Architectural Review Certification submission listed demolition of the building.

The *Design Standards and Guidelines for the City of Dover Historic District Zone*, Chapter 4: New Construction, Additions, Demolition and Relocation presents approaches to activities in the Historic District. For Demolition activities, the *Design Standards and Guidelines* also gives guidance by listing specific criteria to be evaluated when considering applications for the demolition of buildings (or portions of buildings) in the Historic District.

At its Meeting of May 16, 2024, the City of Dover Historic District Commission considered this Demolition Application and acted to deny the Architectural Review Certificate for Demolition Application HI-24-03. After discussion of the request for demolition, the motion to deny was passed by a vote of 2-1 (with one member recused and one member absent).

The appeal process for a Historic District Commission decision is outlined in the *Zoning Ordinance* Article 10, Section 3.23 (D). Please be aware that future uses and/or improvements to the property are subject to additional review processes for plans and permits. If you have questions, please contact the Planning Office at (302)736-7196 or by email at dmelson@doover.de.us.

Sincerely,
On Behalf of the Historic District Commission
Department of Planning and Inspections

A handwritten signature in black ink, reading "Dawn Melson-Williams".

Dawn Melson-Williams, AICP
Principal Planner

CC: HI-24-02



Downtown Dover Partnership
Main Street Dover
101 W. Loockerman Street, Ste 2B
Dover, DE 19904
(302)678-2940

April 22, 2024

To: Members of the City of Dover Historic District Review Commission (May 16, 2024 meeting)

Re: 148 S. Bradford St., Dover, DE

The Downtown Dover Partnership (DDP) seeks an Architectural Review Certificate for 150 S. Bradford St. The DDP acknowledges and values this historic building, as well as the historic context of which this building is a part. Nevertheless, a larger initiative is underway that will require demolition of this property: *The Capital City 2030: Transforming Downtown Dover!* master plan ("the Plan").

The Downtown Dover Partnership has led development of The Plan, the goal of which is to transform downtown Dover into a thriving residential, cultural, and business district with recreational, arts and music amenities, as well as a multi-modal transportation hub. The plan was created through significant community engagement and has been supported by a broad range of public and private entities, as well as non-profits and individuals. Most recently the Governor committed \$25M toward two projects to kick-start the transformation.

The property that has been identified for the public transportation hub is comprised of two existing parcels (city and DDP-owned, respectively) and requires the adjacent parcel of 150 S. Governor's Ave. to complete the land massing for the structure.

We ask that members of the committee be assured that The Plan will not only set the stage for a strong, sustainable future for the downtown business district and neighboring communities of Dover for years to come, but will also ensure that the Downtown Dover Historic Victorian district maintains a majority of its assets, character, and intrinsic value throughout the encompassing transformation that is associated with The Plan.

The DDP appreciates the committee's thoughtful consideration for the proposed demolition.

Sincerely,

Diane Laird
 Executive Director

CC: DDP Board of Directors



NATIONAL REGISTER OF HISTORIC PLACES INVENTORY -- NOMINATION FORM

RECEIVED APR 25 1979

DATE ENTERED 11 6 1979

Victorian Dover Historic District

CONTINUATION SHEET

ITEM NUMBER 7 PAGE 41

K-396

INVENTORY

- .144 117 South Bradford Street - 19th century, 2½-story, 5-bay dwelling; re-sheathed with aluminum siding; gable roof, central facade cross gable, interior end chimneys; 2/2 double-hung sash, black aluminum louvered shutters; facade porch removed during remodeling.
- .145 125 South Bradford Street - Late-19th century, 2-story, frame cruciform-shaped residence; gable end faces street; green metal standing seam gable roof, central terra cotta chimney pot; 2/2 sash, moulded lintels; L-shaped facade veranda, square posts, brackets, Chippendale-style balusters, unusual pierced woodwork trim across porch crawl space.
- .146 129 South Bradford Street - Early-20th century, 2-story, frame dwelling; enlarged in 20th century by 2-story brick section added to facade and converted into business and office space; hipped roof, hipped roof dormers on frame section, flat roof on brick section, windows modernized.
- .147 131-135 South Bradford Street - 19th century, 2-story, 3-bay, frame residence, modified in 20th century; gable roof, box cornice, 1-story brick commercial space added to facade and south side; older section converted into apartment units.
- .148 137 South Bradford Street - 1960's, 1-story, octagonal brick drive-in bank; Flemish bond coursing; slate conical roof, lead pineapple finial; 3-bay, covered drive-thru lanes, designed by George Fletcher Bennett, Willow Grove, Delaware.
- .149 153 South Bradford Street - 20th century, 2-story, masonry commercial/residential structure; yellow brick facade; flat roof, parapet.
- .150 158 South Bradford Street - 20th century, 2-story, masonry, commercial structure; flat roof, parapet; 1/1 sash and door with transom set into segmentally-arched openings; 1st floor facade modernized.
- .151 150 South Bradford Street - Late-19th century, 2-story, 5-bay, single-family dwelling; gable roof; single-bay 2nd floor projection at the center of the facade; gable roof, full return; 6/1 sash; facade porch, fluted columns, Ionic capitals, balustrade; converted into double-dwelling 1966.

148 S. Bradford St

Page 41

Victorian District (https://s3.amazonaws.com/NARAprodstorage/lz/electronic-records/rg-079/NPS_DE/79000622.pdf)

NARRATIVE FOR APPLICATION TO HISTORIC DISTRICT REVIEW COMMISSION

150 SOUTH BRADFORD ST, DOVER, DELAWARE

This application seeks an Architectural Review Certificate of 150 S. Bradford St., one of two adjacent properties within the Dover's (Historic District Zone) for which the applicant is requesting demolition.

Existing 150 S. Bradford Street Building/Property

- See Photo Gallery for series/description of property and views (ATTACHMENT A)

Context for Demolition Request

While the applicant acknowledges and values this historic building(s), as well as the historic context of which the building is a part, a larger initiative is underway that will require demolition of this property. This larger initiative, the *Capital City 2030: Transforming Downtown Dover!* master plan ("the Plan") will not only set the stage for a strong, sustainable future for the downtown business district and neighboring communities of Dover for years to come, but will also ensure that the Downtown Dover Historic Victorian district maintains a majority of its assets, character, and intrinsic value throughout the encompassing transformation that is associated with The Plan.

(ATTACHMENT: B)

Anticipated Scope of Demolition

At this writing, Information to Bid (ITB) or Request for Proposals (RFP) has not been released for the demolition of this structure.

An Environment Assessment Asbestos Containing Materials Survey will be initiated to confirm or dismiss the presence of asbestos containing material at the site. This is a requirement prior to the demolition of any structure. The survey will be conducted by an EPA accredited building inspector.

The result of the above survey may or may not dictate any special follow-up actions prior to demolition of the structure.

For this structure, we anticipate responses to any Information to Bid or Request for Proposals, to propose a demolition to the structure utilizing an excavator and skid steer working from the top to the bottom of the structure, and from the front to the rear.

Disposing of the resulting work debris would be off-site to DSWA (Sandtown), using a Rolloff truck with containers removing concrete as required. The Rolloff truck containers will also dispose of all vegetation and overgrowth on the lot.

The demolition will include the installation of clean sand and gravel in the demolished area, compacted every 6 to 12 inches. A barricade fence is normally installed around the work area before any work begins or as the City of Dover permit might require. That will be removed once approved by the City of Dover.

In Consideration of Dover's Historic District Guidelines

The *Design Standards and Guidelines for the City of Dover, Historic District Zone*, in Chapter 4 entitled "*New Construction, Additions, Demolition, and Relocation, starting at Page 10 entitled "Demolition*" provided the DDP with guidelines regarding the criteria to be thoughtfully considered prior to the demolition of any structure, for any purpose in the City of Dover Historic District.

After a thorough review of the above guidelines, and coupled with the overall impact to the citizens of the City of Dover, we offer the following to support a proposed authorization to proceed with the demolition of 150 South Bradford Street, Dover Delaware:

- The 150 South Bradford Street property is being acquired for specific future use and is not being demolished because of catastrophic damage or neglect, nor is the building currently a threat to public safety.
- The DDP is acquiring the property for demolition, to provide a critical component of a multi-modal transportation hub to fulfill a recommendation within The Plan. This plan was resoundingly supported by the State of Delaware, as reflected by a recent award of \$25M by Governor Carney toward this transportation hub and a related mixed-use redevelopment project at 120 S. Governors Ave. (\$15M ARPA; 10M Bond Bill).
- The evolving design of the \$14M multi-modal transportation hub requires the footprint of two parcels, one of which is 150 South Bradford Street, Dover, Delaware, which is the subject of this application. ATTACHMENT C

- The 150 South Bradford Street property being acquired for demolition by the DDP, we understand, is not a noteworthy source of revenue currently to the City of Dover.
- The property is included in the inventory of National Register of Historic Places — Victorian Dover Historic District, and is referenced as Item Number 7 on Page 42.
- The projected adaptive reuse of the parcel will be a portion of a multi-modal transportation hub which 100% percent fully funded.
- If requested, the DDP will facilitate the recordation of, and if necessary, provide archival photographs of the property, prior to demolition.
- Upon proposed demolition of 150 South Bradford Street, the resulting parcel is anticipated to be vacant for a very limited time (under one year), as the funding received from the State of Delaware requires that the funds identified for the construction of the multi-modal transportation hub be allocated by the end of 2024 and fully expended by year end 2026.

The applicants appreciate the thoughtful consideration of the members of Dover's Historic District Review process and look forward to working with the Commission to ensure our combined goals will support Dover's sustainable and exciting future.

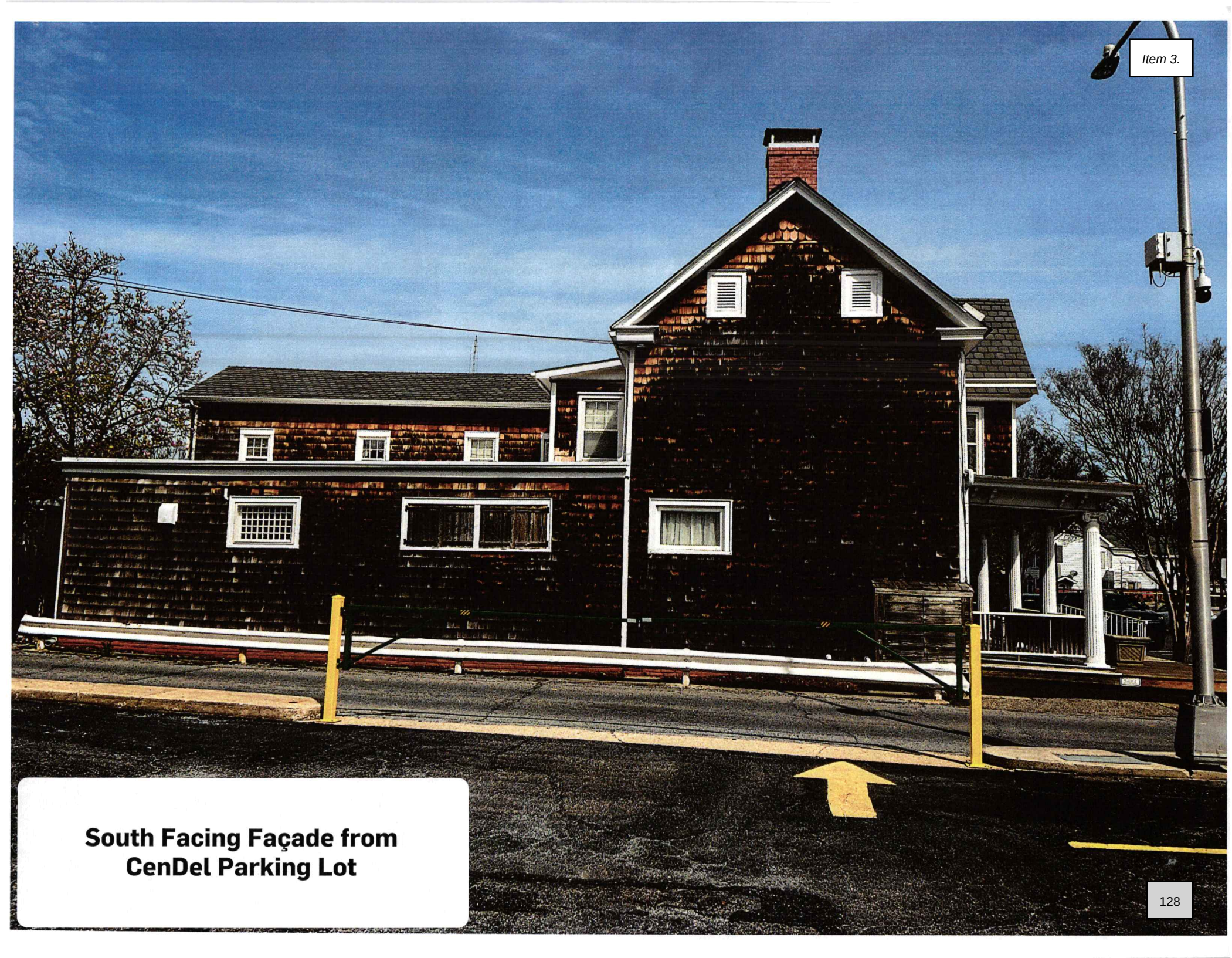
ATTACHMENT A

Photo Gallery

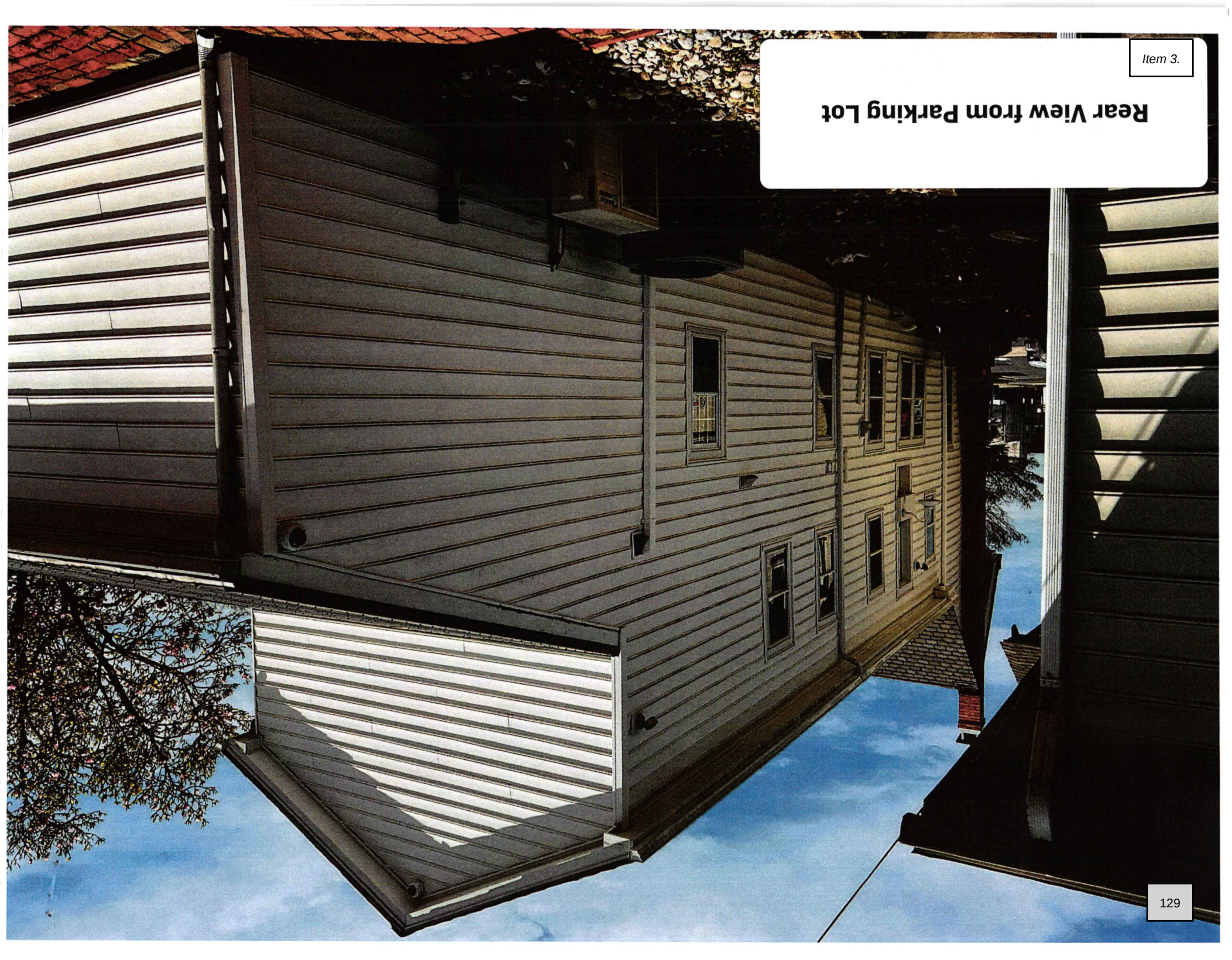
150

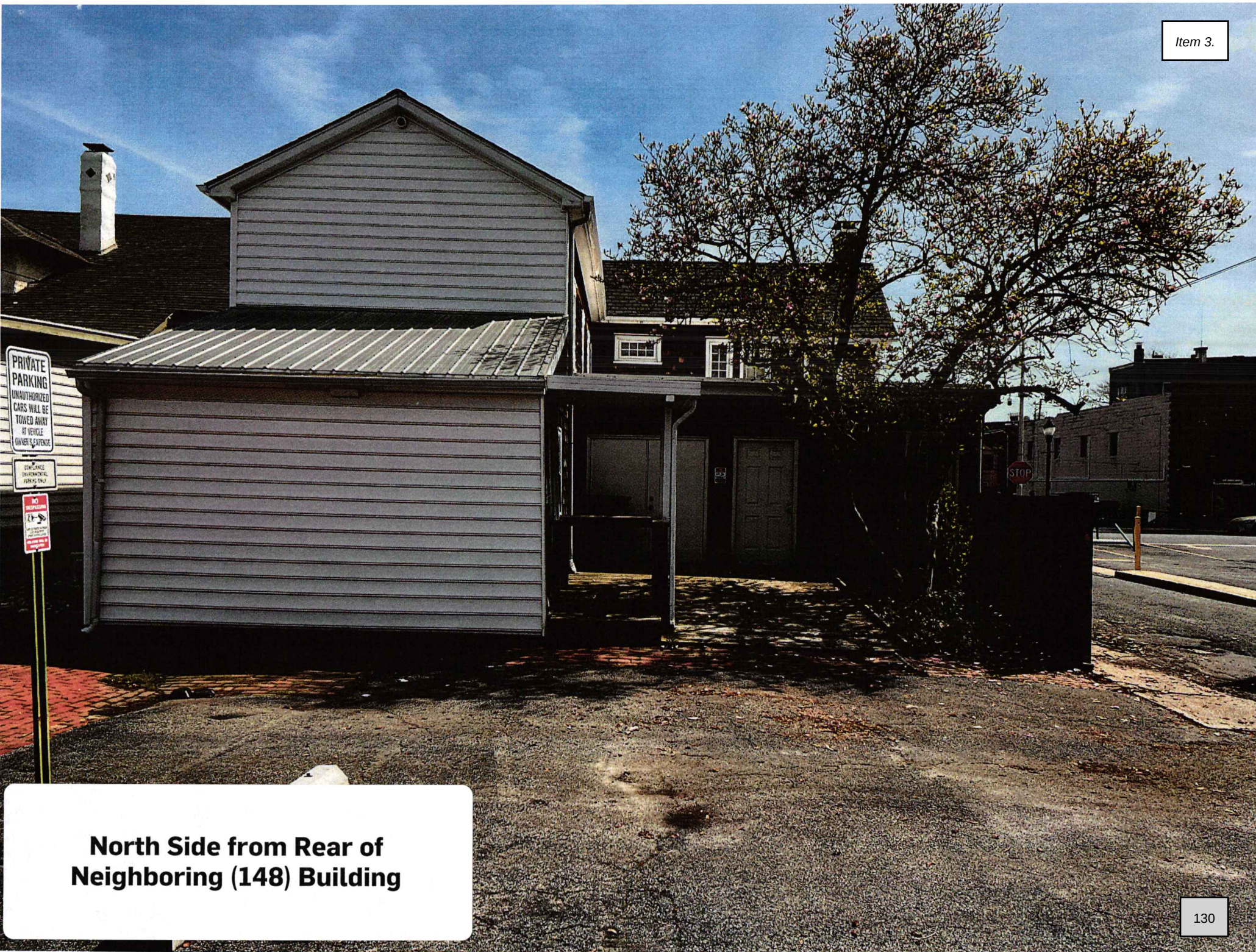
~~148~~ S. Bradford from S.
Bradford St.

**South Facing Façade from
CenDel Parking Lot**



Rear View from Parking Lot





**North Side from Rear of
Neighboring (148) Building**

Item 3.

Rear of Property

131

NO
TRESPASSING
DO NOT CLIMB ON WALLS
OR GO INTO BACKYARD
VIOLATORS WILL BE
PROSECUTED



Rear View from Rear of Building



Aerial View

ATTACHMENT B

(Master Plan)

Capital City 2030: Transforming Downtown Dover!

For additional information on The Plan:

[DOVER Masterplan Presentation 1.31.23.pdf - Google Drive](#)

<https://tinyurl.com/CapitalCity2030>

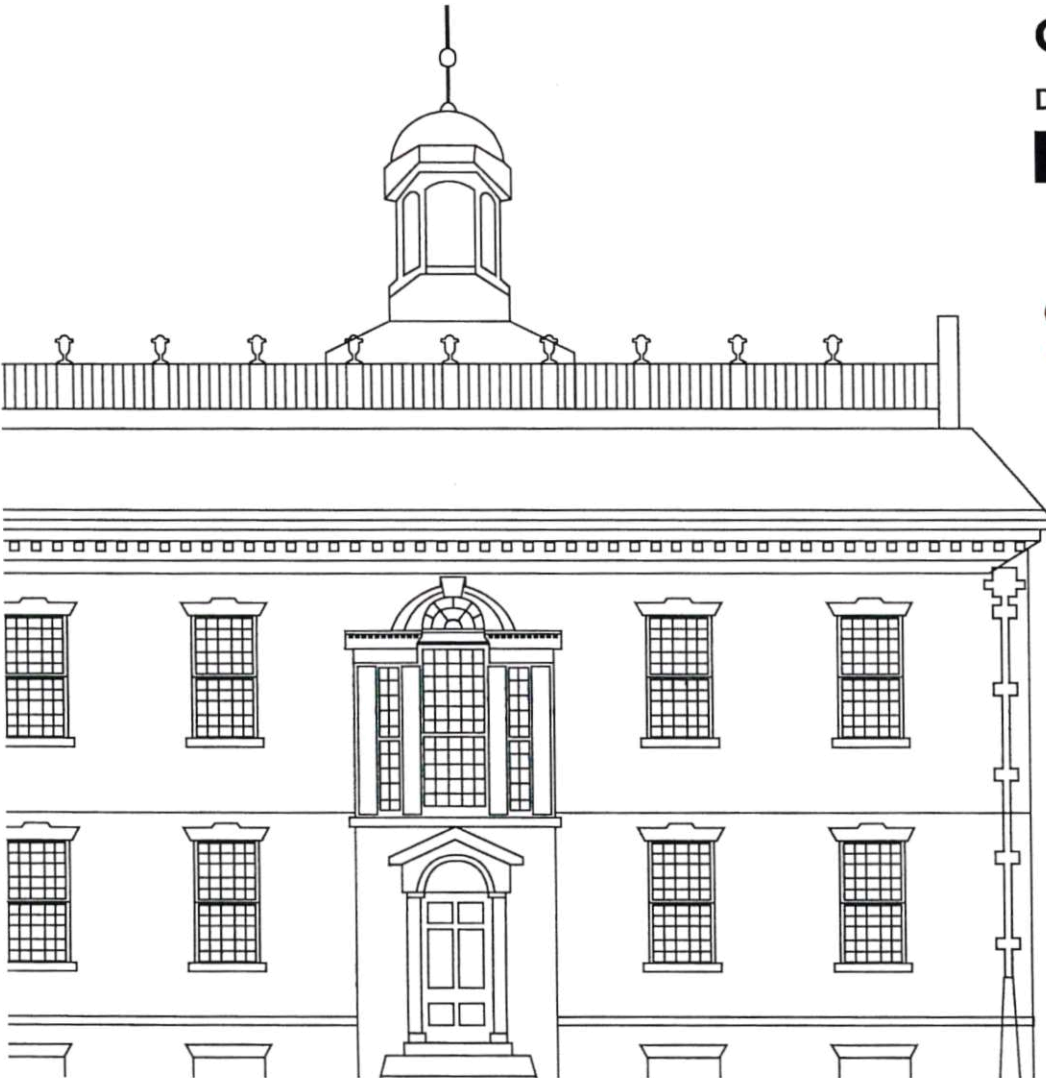
Transforming **Downtown Dover**

Capital City 2030

DOVER, KENT COUNTY, DELAWARE

January 2023

Executive Summary



Transforming Downtown Dover:

CAPITAL CITY 2030

TRANSFORMING DOWNTOWN DOVER: CAPITAL CITY 2030

provides a fresh and integrated approach to transform Downtown Dover and the surrounding area into a vibrant, thriving community and regional destination. With the support of the public, the business community and public officials, this document is intended to spur public and private investment to realize this vision.

The team engaged in an intensive listening process, reaching more than 800 residents, business owners, property owners, elected officials, and public and private stakeholders. The team then dissected key issues, needs and concerns to identify opportunities for meaningful growth.

They focused on a range of physical and programmatic solutions to jump start Downtown Dover and augment its already historic and bucolic setting. The areas of focus included key destination points, business attraction and connection, public financial support tools, architectural strategies, ground floor activation, multi modal transportation, public space, permits and zoning and new residential density.

The plan puts people first, with a focus on the customer who may be an employee, a resident, a student, a soldier, a nurse and artist, or a public servant. DDP's plan respects cars but is not constrained by them. The plan welcomes those who walk, cycle, use a scooter, take a bus or drive. We prioritize how streets interact with residents and visitors to increase

connection and improve the overall experience on the ground. Specifically, we reimagined the future Loockerman Street to again serve as the spine for the downtown district, having wider sidewalks, better tree infrastructure, brighter store fronts, more food and retail options, outdoor seating and traffic calming strategies.

The central premise of a reignited downtown district calls for density and connection to become the engines that drive change. The future requires new developments that activate ground floor spaces, adding nearly 1000 new residential units, a boutique hotel, centralized parking, more contemporary architecture, upgraded existing building structures, restaurants with outdoor seating, authentic retail, programmed public spaces, streamlined government approvals and government assisted financial incentives.

Our plan recommends incentives for building owners and businesses to stay or come to Downtown Dover. To attract and keep businesses, we recommend continued public investments in infrastructure, creating new financial tools such as TIFs to spur economic development, and an expedited path to approval for projects that align with the DDP plan.

By working with our existing key anchors, we start from a position of strength. These anchors are located within minutes of the downtown district, and include government entities, healthcare, and education. Delaware's state capital, its government agencies, Bayhealth, Delaware State University, and Dover Air Force Base are all longtime investors who could create synergy and directly benefit from a revitalized community.

These anchors employ and/or house thousands of people who currently are not fully engaged with downtown. This plan will build stronger connections through initiatives such as safe and convenient pathways from the anchor sites to downtown, quality residential housing and amenities and other programming that directly supports these anchors.



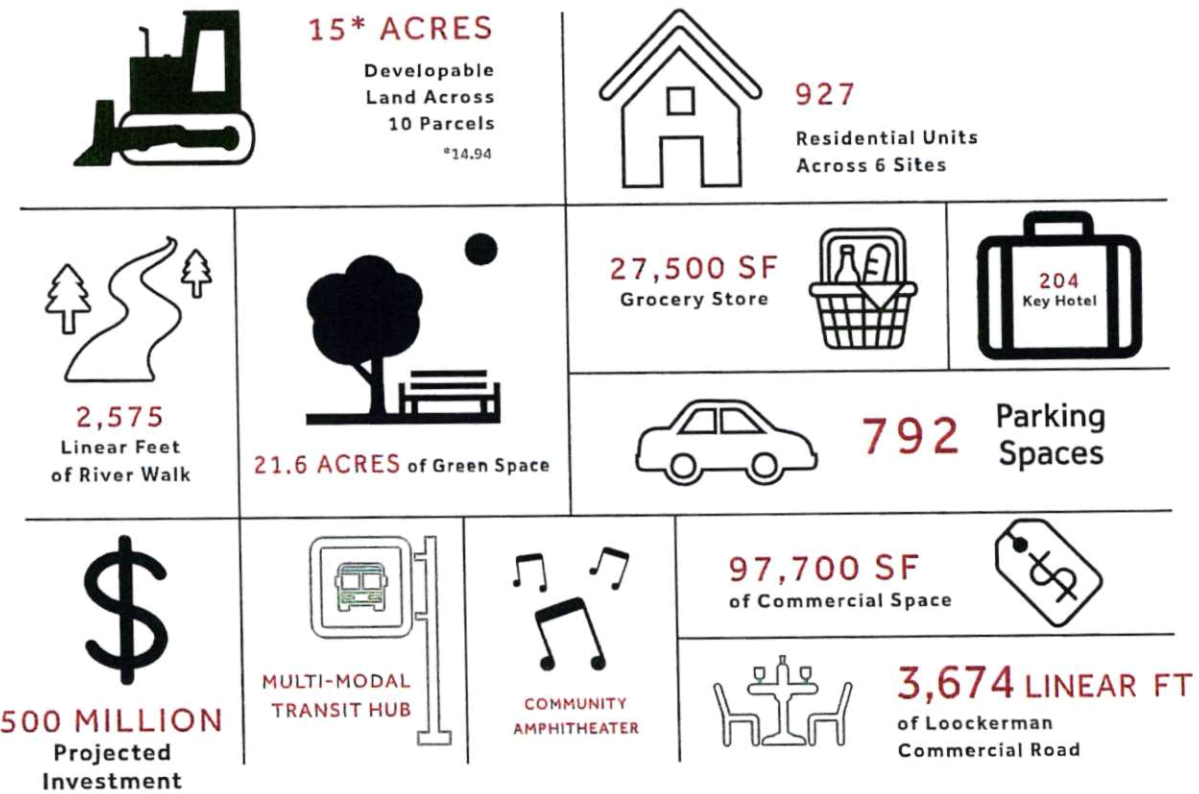
This plan was also built on the principles of equitable development. Building a more vibrant community also means including those who are traditionally left behind in the process. Dover has a large population of low- and moderate-income residents, many of whom need programmatic support to invest in job training, small business development, stabilized housing, and social support.

To help achieve that, we recommend attracting new businesses and training programs that emphasize local hiring, working closely with not-for-profits to leverage all investments, and working with established agencies to lessen the burden of homelessness, vagrancy, drug addiction and crime. The plan creates spaces for young people to learn, create and play, giving them new ways to enjoy the downtown.

To implement this plan, we recommend strengthening public-private cooperation. Leading this plan will be the Downtown Dover Partnership and its supporters. To assist them, we recommend adding a high-level development position to DDP to guide this project, convening a public-private Finance task force to investigate, implement, and manage financial incentives to bring investment to downtown, continue to outreach to the community to maintain support and engage the private sector directly in the development of DDP controlled sites.

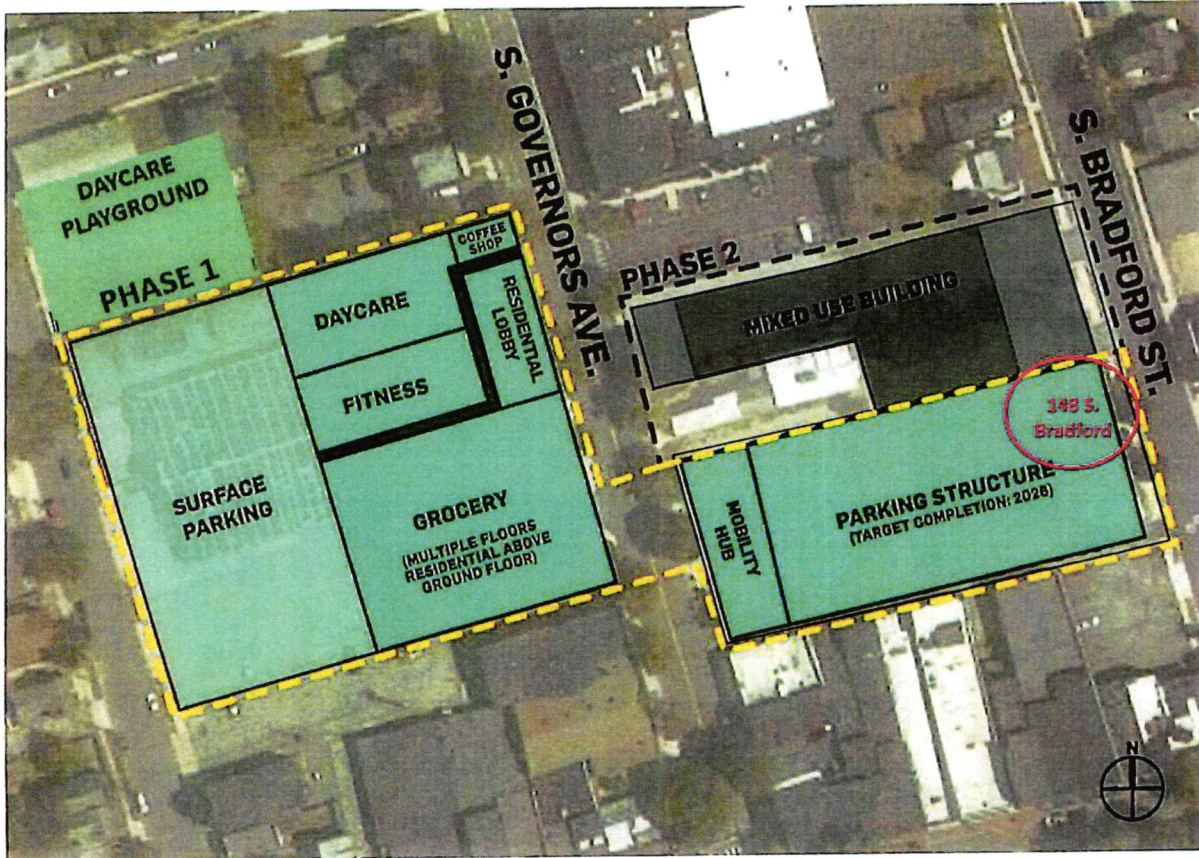
Capital City 2030 will create a new downtown for the City of Dover. This will become a model community for people to live, work, and play. Working together, we can make the Capital of the First state of the nation a true destination worthy of its heritage.

Projected OUTCOMES



ATTACHMENT C

Proposed location of multi-modal transportation hub



Aerial view of parcels for the Multi Modal Transit Center and 120 S. Governors Ave.

148 S. Bradford Ave. (approximate location)

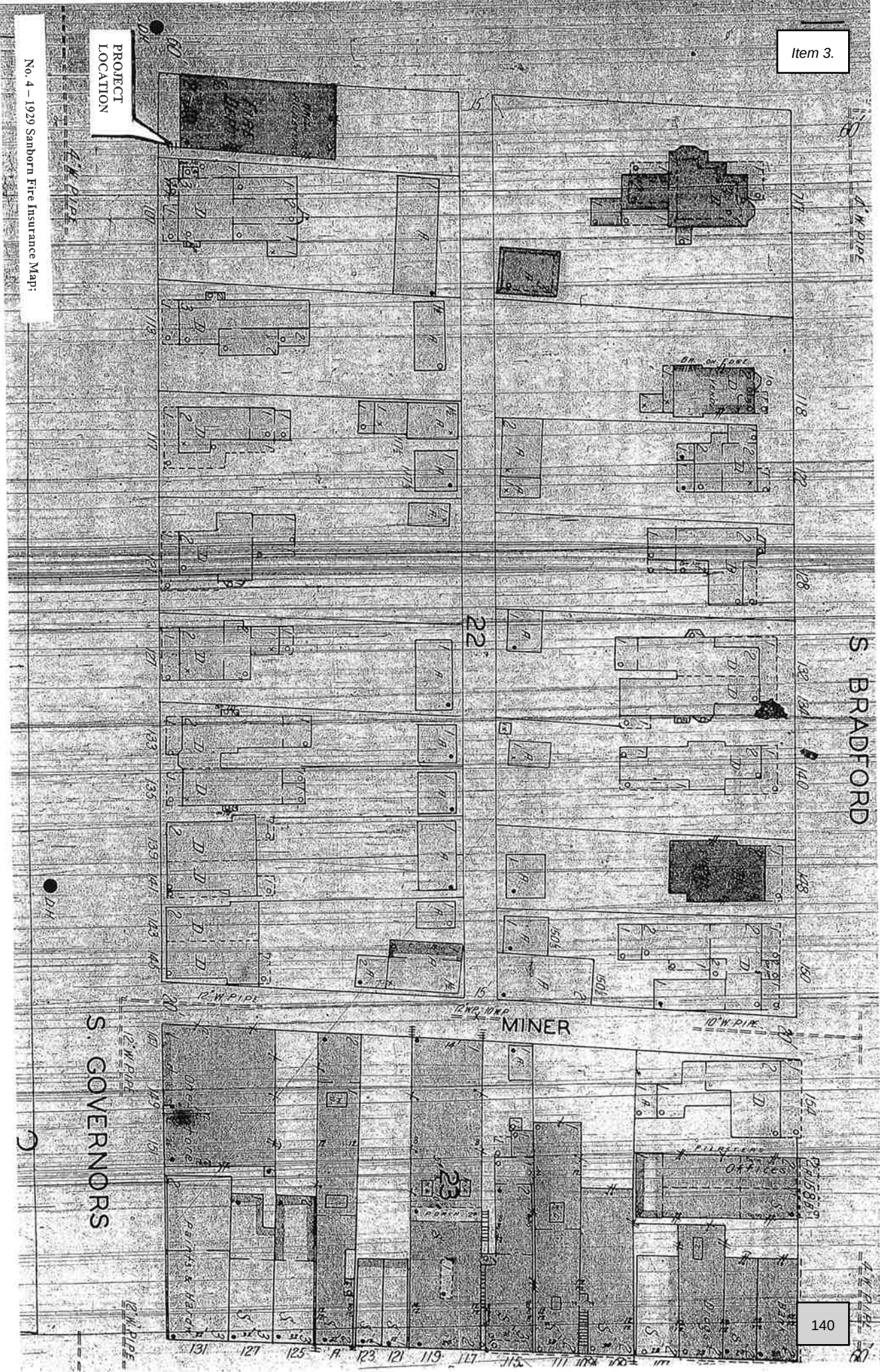
S. BRADFORD

MINER

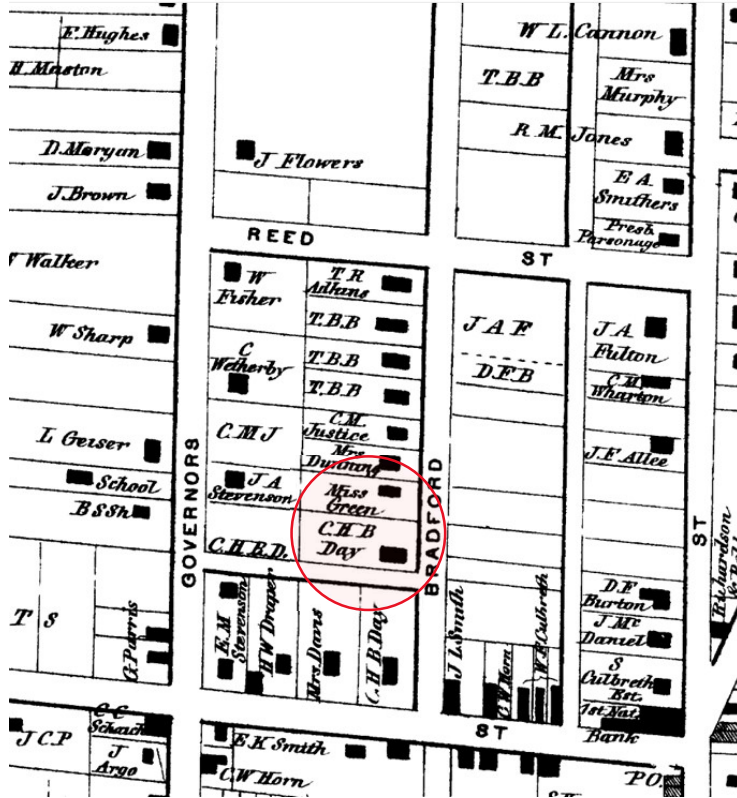
S. GOVERNORS

PROJECT
LOCATION

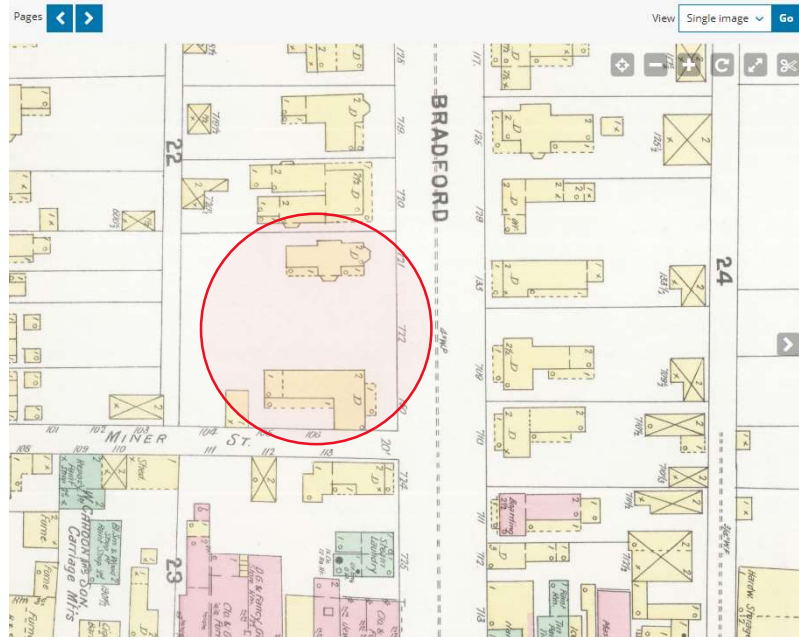
No. 4 - 1929 Sanborn Fire Insurance Map:



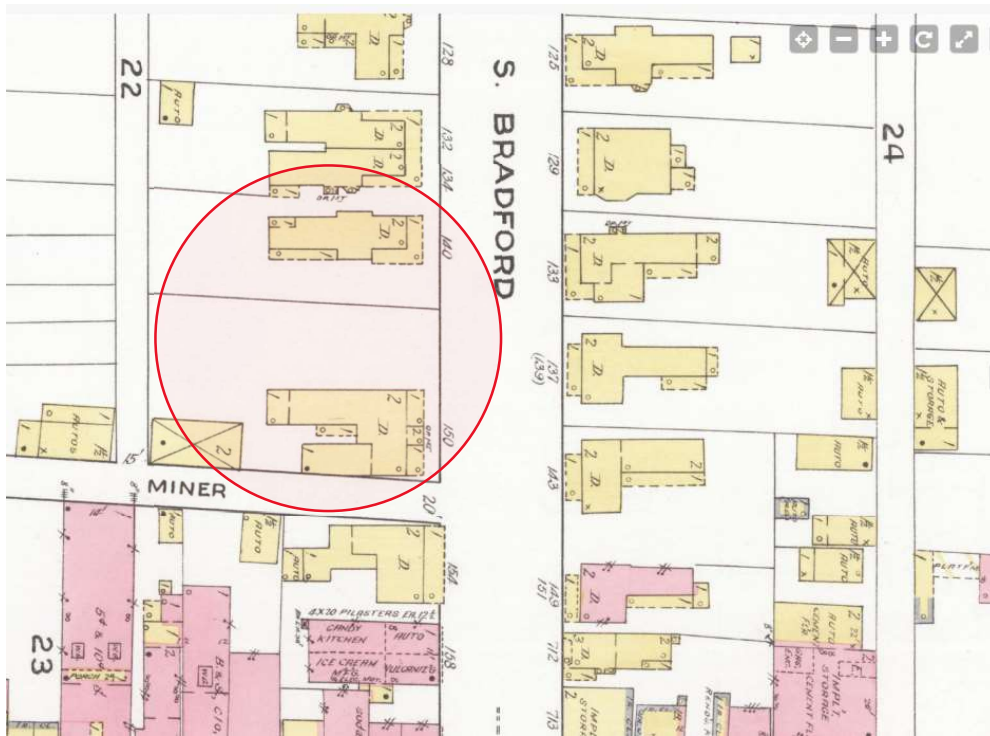
1868 Pomeroy & Beers Map:



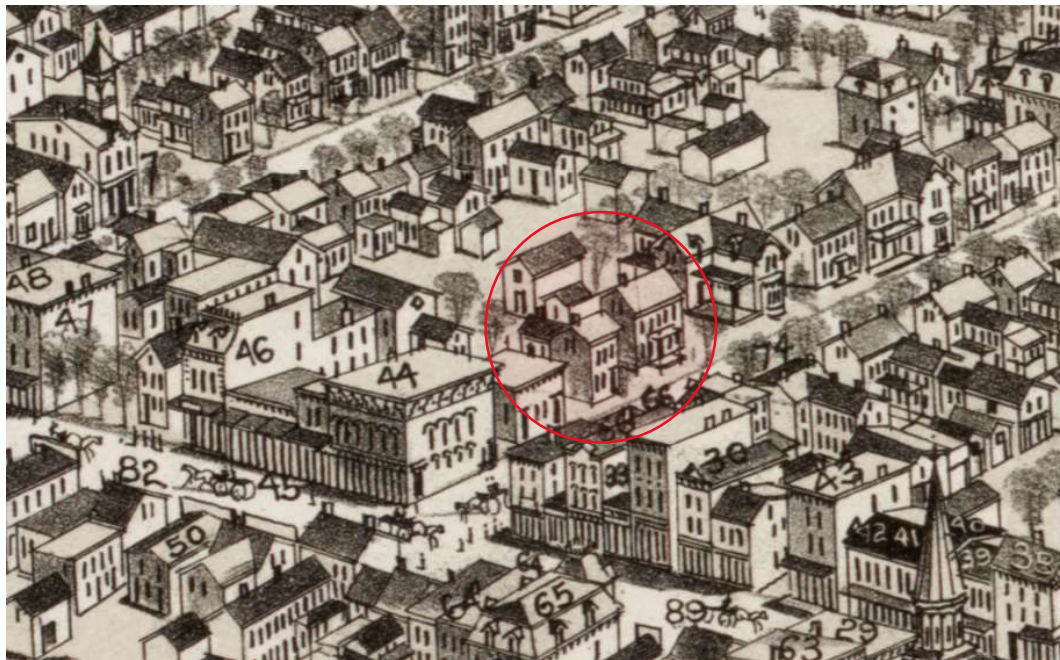
1897 Sanborn Map



1919 Sanborn Map



1885 O.H. Bailey & Co Bird's eye map



Demolition

The pressure to demolish buildings within any historic district is a regrettable fact of life. Either through catastrophic damage or through years of neglect, there are and will continue to be situations when a building is deemed beyond repair and "not worth" preserving. As the Dover Historic District continues to attract new residents and businesses, there will be pressure to "make way" for the "progress" that new construction is believed by some to represent.

Whereas issues of design guidelines for preservation and new construction are driven by architectural and aesthetic considerations, demolition, especially of repairable structures, is more frequently an economic issue. Indeed, the only other legitimate reason for consideration of demolition is if the building poses a threat to public safety. In considering applications for demolition, especially those based on economic or development considerations, the City must weigh issues beyond matters of architectural appropriateness, for demolition of an historic building in an Historic District is rarely if ever appropriate. Rather, the City must be convinced that all possible means of saving the building have been exhausted.

It should be noted that the City of Dover is trying to prevent unnecessary demolition by giving the Historic District Commission the authority to determine when "Demolition by Neglect" is occurring. "Demolition by Neglect" is defined as "improper maintenance or lack of maintenance of a building, structure or object which results in substantial and widespread deterioration of the building, structure or object which threatens the likelihood of preservation, and which presents a threat to the public safety, health and welfare of the immediate community." Once the Historic District Commission determines that a property is in a state of Demolition by Neglect, it can direct the building inspector to take actions under the City's Dangerous Building Code or Housing Code to order repairs. It is the responsibility of all citizens to look for and report instances of Demolition by Neglect to the City of Dover Historic District Commission.

The following criteria should be evaluated in considering applications for the demolition of historic buildings within the Dover Historic District:

To determine the financial implications of maintaining a property versus demolishing it, the City may ask an applicant to submit documentation pertaining to differential costs, structural soundness, suitability for rehabilitation, estimated market value of the property as is and after renovation for continued use, economic feasibility of rehabilitation, purchase price, income, and cash flow information (relating to the property only) and any other information considered necessary.

Regardless of economic issues, the relative significance of the building slated for demolition should be evaluated. If the building is not considered a contributing structure in the District, then its demolition may not be objectionable. If a building is significant, then even a finding of economic hardship may not be sufficient to allow demolition. Some buildings, such as the Richardson mansion, the Parke-Ridgely House, the Rose Cottage, etc., are so significant that extraordinary measures should be made to delay or prevent their demolition. Adaptive reuse of historic buildings is always preferable to demolition and new construction.

In development-related applications, the City should review schematic plans for the new structure, in order to help weigh the virtues of the new versus what exists.

Further, in order to provide some slight mitigation of the effects of unavoidable demolition of historic structures within the Dover Historic District, owners should be required to provide adequate recordation of a property. The extent of such recordation would depend on the significance of the property. At the least, archival photographs should be produced for every historic building that is lost to demolition within the District. When the demolition of an extremely significant building is unavoidable, measured drawings should be produced that comply with the standards of the Historic American Buildings Survey.

Lots left vacant by demolition should be treated in a manner that is sympathetic to the historic context. In the residential and commercial contexts, a 5' high opaque barrier should be constructed at the building line, either a fence or plant materials or both. Parking should not be permitted on vacant lots. Community gardens or parks should be encouraged.

Relocation of Existing Buildings

Moving historic buildings out of, into or within the Historic District should be discouraged. The removal of historic buildings from the District has the same effect as demolition on the historic character of the District. Moving historic buildings within the District confuses the actual history of the District. Moving historic buildings into the District falsifies the existing historic record by adding a building that does not belong to either time or place. Relocating a building, however, is always preferable to its demolition.

Inappropriate

- Concrete walls are inappropriate as a fencing material in the Dover Historic District zone and should be prohibited. Existing concrete walls should be stuccoed and painted, while "decorative" masonry screens should be painted black-green.

Paving and Bordering

The paving along or within the perimeter of a property provides the connection between the front door and the street. Providing the "carpet" to the door, it should be as graceful as the rest of the yard.

Recommended

- Brick, gravel, and compressed earth paths are appropriate for domestic walks and garden paths.
- Brick paving should be dry-laid in one of several patterns.



Brick Paving Patterns

- Concrete walks are acceptable in the Dover Historic District zone.
- Glazed brick borders are appropriate for planting bed borders in Victorian style gardens.

Not Recommended

- "Over-paving" to create formal gardens is not recommended in the Dover Historic District zone.
- Using concrete to replace brick, flagstone or other historic paving materials is not recommended.

Inappropriate

- Concrete block, painted rocks, and low wire fencing are inappropriate border materials in the Dover Historic District zone.

Parking Lots

Parking lots are the awkward by-product of a mobile culture. Their incorporation into historic districts is problematic. Parking lots should be screened from the street, their layout should include borders, and islands planted with trees and shrubs to break-up expanses of paved areas. Given any parking lot within the Dover Historic District zone, at least 20% of the area within it should be unpaved and planted.





Downtown Dover Partners Item 3.
101 W. Loockerman Street, Ste 100
Dover, DE 19904
(302) 678-2940
www.DowntownDover.com

June 4, 2024

Ms. Dawn Melson-Williams, AICP, Principal Planner
City of Dover
15 Loockerman Plaza
Dover, DE 19901

To the Members of the City of Dover Planning Commission:

Please consider this a Request for Appeal to the City of Dover Planning Commission from the Downtown Dover Partnership (DDP) regarding our Application for Architectural Review Certificate dated April 12, 2024 for the proposed demolition of 150 South Bradford Street, Dover Delaware. (A separate request for the adjacent property at 148 South Bradford Street has also been initiated.)

The above referenced application (HI-24-03) was reviewed and denied (by a vote of 2:1) at the Historic District Commission (HDC) meeting on May 16, 2024, held at the Dover City Hall Council Chambers.

There was no specific remedy or recommendation given by the HDC leading to support efforts toward approval of the DDP application for demolition. Nevertheless, since the May 16 meeting, the Downtown Dover Partnership and its Project Development Team have voluntarily reviewed options to proposed demolition of 148 South Bradford, including revisiting a previously considered design for the Mobility Center (previously referred to as the "Multi-Modal Transportation Hub"), as well as reorienting the Mobility Center on an adjacent smaller footprint in response to a community member's recommendation. (At this time, the Team is also exploring the option of moving the historic building to a new location.)

The DDP/Development Team then provided an Open House on June 3rd to present these alternatives publicly and to invite public comment, both orally and in writing. 60 members of the public attended.

If approved, the DDP request for appeal to the City of Dover Planning Commission will, in part, include a presentation of the aforementioned-design alternatives, as well as the merits of each, which will allow us to convey our Team's justification for what we believe is the best design outcome for the community – the solution that best supports overall goals of the *Capital City 2030: Transforming Downtown Dover!* master plan, and largely addresses concerns indicated by both HDC and community members within the Capital City.

We understand, should this request be accepted, that the next appeal opportunity before the Planning Commission would be on June 17, 2024. We are hopeful for continued dialogue regarding this important project at that time.

Sincerely,

Kenneth R. Anderson
DDP Property Development Director

CC: Diane Laird, Executive Director
Todd Stonesifer, Board President



EXHIBIT F

**CITY OF DOVER HISTORIC DISTRICT COMMISSION
May 16, 2024 Excerpt from Meeting Minutes – Draft**

The Meeting of the City of Dover Historic District Commission was held on Thursday, May 16, 2024, at 3:30 PM as an In-Person meeting in the City Hall Council Chambers (anchor location) and virtually using the videoconferencing system Webex. With Chairman Czerwinski presiding, the other members present were Ms. Horsey, Mrs. Richardson, and Mr. Street. Mrs. Mason was absent. Planning Office Staff members present were Mrs. Melson-Williams, Ms. Katherine Oehmke, and Assistant City Manager Sharon Duca (assisting with management of the Department of Planning and Inspections).

NEW APPLICATIONS

HI-24-02 Building at 148 S. Bradford Street: Demolition – Public Hearing and Review for Action on the Architectural Review Certification for the Demolition of the existing 1 ½ story, stucco clad building. The parcel consists of 0.13 +/- acres of land. The property is zoned C-2 (Central Commercial Zone) and subject to H (Historic District Zone). The property is located on the west side of S. Bradford Street and slightly north of Minor Street Alley. The owner of the record is Russell and Dee Ann Widder. The applicant is the Downtown Dover Partnership. Property Address: 148 S. Bradford Street. Tax Parcel: ED-05-077.09-02-25.00-000. Council District 4.

Mr. Jonathan Street mentioned that as a member of the DDP (Downtown Dover Partnership) Executive Committee and the Board he would need to recuse himself from applications HI-24-02 and HI-24-03. (Mr. Street left the meeting room.)

Mrs. Melson-Williams noted for the record that you continue to have quorum as you have three members of the Historic District Commission available to participate.

Ms. Katherine Oehmke gave a brief overview of the project. She stated that this is a Demolition of a structure within the Historic District. This property is owned by Russell and Dee Ann Widder. The applicant is the Downtown Dover Partnership. It is a small parcel of land of 0.13 acres on the west side of South Bradford Street and slightly north of the Minor Street Alley. I have some historical maps here showing what this property looks like starting in 1868. Both properties that we are reviewing today are shown in red and as you can see in 1868 the properties looked different; so, those are different structures. Starting in 1897, the property at 148 South Bradford Street was not there. With the next map you can see it is also not present, but it is present in the 1885 O.H. Bailey and Company Birds Eye view. However, as you can see it is a different structure. Starting in 1929 Sanborn Maps, the present building is showing. This is a picture from the 1978 National Register of Historic Places photo inventory. The description reads it's a 1 ½ story, 3-bay, frame bungalow-style dwelling now used as a doctor's office. It shows the palladian windows on the gable end with a half-round attic window.

This is a view from our current GIS system and another view from the county map. The Downtown Dover Partnership's Plan for redevelopment for that area out of the Mosaic Plan. The portion shown in gray on the bottom half of the right screen is 2 parcels combined to make this the potential

parking structure that they are planning for this location. This is a view of the larger blocks where they are making plans for which are lots #25 and #27. The *Transforming Downtown Dover Capital City 2030 Plan* is the plan that is being implemented by Mosaic and the DDP. This is their plan for this area and this parking structure is going to be a multi-modal transit center which will be multi levels and allow for over 300 parking spaces. We also have a letter from Ms. Diane Laird from the Downtown Dover Partnership supporting this project. I would like to turn it over to Ms. Laird so that she can provide additional information.

Representative: Ms. Diane Laird, Executive Director, Downtown Dover Partnership.

Ms. Laird mentioned that she appreciates your time today. I want to tell you just a little bit about my background. I've been with the Downtown Dover Partnership for about 6 years and prior to that I was with the State of Delaware as the State Coordinator for the Main Street program, which is a program of downtown revitalization that acknowledges historic preservation as the basis for an experiential environment for Downtowns and preserving and authentically reducing or reusing spaces integral to that program. I have a master's degree in urban Affairs and Public Policy with specialization in Historic Preservation. I am a proponent of Historic Preservation. I highly value the historic landscape of Downtown, The Green, business districts, and the surrounding neighborhoods, etc. I absolutely want to see the historic landscape remain intact as much as possible. As we all know the Downtown has been faced with significant challenges over the last 20-30 years but not more than these last 5-6 years. We have nearly 50% vacancy in our Downtown business district. We have a chronic issue with vagrancy, homelessness, crime, and ongoing lack of foot traffic particularly since COVID. Businesses struggled and people frankly got used to being at home and I think they enjoyed it. We are not alone in Dover to have these challenges. Cities and towns across the country are facing these same challenges. When I came to Downtown Dover this was before COVID, it was apparent to me that a Master Plan would be very helpful. We started to explore the possibilities of redevelopment in certain project areas that were parcels that we owned. Through that, we determined that it was best to look at a more comprehensive encompassing plan because addressing one parcel was not going to address the issues of ongoing crime, vagrancy, vacancy, and safety.

So, we created a plan that you may be familiar with, it's called the *Transforming Downtown Dover Capital City 2030 Plan*. Some of the anticipated outcomes are potentially 2000 new residents because we were building on a strategy of bringing a built-in population of residents and downtown workers or local community workers. Certainly, we want to maintain and increase our historical and cultural resources to have more visitors and tourists. Basically, we cannot keep doing what we're doing now and expect to have a revitalized beautiful Downtown that is thriving. We're not going to thrive doing what we've been doing all along. So, with this Master Plan, I don't envision, we don't envision; and the team of the community that was engaged to create this Plan, don't envision a lot of disruption of historic resources. The point is not to get a lot of mixed-use in here or disrupt the historic landscape that is beautiful and certainly historic. But there is a need and opportunity to build several priority projects that will bring good numbers of residents and commercial activities that will support those business ventures that are already here and will bring an influx of residents that want to live and work in a Downtown pedestrian-oriented environment. This isn't the project that we're talking about. Here today are two of our priority projects that involve a multi-story, mixed-use, mixed income, residential and commercial project. For this

hearing on 148 South Bradford Street, it involves a multi-modal parking facility that would accommodate about 300- 350 parking spaces and also provide for other methods of transportation such as a micro transit scooters, bikes, ride share, or even bus share in smaller buses that can provide almost an Uber like pick-up and circulation just around North and South Dover. So, it provides options for additional vehicles. Certainly with 2000 new residents here there will be more cars, but there will also be more options to get around, that is certainly the goal.

For many years we've heard that people need more parking and with the potential expansion in the population as we're envisioning and targeting to ensure a strong revitalized Downtown. A centralized parking hub in the center of Downtown but off the main street there is what we believe is ideal. It addresses the needs of the public and residents that have many times expressed the need and interest in parking. It will also allow us to build on the assets of Loockerman Street with perhaps a little less parking on Loockerman Street, a little more widening of the sidewalks making it a more pedestrian oriented environment, and one that there is more opportunity to have outdoor dining, outdoor eyes on the street to help reduce crime, and to make it a more engaging and activated center of town. The multi-modal parking hub would be located on this property. This is where we have this hearing and the next application on 148 and 150 S. Bradford Street, which is going to be our request for demolition because that is on the corner of the property in which we anticipate on building this multi-level structure. We have an anticipated mixed-use building across the street. This would help service residents, the public, visitors, residents, building owners, and business centers, as well as the local workforce for Downtown or nearby.

Mrs. Dawn Melson-Williams stated that for those that joined us online, basically the image that Ms. Diane Laird just showed is the one shown on the screen that indicates the potential construction areas for their envisioned buildings.

Ms. Laird stated that you can see this is part of a much larger plan that really emphasizes that this is not a one-shot deal. We're not looking at one parcel, but we're looking at our comprehensive plan that would bring in more residents and that would be able to allow a Loockerman Street corridor that is enjoyable and a place to live, work, play, and build community. There's a much broader Plan on-line in several versions and the whole version of the Executive Summary. I'm going to emphasize again that's not our goal to remove building history here. We want to celebrate the history that's in the Downtown and in this case, there are these two parcels that are in the position of where we need to have other amenities to accommodate a strong future for Downtown Dover to more residents and a lot of new amenities to make it a thriving Downtown.

Chairman Czerwinski asked if there were any questions.

Mrs. Richardson asked if there was a parking lot there already. Ms. Laird replied yes.

Mrs. Richardson asked how many cars that accommodates? Ms. Laird replied roughly 150.

Mrs. Richardson said so this would double that? Ms. Laird replied yes, part of the parking lot would be part of the multi-levels for the center. In time the other part of the parking lot would be proposed for additional mixed-use.

Representative: Jed Hatfield, Colonial Parking and DDP

Mr. Hatfield stated that the two properties that are being discussed are in the south corner where we're envisioning the Mobility Center to go. The current parking lot is a greater area than the two properties. There is a portion on the northern side of the current parking lot today that would not be part of the footprint of the Mobility Center. If you look at the gray box in the exhibit that would be the footprint of the Mobility Center and the orange would be the future development plan that is part of the parking lot today.

Mrs. Richardson mentioned that she was just wondering if there's an alternative to demolishing these two buildings which appeared to be in very good condition. I mean, are there alternative plans if this isn't done? Mr. Hatfield replied, so there's not. In the blue box, there is also a privately owned property that's not part of the assembly that the Downtown Dover Partnership controls. So, in the absence of 148 and 150 S. Bradford Street, there's not enough of a footprint to create a functioning Mobility Center Parking Garage.

Mrs. Richardson asked if the City owned the two properties.

Mr. Hatfield replied that the Partnership is under contract for the purchase of those two properties. Ms. Laird replied that the City owns other parcels that are in the paved area, and we have a joint agreement for parking. The City owns the property on the east side, and we own the property on the west side. It is kind of an interlocking space that is considered one parcel parking lot that extends to South Governors.

Mrs. Richardson asked if it was possible instead of having the building cross the gray part (referring to the exhibit), to have half of it on the gray and the other half on the pink. Ms. Laird replied that the lower bottom right is where these two houses are located. You would not be able to have the massing or the efficiency of the parking garage entering from both sides. It would not accommodate, and it would not be an efficient use of the overall parcel.

Mr. Hatfield mentioned, perhaps to say it in a different way, if you turned it at a 90-degree angle so that it would run north and south instead of east and west, and you preserve those two buildings at 148 and 150 S. Bradford Street, it would not be long enough to accommodate the ramping slope that you need to make the garage function. So, it would not fit. We did a lot of study of different orientations of how to put the garage on the existing Bradford Street Parking Lot and adjacent parcels. And, even with what we are able to get per footprint today this is the optimum.

Mrs. Richardson asked, so, what will you do if we don't approve this application? You don't have any options or plans? Ms. Laird replied that we don't have another plan at this time. We believe the overall transformation of Dover is more important for a sustainable future for the City. We value historic preservation; you know my background. Sometimes for the greater good, sometimes you have to make hard decisions, that is how she sees it. She values preservation, but the overall transformation of Dover to me is the important outcome of this building number two, it's not that we can't make a smaller parking garage, but when we are anticipating potentially 2000 new residents to support a thriving Downtown that will ultimately reduce crime that will bring services and equitability to several marginalized populations. That has been our goal, the overall transformation. So, no we don't have another plan or recommendation at this time.

Ms. Horsey noted that I think that you already mentioned that you are trying to configure the present parking lot into the additional space that you would have without taking those two buildings down. Look at the Plans and still save the buildings and still have that parking garage. If you get clever with your design. The highest and best use of any building in the Historic District is to keep it standing. If the building is in good shape, which these buildings certainly appear to be, that is what this Commission needs to do, and we need to ask the hard questions. There is a big gapping tooth where we allowed the demolition of Dover Hardware which was a long hard-fought battle several years ago. We lost obviously, but there is nothing that has been replaced there. Could this parking garage go there? It could be set back enough; the backside is from North Street. Perhaps it could accommodate it. Was that taken into account at all?

Ms. Laird replied that the Loockerman Street Plaza is not owned by the DDP. It is owned by a private developer at this point. There has been contemplation about appropriate mixed-use development that it does not be a parking garage. Should there be a redevelopment of that property, they would stand to use parking in this facility as any number of other facilities in the area. So, we don't control that one. I don't think it will be ideal to have a parking garage facing on Loockerman Street. The goal there would be to have buildings that are more sympathetic to the architecture that is already there. Having this off the main thorough fair is a far better location for a building to accommodate visitors, residents, and business owners.

Ms. Horsey mentioned, I think what is far better is to have the two: one bungalow style house and neither one Victorian. But that's not the point, they just happen to be in that District. They are good examples of what your 1920's into the 1930's Colonial Revival, and even though the Mission movement. The bungalow style is not exactly Victorian, it's post; and that's the style of building that Dover does not have enough of. Taking down two totally beautiful buildings for the purpose of a parking garage or Lot is really never allowed in the Historic District without a lot of real good reasons. The reason that has been given is not good enough just because Dover now has \$25 million dollars. I think when you have that amount of money the design needs to be of the highest standards. A lot of homework needs to be done. Now, I am sure you have done it. The easiest thing in the world is to take down two buildings. That's pretty simple. I think you can do better than that. The other point I want to make is that there are two other parking garages in Downtown Dover that are being constructed or will be shortly. We know about the Family Court Building that will be open to the public with limited times. The other is the Legislative Hall (Parking Garages), which is a little further away, but Dover tends to not like to walk. Maybe that is too far for people to come Downtown; I don't know. If we are trying to be a bike city and encourage walking, health, and getting their exercise, then I think this proposed parking garage can be reconfigured. Go back to the drawing board and do a little bit better on saving two important buildings in the Downtown area. She asked, how many buildings has the Downtown lost? People are not going to come down here to see a parking garage. They want to see a Historic District that has historic houses in it.

Ms. Laird stated that she (we) hears Ms. Horsey concerns. Right now, we don't not have anyone coming to Downtown Dover at all. We have good historic resources here. The concern is not the lack of historic resources. I believe it is the lack of other reasons to come such as the lack of good businesses, restaurants, and houses to live in. We can't find enough housing at the current time for the number of calls that we get from people that want to live here. We are increasing the workforce at Delaware State University, Bayhealth, and Dover Air Force Base. So, we want to see a thriving Downtown, but we have to have people living here to do that. I would agree with you, I think the

distance to walk from Legislative Mall and even Family Court is a long walk. When people go to the mall, they like to park in front of where they shop. So, we would not want to ask them to walk a long way because I don't think they would do it. Putting it in the heart of Downtown, but off Loockerman where the historic landscape is. That we believe is the right location to attract people to shop, eat, and live in Downtown.

Mr. Hatfield stated that I may add a couple of thoughts if I may to that. A lot of thought went into the Master Plan process as well as the thought subsequent to that of trying to consolidate parking for the whole Downtown. So, rather than having multiple parking facilities spread out and smaller parking facilities, the thought was that the Downtown Dover Partnership to consolidate it on this site. One parking facility would really serve the bulk of Loockerman Street. I agree with Ms. Laird that the Legislative Hall Garage and the Family Court Garage are probably further than the average Dover visitor or resident would be willing to walk to get too Downtown or onto Loockerman Street. So, this was kind of a solution that would split that difference between State and Queen Streets and be able to serve in one location as opposed to multiples. As for the design concept, I have never built a building around two existing buildings, I presume that there is a way to do that. I don't know what it would do to the cost and the way they fall in the garage there will be a center line of columns to support the structure and the ramping of the Mobility Center that I presume will fall somewhere in the 148 building. I don't know how you would build around them and try to preserve them and build a modern parking facility and preserve those buildings at the same time. I think it is one or the other.

Ms. Horsey mentioned that she believes that there are parking garages in Downtown Wilmington that do just that. Maybe Dover deserves to have the best design. You know keeping two buildings is not too much to ask. It really isn't.

Mr. Hatfield stated that I don't want to argue with you. Our business is in Wilmington; I'm not aware of any existing buildings that were built around to accommodate a parking structure. If there is an example, I'd be happy to look at it.

Chairman Czerwinski asked if there was anyone else withing to speak?

Representative: Mr. Ken Anderson, DDP Property Site Developer.

Mr. Ken Anderson stated that I'm the Property Site Developer for the DDP (Downtown Dover Partnership). I think you cannot look at these two properties in isolation. You have to consider that there is a massive Master Plan that this multimodal parking facility accommodates. You're going to get an application tomorrow for the demolition of 120 S. Governors. We haven't talked about it unless you've been very cognizant of the Master Plan and what's going on with 120 S. Governors. We are going to build a six-story mixed use/ income housing unit that is coupled with and needed by a multimodal parking facility right across the street. In the absence of a multimodal parking hub and the number of spaces that this would facilitate, coupled with what we're already planning right across the street at 120 S. Governors; there are no good alternatives absent this one to facilitate 120 S. Governors. If we don't have this, the scenario for 120 S. Governors changes demonstratively. Now, the other part of this and it's just kind of anecdotal to some degree, we're on the clock. We did get \$25 million from the Governor's Office for this plan. That money has to be expended or allocated by the end of this year, and it has to be spent by 2026 or it goes away.

Representative: Mr. Todd Stonesifer, DDP (Downtown Dover Partnership) Board President.

Mr. Todd Stonesifer stated that he was the Chair of the Downtown Dover Partnership and I live at 115 N. State Street. I own the property at 127 W. Loockerman Street, and I was a former partner at 14 Loockerman Plaza at The House of Coffi. I have invested, I have lived, I have spent a lot of time on what we can do to improve Downtown. I grew up here, I was born and raised her. When I was a little child as you well know because you were here, as well as you, Loockerman Street was the center of the universe. It was the center of all commerce and over my 49.6 years on the planet, it has gone in this direction. So, we engaged at the DDP (Downtown Dover Partnership) some consultants to help us with what does it take to revitalize this area. It takes people living here that will utilize the space. It takes pedestrians, it takes people on the street, everything. So, how do we do that? We go up with mixed-use, mixed financial levels housing, and increase density Downtown. So, at the beginning of this meeting, you heard Mrs. Melson-Williams talk about the C-2 Zoning changes. There was formerly a parking requirement that on many of these small parcels based on the square footage of the commercial space and the maybe the residents upstairs. You don't have room to put the parking spaces that would be required under that former zoning. We believe that the right solution to this is to build a vertical parking structure and to allow that parking to be more efficiently used. So, I could park there when I'm working, the residents could park there in the same parking space when I'm not parked there when they're sleeping, and our customers can come in and fill in and utilize those parking spaces too. So, you can essentially get three or four different uses out of the same parking space. In all of this hard work, lots of planning, and lots of due diligence, the best solution really and the only solution is a vertical parking structure that will accommodate these parking needs and parking challenges, so that these sites can then be developed into something greater. We can bring Downtown Dover back to what it was when I was a young child. The current system doesn't work; it has not worked. It has caused Loockerman Street to fall into the state of disrepair that is in today. So, we have to think differently. We have to think outside of the box. The definition of insanity is doing the same thing and expecting a different result. We can't continue to do the same thing. I believe our history is one of the great attractions of that Downtown area, but nobody's coming Downtown to enjoy that history. One of the reasons they complain about is not having a place to park. Let's give them one. Unfortunately, with growth comes some challenges and some pain points. Frankly, I believe that Loockerman Street and the side streets off of that is primarily a commercial district. These are houses that were once there when it was not primarily a commercial district. And so, they don't fit in with the landscape that is currently in existence. We would love to preserve as much of the history as we can for the greater good of Dover. We have to come up with something outside of the box that solves our problems and helps us to move forward. Without this the money that we have been promised from the Governor's Office, it goes away because this is what it's for. So, with that, I would beg you to please think outside the box; please look at the greater good for Dover and Loockerman Street. Let's bring people down here to enjoy all the wonderful history that we can. But we've got to change the way they get here to do that. So, please reconsider or please consider the greater good of our great City as you consider the Demolition of these two buildings and the replacement of them with something that can be utilized in the future. I appreciate your time. I appreciate you hearing me out, and I appreciate your consideration. Thank you.

Ms. Laird stated that she had one last comment. We do have a letter from the Board of Directors of the Downtown Dover Partnership which of course is a broad partnership among public and

private entities, nonprofits, residents, and property owners. There is another one that came in today through the Central Delaware Chamber of Commerce. You have that already. Thank you.

Chairman Czerwinski asked if there were any callers on-line? Mrs. Melson-Williams mentioned I think we formally moved into the public hearing. The applicant had a number of representatives. I will remind you that we are dealing with 148 S. Bradford Street.

This is a request for Demolition of the existing building. It is not a review of what could be built on it. So, we're not reviewing what this parking garage/mixed-use structure might look like. The Request before you today is for Architectural Review Certification for Demolition of the building. As part of the packet, there was a Staff Review Report. That Review Report references the portions of the *Design Standards and Guidelines for the City of Dover Historic District Zone* related to Demolition and the criteria that you are to consider. The Staff comments and kind of recommendations begins on page four of that Report. I'd be happy to kind of present those to you in summary as reminder for what you're looking at, but you do need to conduct a public hearing. If you want to move into that, you can certainly gavel that open and we'll hear from folks in the room first and then go online.

Chairman Czerwinski mentioned I believe we still have one or two more comments, right.

Mr. Stonesifer stated that his intent was to be part of the public hearing. I was not part of the presentation just so we're clear. Chairman Czerwinski stated that it was on the record.

Chairman Czerwinski asked so can we go ahead and move on to public comment? Mrs. Melson-Williams replied yes, and we will note that Mr. Stonesifer, who was the most recent speaker, is intended to have been part of that public testimony aspect of this consideration.

The public hearing is open.

Mrs. Melson-Williams noted that they received a letter which I imagine Dina's going to reference here dated today and that was provided on the desks of the Historic District Commission members.

Dr. Dina Carol Vendetti, President Central Delaware Chamber of Commerce and a resident of the City of Dover.

Dr. Dina Carol Vendetti stated that she does not live Downtown to be clear, but I walk down here almost every weekend and absolutely love Downtown Dover. I and the Central Delaware Chamber of Commerce are very proud to be part of the Capital of the First State in this country. That's something that we brag about, we take great pride in, and we recognize the history that's here and we appreciate it. We have been a very strong partner with the Downtown Dover Partnership on the Master Plan and on the implementation of it. We see great value in what that Plan proposes in terms of bringing people Downtown and bringing business back to the Downtown. As the President of the Chamber, our job is business. Our job has to do with businesses and making sure that they're thriving and healthy and all of that. Over a period of time, we've seen many businesses who have wanted to be Downtown and for several reasons have not been able to locate in Downtown or they learned more about some of the things that are happening Downtown and have changed their minds. That is not an indicator of economic development and economic growth in

the capital of our state. We have seen a number of businesses fold up and go away because there is not enough support in terms of residents, shoppers, customers, etc. in the Downtown. Over the time that I've lived here, and I will say that after hearing some of the comments from all of you, Todd and the rest, I could say that I'm kind of new here. I've only lived here for 24 years. In my short time here in Dover, I have seen the decline of what's happened Downtown, and I have often dreamt of what it could be because the potential is stunning. It's a gorgeous Downtown and I think you know we're not talking about a complete redo of everything. We're talking about some really wonderful additions and editions that can make something of that Downtown. People are just so anxious to get there, be there, live there, enjoy their time there, spend their money there, open businesses there, and we can see commerce return in a big way to the Downtown. I do feel strongly that we're at a point now where we have two choices; we can either be part of the recovery of the capital city, or we can put it into hospice care. We've got to make a choice here about what we want moving forward with this project with the parking to accommodate the other plans that are in the Master Plan. I think that's the right thing to do. The Central Delaware Chamber of Commerce is in support of the proposal from the DDP. Thank you for your time.

Mrs. Melson-Williams from the Planning Staff noted that that letter of May 16, 2024, from the Central Delaware Chamber of Commerce that was signed by Dr. Dina Vendetti as their President does indicate their support for the project of the demolition of these two buildings and it does reflect what she mentioned in her presentation.

Ms. Kathleen Baker, 3 S. Bradford Street

Ms. Baker stated that she was newer than probably anybody in this room to Dover.

I came here a little over three years ago. I am honored to live in the Hopkins House at 3 S. Bradford Street and get to know my wonderful neighbors, people who care about history as I always have, and people who want to help solve problems. I speak for myself only, but I remember the first time I came to Dover. I said to my husband at the time where is the welcome center for Dover, where is an attractive place you go to get information, maybe use the restroom, maybe get a drink of water, maybe toss something in the public trash bin. We couldn't find anything; we still had a wonderful visit to Christ Church on The Green. We got a little bit lost beyond there, but I came back because I was serving with the League of Women Voters on education policy and spent a lot of time in Leg Hall.

Now, I asked myself, hey where is this attractive welcome center, a welcome place in Downtown Dover where you can get information. I know you can go to the Archives space; that's really nice. And again, where are you going to store the car, if that's how you got here.

Then it occurred to me. What about what we have seen in Annapolis where the welcome center is a historic facade attached to a modern building and a parking garage? I'm looking and saying we have at least one historic facade here that's up on the agenda. I was wondering if anybody ever gave some thought to that. That's all I have to say. Thanks a million, and God speed in the grand plan.

Mr. Nate Attard (Virtual participant) 452 E. Loockerman Street, Dover

Mr. Attard stated that he is Preservation Chair of the Friends of Old Dover. I will speak first within my experience. I am a professional Planner. I worked for four years with the State of Delaware:

two years for DelDOT and two years for the Delaware Transit Corporation. Part of that involved launching the State's first Micro-Transit Pilot in Georgetown and Millsboro, which I believe is a great thing and DART Reimagined is pushing that forward.

I no longer work there so I am happy to talk as much as I can about my past experience. Among the things that I would like to emphasize here is please don't use micro-transit as an excuse to tear down buildings. Micro-transit is a flexible transit application that requires basically just one spot for the vehicle to park while it's not driving around. It uses the right call request to get rides. The rides meet people conveniently where they are at within a few 100 feet where they are requesting a ride. It pulls those transit trips together and it gets them going where they need to go. I guess as I look at this Plan, I'm just curious do we really need to dedicate a space on Governors Avenue for micro-transit while at the same time tearing down two historic buildings.

From the perspective of the Friends of Old Dover, they are very supportive of the work that the Historic District Commission does. I would like to emphasize what I think Mrs. Melson- Williams said, which is that we're considering the demolition of these buildings and whether based on the criteria for which the Historic District Commission is supposed to evaluate its applications these buildings should be demolished. I hear the passion in the room; and I live not far away. For the record, I live at 452 E. Loockerman Street. I walk in this direction often. I actually love walking on South Bradford Street. When I worked at DelDOT, we worked on the other side of the wall from where they were working on TAP project where we replaced the sidewalks. It's a very nice street. Those two houses are pretty special. I agree with the Commissioner who stated that they're a lovely example of buildings that we don't really have in Dover. We have a 1920s era bungalow and a Shingle-style building. Do you see a lot of them around town? I know that I do not. We have a lot of buildings that are very similar to each other. We have way too much Colonial style architecture. Those types of buildings are pretty unique. Looking at the Plan that is being shown on the screen along with this application, I was curious as to who is drawing up this Plan. He was really grateful that the Friends of Old Dover were able to be included in the master plan process. A lot of us attended different events as the Plan was being developed. We didn't really hear very much about buildings being demolished. We heard about the creative ways the historic preservation would be a key part of this plan. We haven't heard overtures to trying to save the building at Loockerman and New Street that was unfortunately demolished through actions by the City despite the Historic District Commission voting in opposition. There was so much that could have been done if you engaged the stakeholders on this specific section of the Master Plan earlier. You did a great job of engaging us in the Master Plan process, but as you started to draw up these Plans, who are we talking with here? I really would just ask that you please consult with City Staff who are very professional. They can advise you that maybe this would get some folks in the community a little bit upset. Dawn has a strong background in historic preservation. She is a consummate professional and very much one to take stuff with impartiality, but this is something that really could keep us on a slippery slope towards continuing to demolish more buildings. I would have loved to join you in person today, but I work in Washington D.C. I take the bus from Kent Island every day on a temporary job here. It is amazing what they do here as it relates to fixing up historic buildings. They build basically the buildings you're trying to build in Dover around them. I'd be happy to take anybody on a road trip here to look at some of those examples like the East Street corridor on Massachusetts Avenue and other places. And again, we emphasize that we're not something special in Dover by tearing down these buildings becoming something a

little bit more ordinary. The cities that are really building on their character are finding ways to keep these types of buildings in place. So, with that I'd like to complete my comments. I appreciate the time with the Commissioners today. Again, I urge you to please vote no on this Application as well as the subsequent Application for 150 S. Bradford Street. Thank you.

Mrs. Melson-Williams wanted to make sure we have the written correspondence entered into the Record as part of this Application. So, first is the Letter that was earlier mentioned regarding the Downtown from the Downtown Dover Partnership dated April 22, 2024, signed by Diane Laird, the Executive Director, noting the Request for Architecture Review Certification to demolish the building at 148 S. Bradford Street. It outlines and kind of the references the *Transforming Downtown Dover Plan* as she mentioned in her statement and the identification of the public transportation hub that would be a future plan for this general location. They asked for the Committee's thoughtful consideration of the proposed demolition. The second Letter has already been identified from the Central Delaware Chamber of Commerce. We also have an e-mail of this afternoon from Mr. Tom Smith, a concerned member of the Board of the Friends of Old Dover. And that was again provided to our Historic District Commission members. The Letter was read into the Record. Mr. Chair that's the written correspondence that we have in regard to this Application. So, I believe that would conclude the public testimony in regard to this Application. Thank you.

The public hearing was closed see no one else to speak.

Discussion on HI-24-02

Chairman Czerwinski gave his opinion of this project. For a lot of people who know me, I'm very protective of historic spaces. I could be quite protective of them. The issue here is expansion. I look at these two houses and it pains me to even think about them being torn down. But if you look at that Plan what's around all those houses for a block? Parking. One of the things about Historic Preservation, which is what my Master's degree is in, is the fact that when you look at a structure and you look at the architecture of a structure you also look at the context. The context of which it's being employed. Neither of these houses have backyards. These houses have their front yards. They are surrounded by concrete; and they are surrounded by parking lots.

Now as painful as it is to tear those structures down; they're out of context. They're no longer doing the job they're supposed to be. The houses all along there are now gone except for a couple across the street. We've already seen the demolition of one of those. And so, we look at context. The thing is when you look at urban development and you look at houses, you ask how many of these houses go into destruction or demolition by neglect because they're not being used? My personal opinion is I think the parking lot should go in. I hate to see these houses go, but again, if you look at the context of where these houses are sitting, it's a big parking lot. Now another part was we're talking about working around these buildings and reconfiguring the parking lot. My concern is the next block over. On North Bradford you got this beautiful Victorian neighborhood there. And if you reconfigure this parking lot, it's going to sit on Reed Street. It's actually moving towards Bradford Street and the Bradford neighborhood. Now, if you look at the whole area, it's all concrete. My preference would be for them to build that structure and build something next to it that would complement the Bradford neighborhood because that's the next block that's threatened and it's not part of the Historic District. If we're moving ahead and if you look at other towns and

if you look at Annapolis, what did they do? They built a multi-story parking structure behind the front buildings. Undoubtedly, there were buildings torn down to make that happen. Look at Newark. If you go down the back street, it's all parking that backs the facades or the buildings along the Main Street. So, while pains me to think about these two houses demolished. I think within the context of the future of the town, I think it's a commonsense approach here to build a multi-floor parking garage. Because if not those two buildings most likely will become demolished- by-neglect. There's no doubt about it. Because really, they're not necessarily an ideal business location. They're being used, but to what extent, the hair salon and lawyers' office. So, in my opinion and again I'm not going to speak for anybody else on this Board because you know we all have our own opinions, I think these houses should be demolished and we should move ahead with the parking garage. Because what we can do is then look ahead with the expansion of the City. Then we can really make those fights and fall on the sword where it really matters. These two houses by themselves don't contribute to the flavor of the area because it's surrounded by concrete. They're no longer in the neighborhood that they once were built in. So, that's just my opinion.

Mrs. Ellen Richardson stated I just can't in good conscience support the demolition which is what is on the table today. I've just seen too many situations where we've lost historic buildings. That's one of the reasons they are isolated because people have been tearing them down. I think certainly there are enough properties within Downtown Dover. I agree that we need a parking garage. And you know what's been presented sounds exciting and supportive, but I just cannot in good conscience approve demolition of these buildings. The idea of using it as a Welcome Center, that's an idea. But you know, I'm also concerned that it doesn't appear to have any other alternative plans or locations. These buildings are very close to Loockerman Street and probably is just as close as the Family Court Parking Garage, which is on Governors Avenue, one and a half block south of Loockerman Street.

Ms. Horsey stated that she agrees with Mrs. Richardson on this, and I will make a proposal or move to deny the Architectural Review Certificate to demolish the building at 148 S. Bradford Street file number HI-24-02. It was seconded by Mrs. Richardson.

Chairman Czerwinski stated, so we have a motion to deny. We'll go ahead and vote on the motion to deny. (One Member recused and one absent.)

Roll Call Vote to Deny

Mrs. Richardson – yes

Ms. Horsey – yes

Chairman Czerwinski - no

Mrs. Melson-Williams stated to Mr. Chair that the result of the vote is, we have two votes in favor of the motion, which is the motion to deny and one opposed. With that, I will note for the applicant that there is an appeal process that exists in the City's *Zoning Ordinance*. I'd be happy to share that with you. We do also have another application to consider; so, I think we need to continue to move on through our agenda.

HI-24-03 Building at 150 S. Bradford Street: Demolition – Public Hearing and Review for Action on the Architectural Review Certification for the Demolition of the existing 2 ½ story, frame building. The parcel consists of 0.17 +/- acres of land. The property is zoned C-2 (Central Commercial Zone) and subject to H (Historic District Zone). The property is located on the west side of S. Bradford Street at the corner of Minor Street Alley. The owner of the record is CEI Properties, LLC. The applicant is the Downtown Dover Partnership. Property Address: 150 S. Bradford Street. Tax Parcel: ED-05-077.09-02-27.00-000. Council District 4.

Ms. Katherine Oehmke gave a brief overview of the project description. She stated these are the same maps that were reviewed for the previous application. The structure as we see it today did not appear as it stands today until the late 1800s. The Birds Eye View Map shows a different structure. On the 1929 Sanborn Maps you can see the same structures we have today with the accessory structures in the rear that have been demolished. Only a portion of the building is in the pictures from 1978-1979 National Register of Historic Places as it is in the background of the picture for 148 S. Bradford Street. As you can see, the structure as it was at that time is different than it is today. The aerial map shows the location on the side of the alley. The larger aerial with the same drawing of the Plan from the Downtown Dover Partnership and Mosaic. This is the larger block showing which parcels are involved in this Master Plan just for these two structures. The Master Plan also shows 120 S. Governors across the street and shows the proximity to the parking garage. We also have a letter from Ms. Diane Laird from the Downtown Dover Partnership supporting this project.

Representative: Ms. Diane Laird, Executive Director, Downtown Dover Partnership

Ms. Laird stated that this narrative for me is going to be a little different than the first narrative because the first narrative applies in terms of my background, my value for historic preservation. I've always considered myself not a purist preservationist but a bridge. I look at myself as a bridge from what is pure and what is reasonable. Sometimes in order to keep a building active you can reuse it and other times in order to gain a greater good, we have to remove it. As I said, I'm not a purist, but I do appreciate the value of the historic resources. And I also acknowledge the comments that have been made about context. So, beyond that, I just want to give you a little vision from my window at the CenDel building second floor and looking at this building daily throughout the day. Every time I look out the window, I would say at least 6 times out of 10, I'm going to see a prostitute, I'm going to see a drug deal, I'm going to see someone sitting on the porch of this building having a drug overdose attack. I know of times when that parcel at night when the business owner is not there, the porch is covered with any number of vagrants plugging their crock pots into the electric site (electrical outlet) and having a party on a property that is clearly not their own. The police cannot keep up with these issues. I know that the owner doesn't have a long-term plan to be there. I know that the owner of the other one was planning to sell it some time ago.

I can imagine there were people that want to buy these houses, but I cannot imagine that there will be people coming to buy those houses at any given time of the day when they see a prostitute walk by, or a John walk by (excuse my slang), or a drug deal take place out front or across the street or down the alley, or have any number of other unmentionable things happen on the property or around the property. This is a clear picture because this is what I witnessed daily and at night if I'm leaving the parking lot at night. I just want to implore the group to consider the future of these historic resources. They're truly beautiful buildings. But in the context of where they are and the state of the Downtown now, the state that we cannot control seemingly through social, through

legal, through policing, or through economic development. Again, I asked the committee to look at the greater good here and the potential for this parcel to be used efficiently with willing owners that want to sell. You can imagine that they don't want to continue to see what goes on here even when they are in the building with their employees day and night. So, that really is the extent of my comment. I'm happy to answer questions. It angers me to see what I see daily and feel that I cannot affect that without a greater encompassing plan that will bring a transformation of Downtown.

Representative: Mr. Ken Anderson, DDP Property Site Developer

Mr. Anderson mentioned that I think Ms. Laird just reiterated the way we view those two properties. We view it not in isolation. We don't disregard the historical significance of those properties. Our calling has been to come up with a plan for the transformation of Downtown Dover. That transformation transcends those two properties. We look at the other things that we're doing relative to the 120 S. Governors property. As I alluded to, there was a plan to submit a request to demolish that building, which I think we would agree has no extremely significant historical significance. Those two properties were being considered after multiple considerations for alternatives in the light of what we're doing throughout the Downtown. It was a deliberate, sensitive and difficult decision to come to the final resolution after many iterations to get to the one that we got to on 148 S. Bradford Street and 150 S. Bradford Street. So, it's important to understand that from that context unless there is a better plan, we will continue to have the dynamic that Ms. Laird just alluded to.

Ms. Laird stated that she will be happy to answer questions.

Chairman Czerwinski asked if any Board members had any questions?

Mrs. Richardson asked has any consideration been given to moving the properties versus straight out demolishing them?

Ms. Laird replied I realize that's a valid conversation. We have not explored the cost involved in that or the possibilities, but we're certainly willing to explore that. I think it's a valid and reasonable request.

Ms. Horsey mentioned that she was actually going to ask the same question. I also want to ask; I'm wondering what the plans would be once let's say the parking garage goes there. Is the security on that parking garage going to be any different than what it is now in Downtown? I mean if we can't keep these unsavory types from coming Downtown and there's two historic buildings there; what's going to keep them from coming down and doing the same thing with the parking garage there? I mean it's a huge problem and I think the City itself needs to look into how we can stop this. There's no good answer, I realize.

Ms. Laird mentioned that as you can imagine six years, 24/7, I've given this thought. I used to try to address the issues and collaborate with people. I realized that there are really four lanes to running. There's policing, there's legal, there's social, and there's economic development. We're in economic development and we try very hard to run very strong using best practices from around the nation. We look at how we can increase business acumen and increase residents to have the live in audience. That's the strategy we've encompassed. We've requested officers dedicated to

Downtown. We've requested foot patrols. Unfortunately, the current environment does not provide much authority to policemen and certainly the public does not give much respect to police officers. The City of Dover Police may have the okay to have 112 officers but at any given time it's well under 100. Some are on training, some are retired, but largely, mostly, they are not getting to recruit the people here. People do not want to be police officers because they're not respected, and they're not valued. They are putting their lives in their hands. I could tell you before we had our manager had the CenDel building parking lot using a simple lock; it was still open every Saturday night and I've learned, and we could see the litter that there were potentially 60 to 100 people partying in that parking lot every Saturday night doing everything imaginable. The police force and all cannot come against that kind of an issue. You don't think about it because you don't see it. I come in on Monday mornings and see the litter. I had no idea.

Even this historic property was overrun. One of these Saturday nights somebody took off and went right up onto the porch. They removed columns and half of the porch. We helped and paid for a façade improvement to get it back in order. When we got them out of our parking lot, they moved across the street to where the Wells Fargo kiosk is located. That is where the same activity and litter is now. I don't know if we are solving it, but I will say that the parking garage will be staffed for many hours of the day. It will not be staffed 24/7, but there will be eyes on the street. While we're not running in the policing lane, we can run in the crime prevention through environmental design lane. That is something we can affect with landscaping, cameras, lighting, and more eyes on the street. These are all proven methods of helping to reduce crime. So, more eyes on the street. You know 2000 new residents is 4000 new eyes on the street. People do not want to be seen committing their crimes or doing their drugs. Having more eyes on the street with the residents and with management in the form of the office which is intended to be right where this building is on this front corner so that people coming and going know where to find the mobility options, the bike share, or how to get to parking, etc. It will be a managed parking garage.

Representative: Jed Hatfield, Colonial Parking and DDP

Mr. Hatfield mentioned he really did not have anything to add but just to reinforce Ms. Laird's comments. Relative to economic development, the thought is to the question you posed. How do you change the current condition? I think the overriding goal of the Master Plan and this element of the Master Plan is bringing more people Downtown. It helps drive out the people that are there to do illegal things or whatever. The more people that we can bring Downtown, the eyes on the street as Ms. Laird put it, the more it will start to change the character of Downtown. In a small way, the mobility center will be staffed, managed, and we'll be able to maintain it probably better than the little buildings that are there now relative to the people that are there to do bad things. There may be a modest bump, but I think the bigger issue is as Diane said the more people, we get Downtown that are there for the right reasons the more it chases off folks that are there for the wrong reasons. Ms. Laird stated that in addition, and this is not about the parcels but about the Plan, it's built on equitable development. There are built into the Plan ways to help those that are marginalized to be able to afford houses or at least access income level of good housing that is same quality in a mixed-use, same building. But we'll have a number of traditional affordable, a large number of workforce housing that is for people with a \$65,000 income. That's many young professionals taking a one bedroom or studio apartment. The idea is to try to engage the community more, not just more eyes on the street, but those that are marginalized now to be able to get in the game, to be able to access funding for a small business, to be able to get into residence or access

workforce. We don't want to displace people. We don't want the prostitute to move up the street; we want them to get into the game and to be a part of a thriving community.

Chairman Czerwinski asked if there were any more questions.

The public hearing is open.

Mr. Nate Attard (virtual participant) – 425 E. Loockerman Street:

Mr. Nate Attard stated that he has to say that I listen to a lot of these meetings, and I often don't comment. I am disappointed in the direction that this is going and the organization that is partly funded by the City. To be thinking so bad about my neighborhood. I know it's bad, but also it is not going to be like a HOA neighborhood out in the country. It is going to have trouble. We have to find ways to move the people that live around us up in the world. I do see that there's strong potential in this Plan for that, but demolition isn't really an excuse, especially if we're building a parking garage that we know is going to be at least partly understaffed some of the time. There are really a lot of good people out there who can speak about parking. You might think that it's going to bring people, but what we really need to do is be able to find some people that want to live in Dover that can overlook some of these issues. We got to work to try to correct them through the administration of the City and serve the best we can. You can use crime prevention environmental design. While including these buildings, there's any number of ways to secure those buildings and report so that the types of things that are happening are not happening. It's a real challenge to sort of hear the way that this discussion went. I'm really proud to live in Delaware, but when I hear people representing our City and they are funded by our City speaking the way that I just heard, makes me feel like packing up and moving. So, if the point of this is to help continue to empty Dover, I'm really proud of Downtown Dover Partnership Committee. These are my personal comments.

Mrs. Melson-Williams entered into the record the correspondence that we received in regard to this application. There is a letter from the Downtown Dover Partnership specific to 150 S. Bradford Street signed by their Executive Director Ms. Diane Laird which is dated April 22, 2024. It notes that the Downtown Dover Partnership's position on this request and its very similar to the previous letter. And again, there is the letter from the Central Delaware Chamber of Commerce dated today focused on 150 S. Bradford Street signed by Dr. Dina Vendetti as President of the Chamber that expresses support for the demolition that is proposed. Also, the e-mail that we received from Mr. Tom Smith that was read into the record earlier also referenced this property at 150 S. Bradford Street.

The public hearing was closed seeing no one else to speak.

Mrs. Melson-Williams noted the Staff Report was provided regarding this application for Demolition that outlined the things from the *Design Standards and Guidelines* to consider with a Demolition request and includes the Staff recommendations beginning on page 4.

Discussion on HI-24-03

Mrs. Richardson stated that she has nothing really to add except that it makes it sound like if we don't approve demolition of these two historic properties, crime in Dover will never be resolved. I

think there are alternatives that we need to consider regarding reconfiguring of the building on the property or moving the historic buildings. I still cannot support the demolition.

Ms. Horsey mentioned that Mrs. Richardson said exactly what was on her mind. So, I concur.

Chairman Czerwinski stated that he was going to have the same opinion here. I think when it comes to crime and if you could get an influx of income, that helps a lot. We are moving from two pieces of private property to a public car park. With the security cameras and the oversight, I think that the problem of crime is when you are dealing with private properties. There are a lot of hidden corners; they are dark and there are a lot of things that go on. When you go into a public car park there is light and there are security cameras. I think it helps to some extent mitigate the problem that is there. Again, the attempt here is to bring in income. When you bring in income, now you have money that can be used towards the police force. Right now, those properties are not contributing as far as income to the City, the tax base, or anything.

Mrs. Richardson stated that she agrees that we need to bring in income and we need a parking garage in Dover. She just does not agree with demolishing these two buildings to accomplish that.

Ms. Horsey added that the security, the lighting, and all of that could well be provided for these two buildings, especially in the overall scheme of things. They should not be left out of the overall Plan to make it more secure in Downtown Dover.

Ms. Horsey stated a motion to deny the Architectural Review Certificate to demolish the building at 150 S. Bradford Street, file number HI-24-O3. It was seconded by Mrs. Richardson.

Chairman Czerwinski stated, so we have a motion to deny. We'll go ahead and vote on the motion to deny. (One member recused and one member absent)

Roll Call Vote to Deny

Mrs. Richardson – yes

Ms. Horsey – yes

Chairman Czerwinski - no

Mrs. Melson-Williams stated to Mr. Chair with the result of the vote, we have two votes in favor of the motion, which is the motion to deny and one opposed. With that, I will note for the applicant that there is an appeal process that exists in the City's *Zoning Ordinance*. I'd be happy to share that with you. We do also have another application to consider, so I think we need to continue to move on through our agenda.

Chairman Czerwinski thanked everyone who testified today, we appreciate it.

EXHIBIT G

Planning Commission June 17, 2024



Item 3.

Agenda

New Applications

C-24-01 Tower-Based Wireless Communications Facility at 640 Lafferty Lane (Rise Up Towers, LLC)

S-24-09 Procter & Gamble Warehouse Expansions & Parking Improvements

New Business

HI-24-02 Building at 148 S. Bradford Street: Demolition

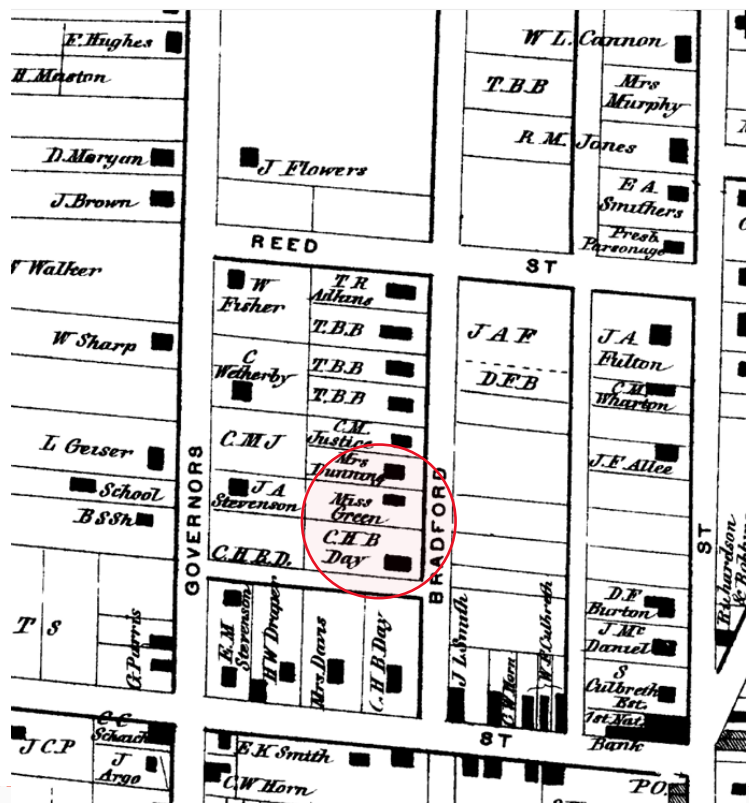
HI-24-03 Building at 150 S. Bradford Street: Demolition



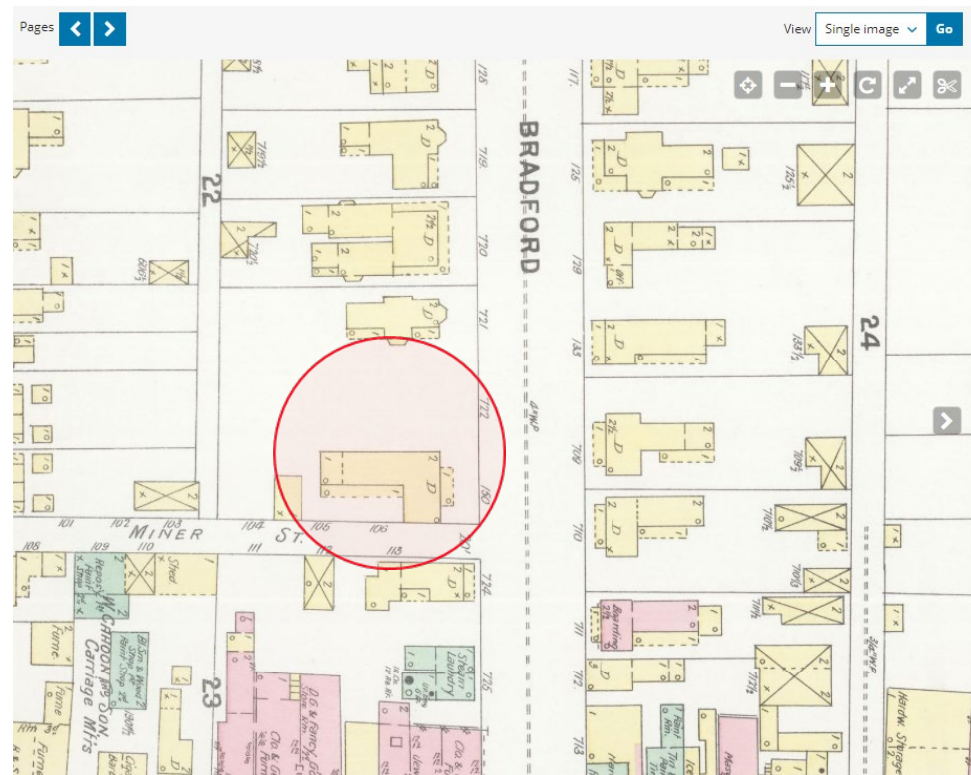
Appeal:
HI-24-02 Building at
148 S. Bradford Street:
Demolition

Historical Maps

1868 Pomeroy & Beers Map:



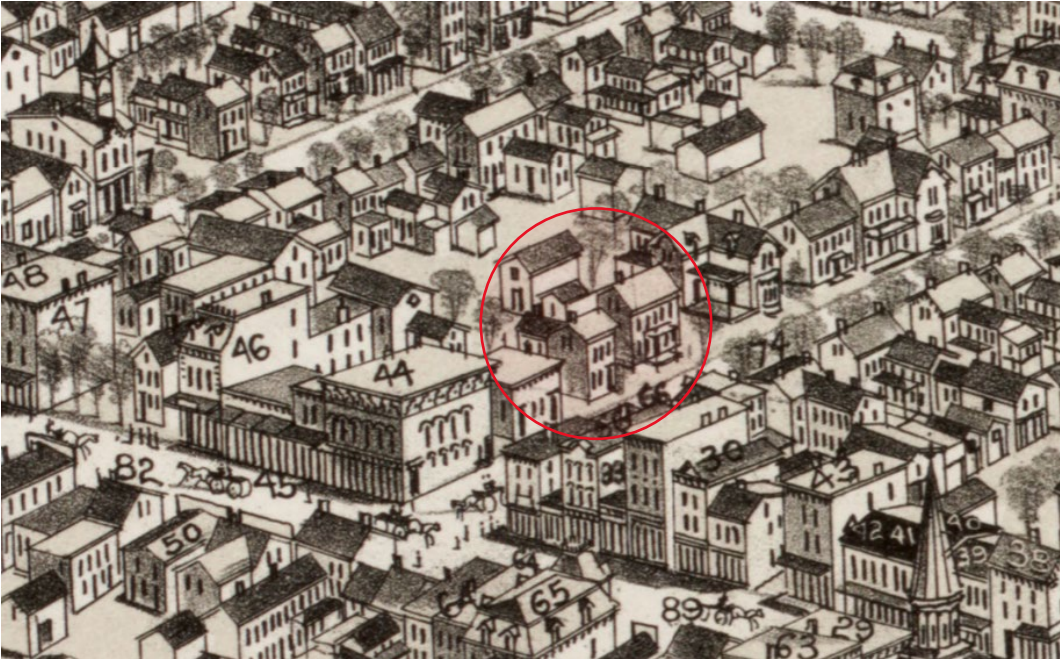
1897 Sanborn Map:



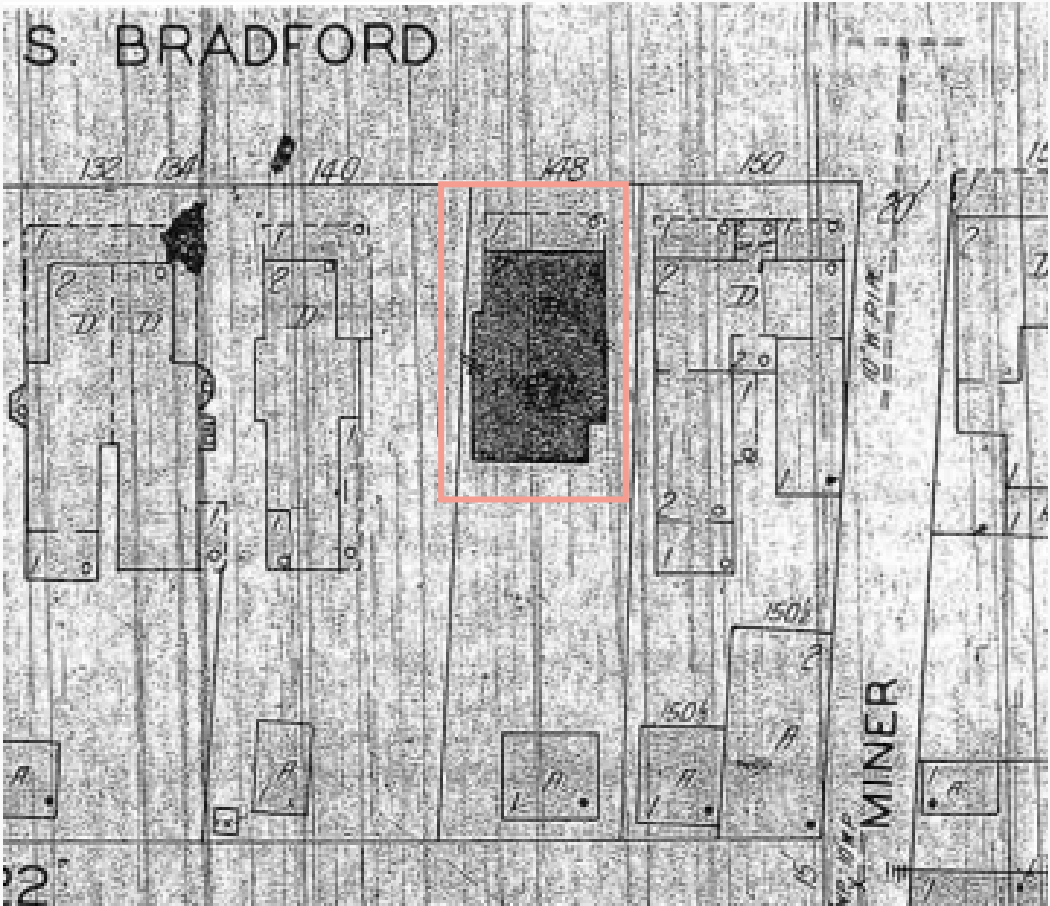
1919 Sanborn Map:



1885 O.H. Bailey & Co Bird's eye map:



1929 Sanborn Map

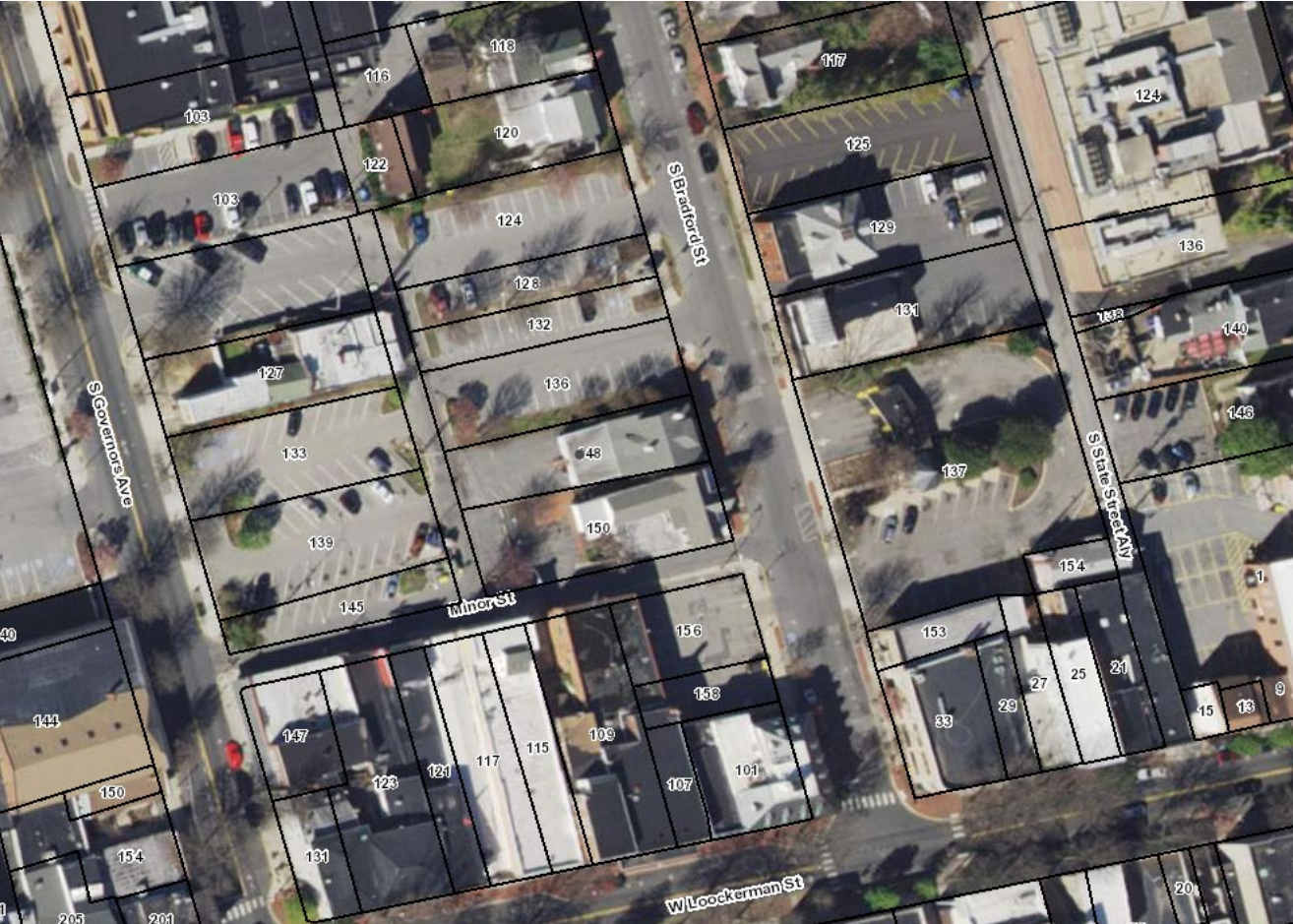




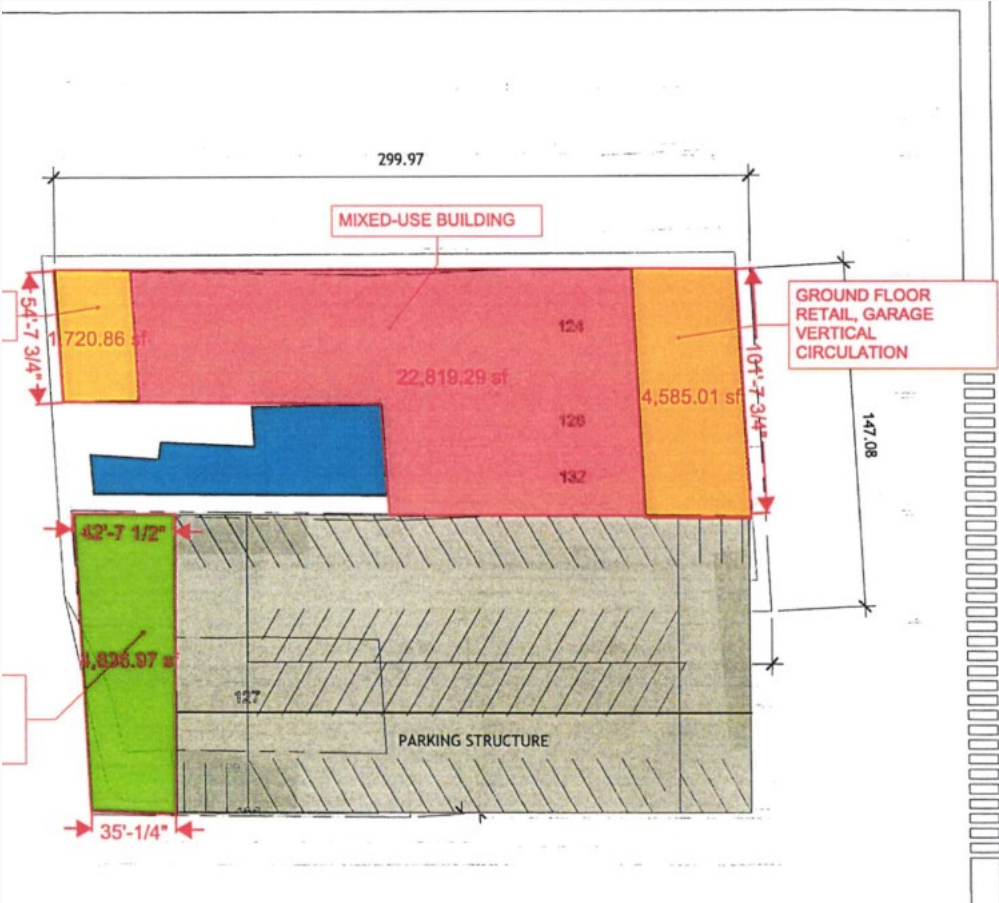
K0396.152 – 148 South Bradford Street – 20th Century, 1 ½, 3-bay, frame, bungalow-style dwelling, now used as a doctor's office; stucco-sheathed; gable roof, dormer, overhang on gable ends with large triangle brackets, hip roof façade dormer; 4/1 sash, Palladian window in gable end, half-round attic window; modern brick porch with iron rail.

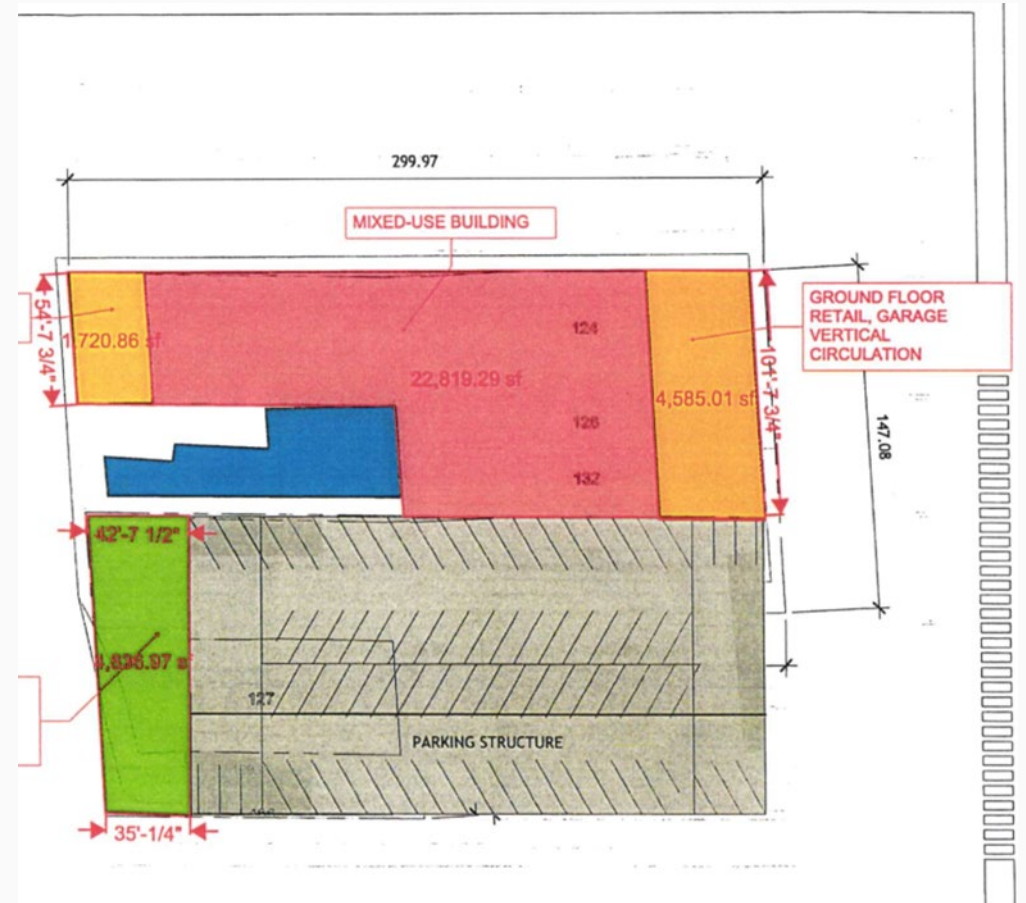
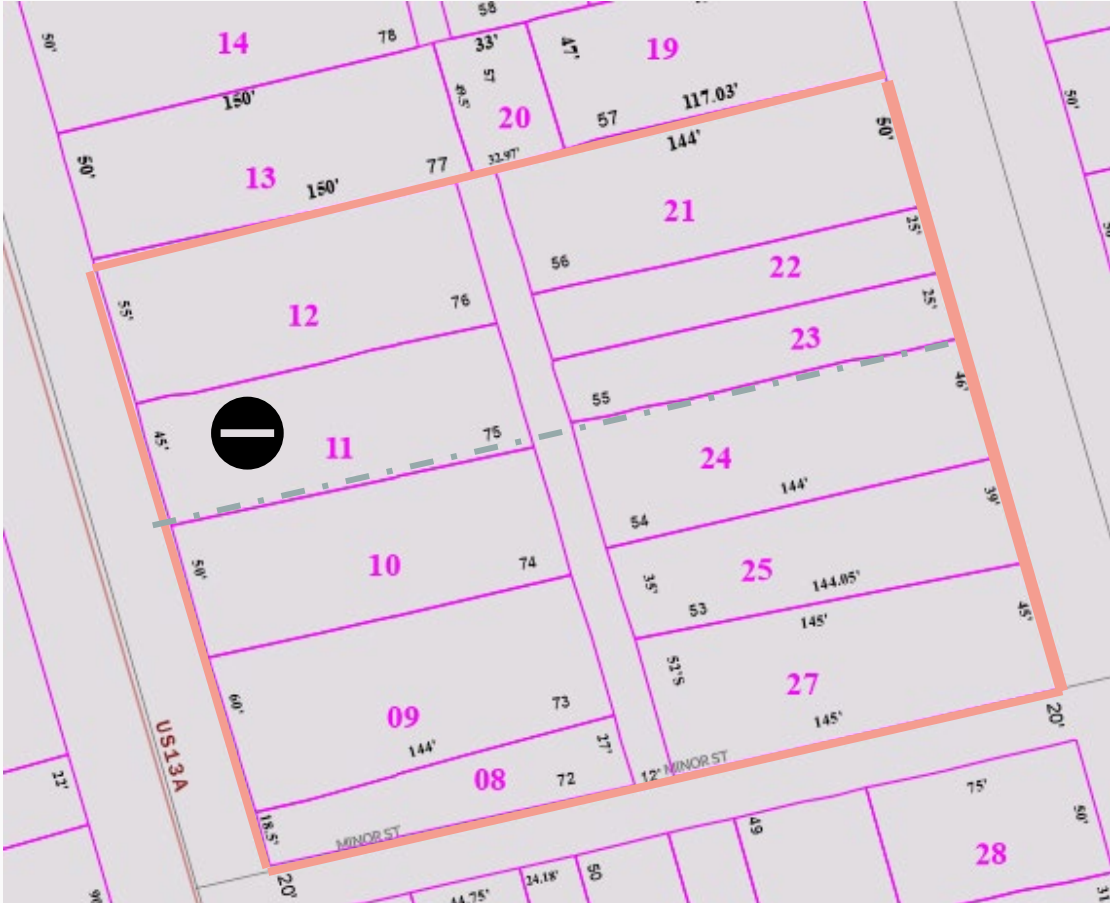
National Register of Historic Places Photo Inventory 1978-1979

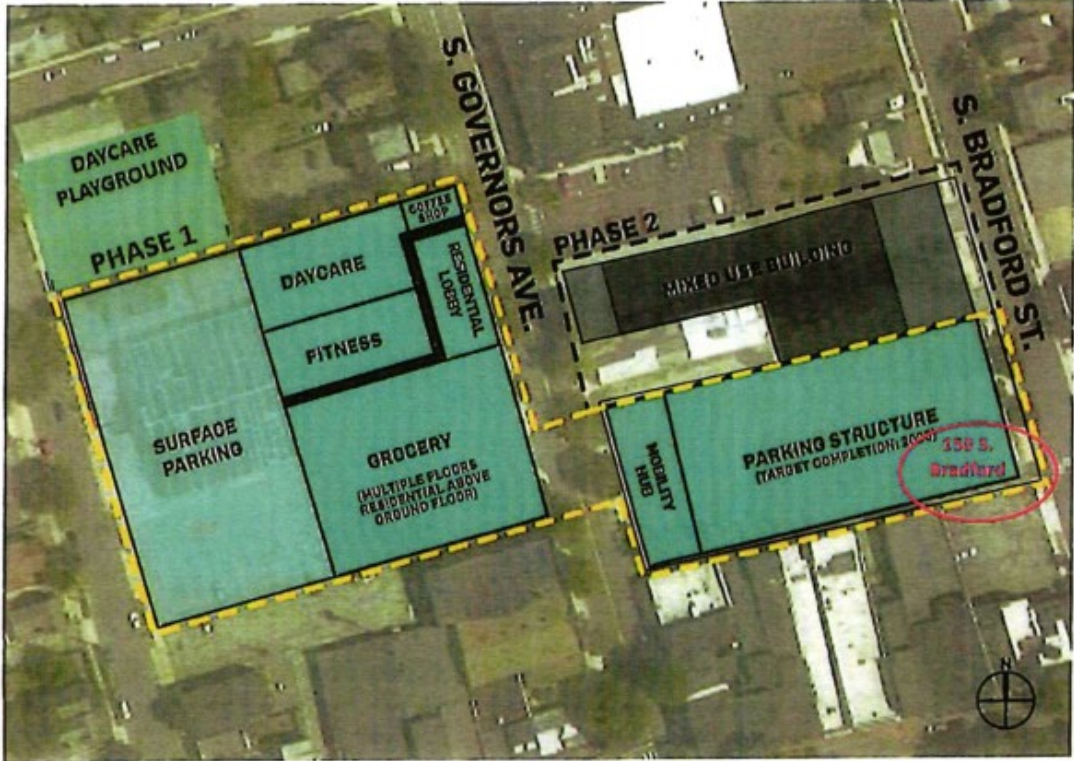
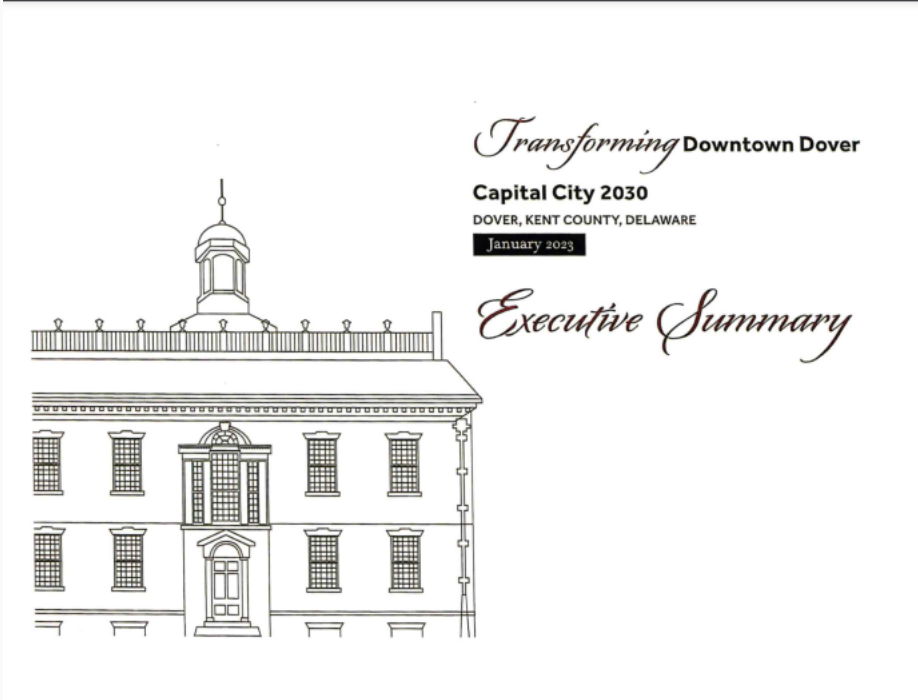




2017







Aerial view of parcels for the Multi Modal Transit Center and 120 S. Governors Ave.



Downtown Dover Partnership
Main Street Dover
101 W. Loockerman Street, Ste 2B
Dover, DE 19904
(302)678-2940

April 22, 2024

To: Members of the City of Dover Historic District Review Commission (May 16 meeting)

Re: 148 S. Bradford St., Dover, DE

The Downtown Dover Partnership (DDP) seeks an Architectural Review Certificate for 148 S. Bradford St. The DDP acknowledges and values this historic building, as well as the historic context of which this building is a part. Nevertheless, a larger initiative is underway that will require demolition of this property: *The Capital City 2030: Transforming Downtown Dover!* master plan ("the Plan").

The Downtown Dover Partnership has led development of The Plan, the goal of which is to transform downtown Dover into a thriving residential, cultural, and business district with recreational, arts and music amenities, as well as a multi-modal transportation hub. The plan was created through significant community engagement and has been supported by a broad range of public and private entities, as well as non-profits and individuals. Most recently the Governor committed \$25M toward two projects to kick-start the transformation.

The property that has been identified for the public transportation hub is comprised of two existing parcels (city and DDP-owned, respectively) and requires the adjacent parcel of 148 S. Governor's Ave. to complete the land massing for the structure.

We ask that members of the committee be assured that The Plan will not only set the stage for a strong, sustainable future for the downtown business district and neighboring communities of Dover for years to come, but will also ensure that the Downtown Dover Historic Victorian district maintains a majority of its assets, character, and intrinsic value throughout the encompassing transformation that is associated with The Plan.

The DDP appreciates the committee's thoughtful consideration for the proposed demolition.

Sincerely,

Diane Laird
 Executive Director

CC: DDP Board of Directors

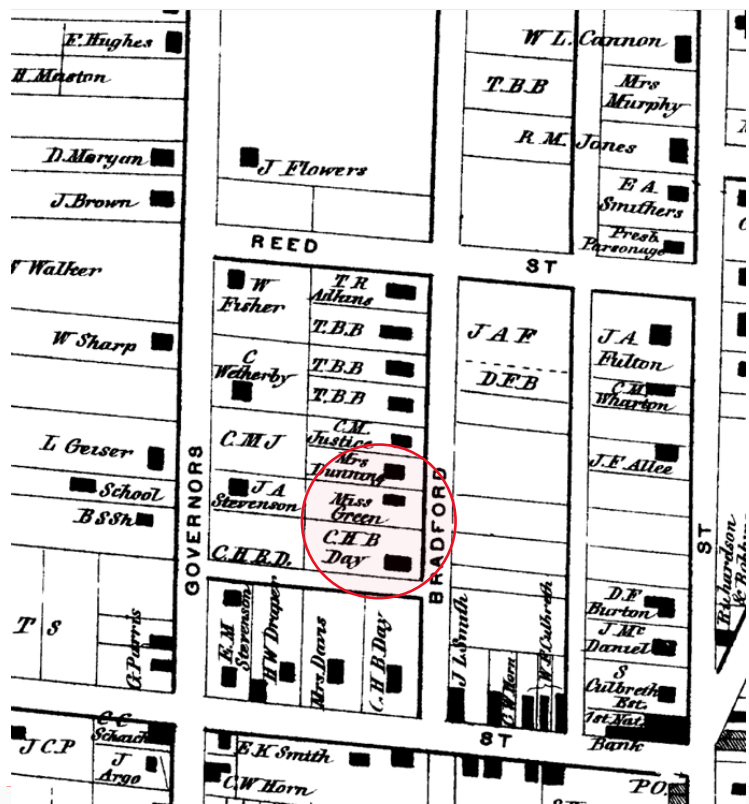




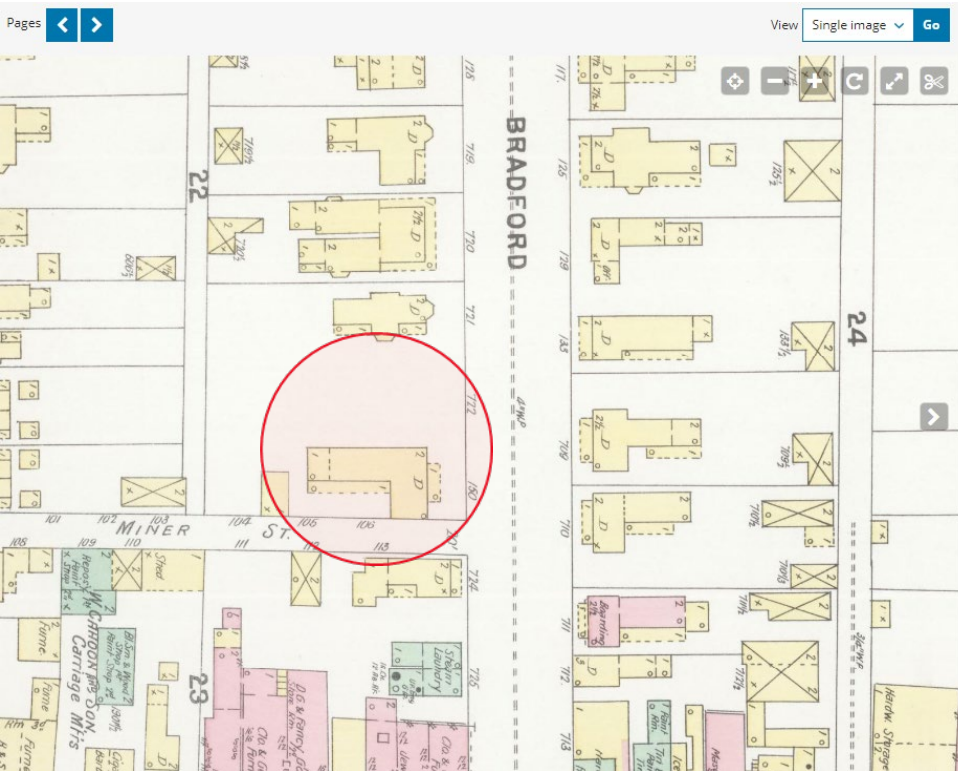
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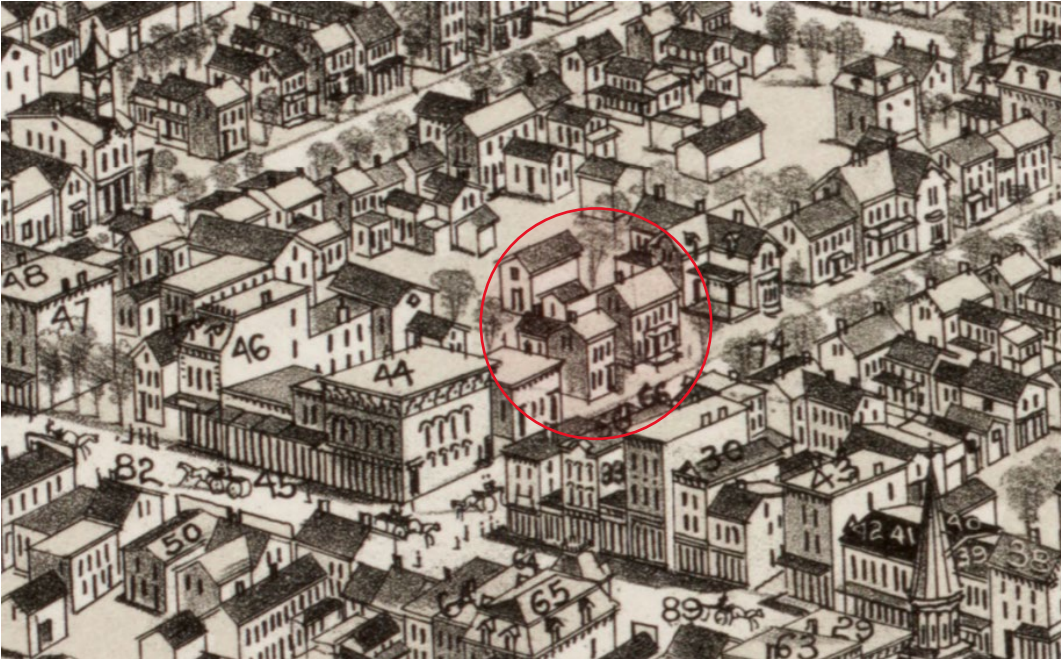
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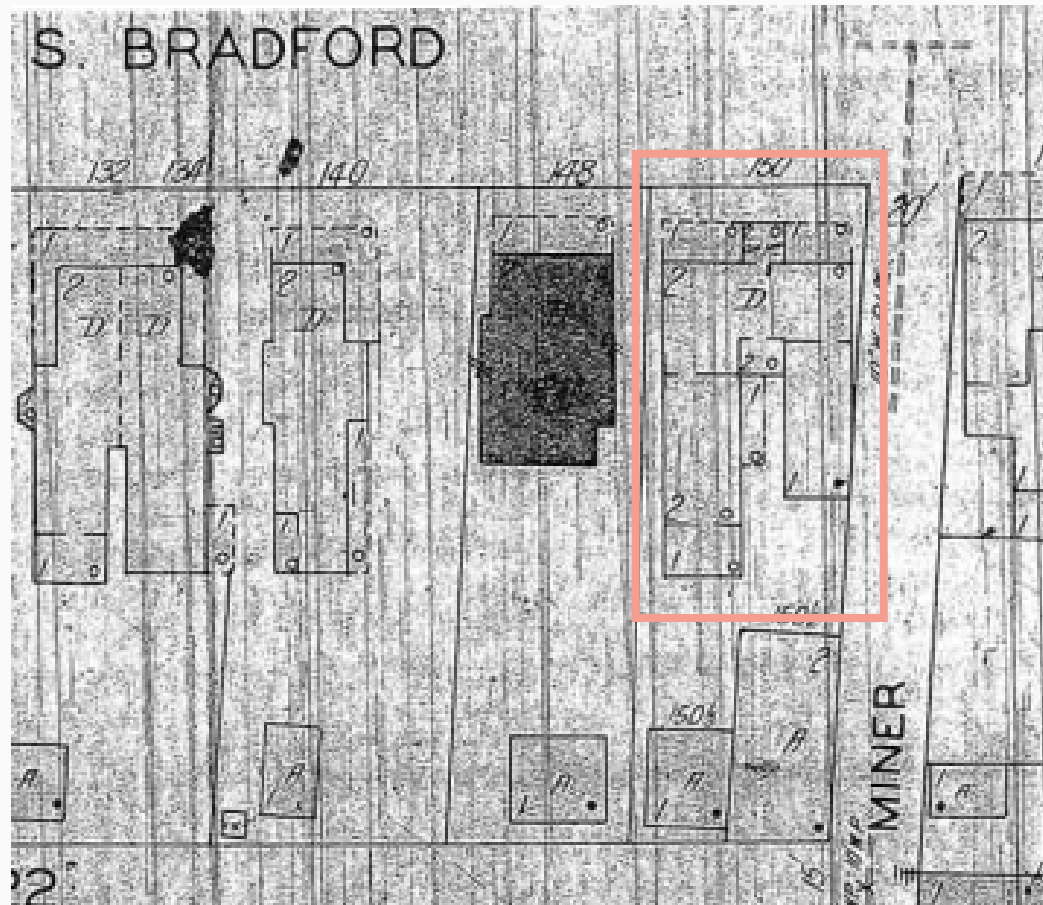
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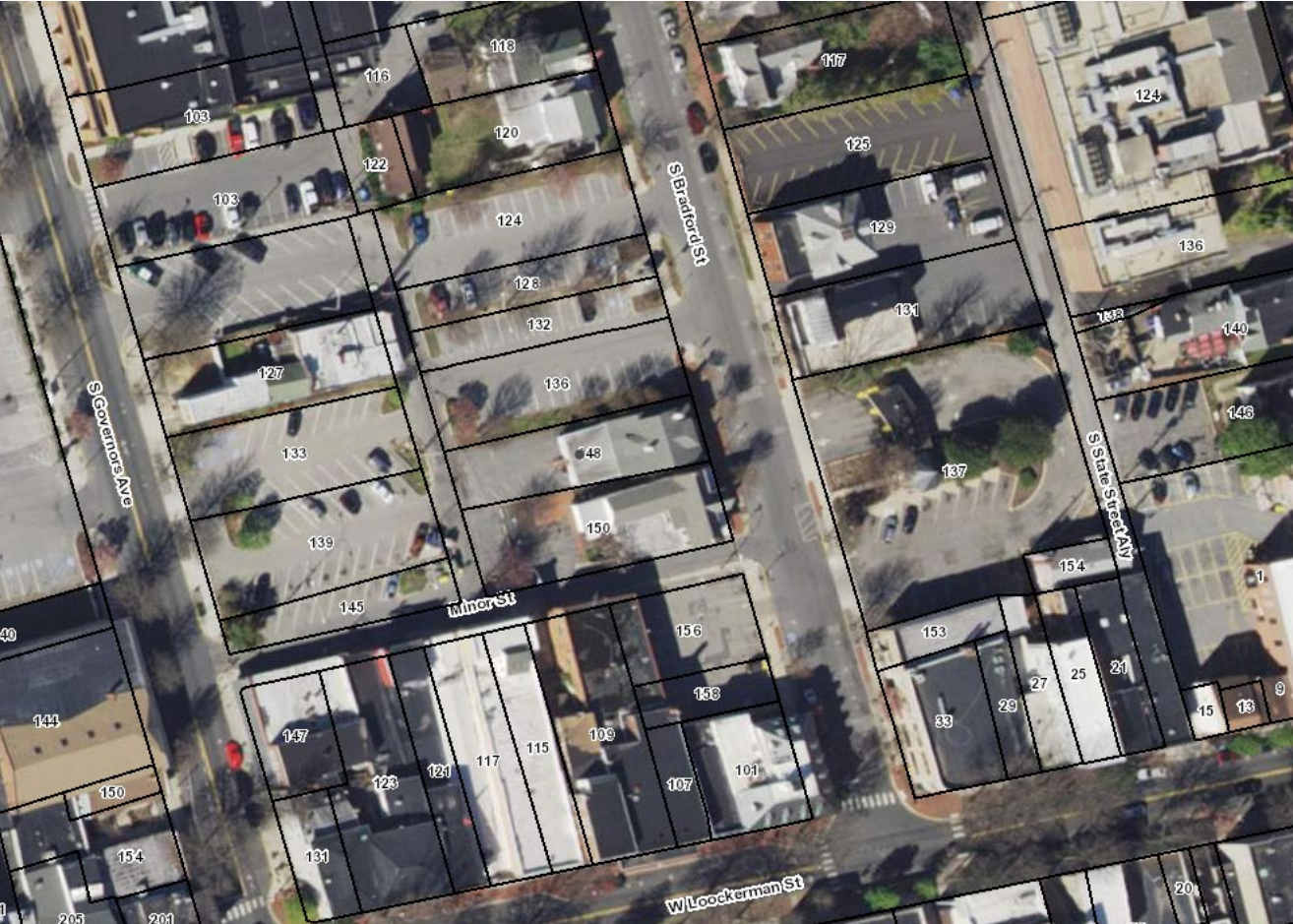




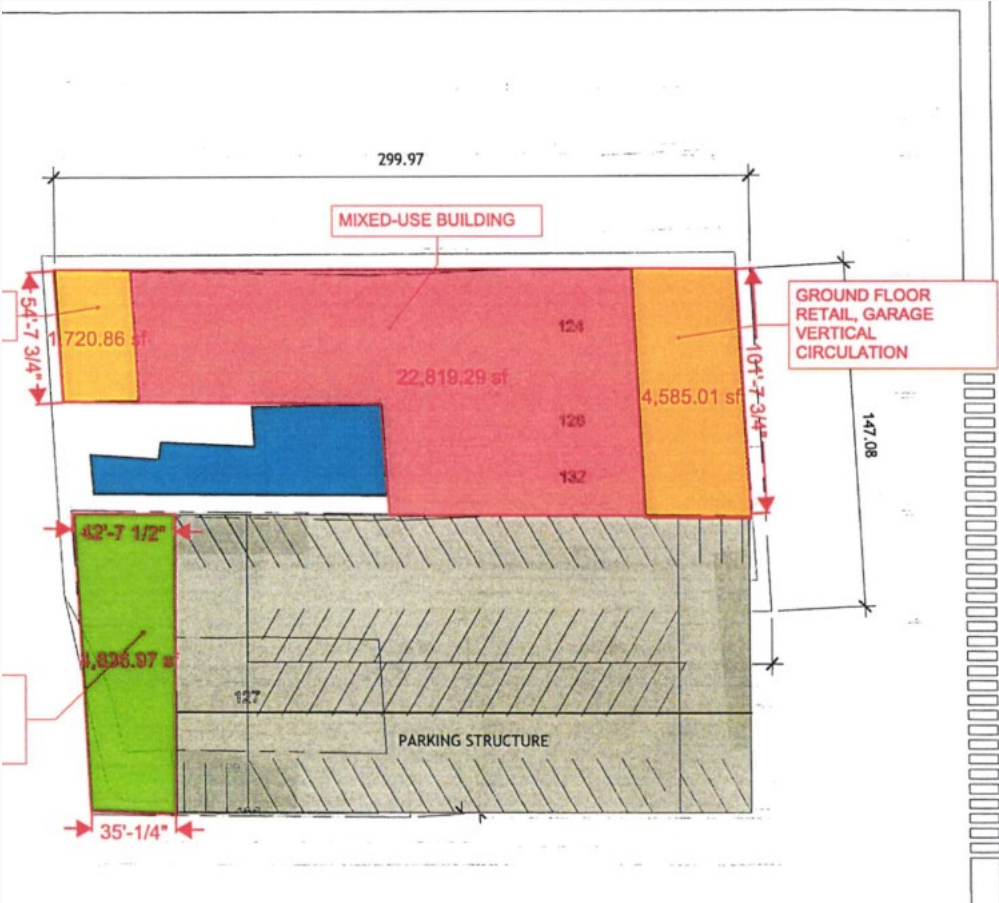
K0396.151 – 150 South Bradford Street - Late-19th century, 2-story, 5-bay, single family dwelling; gable roof; single-bay 2nd floor projection at the center of the facade; gable roof, full return; 6/1 sash; facade porch, fluted columns, Ionic capitals, balustrade; converted into double-dwelling in 1966.

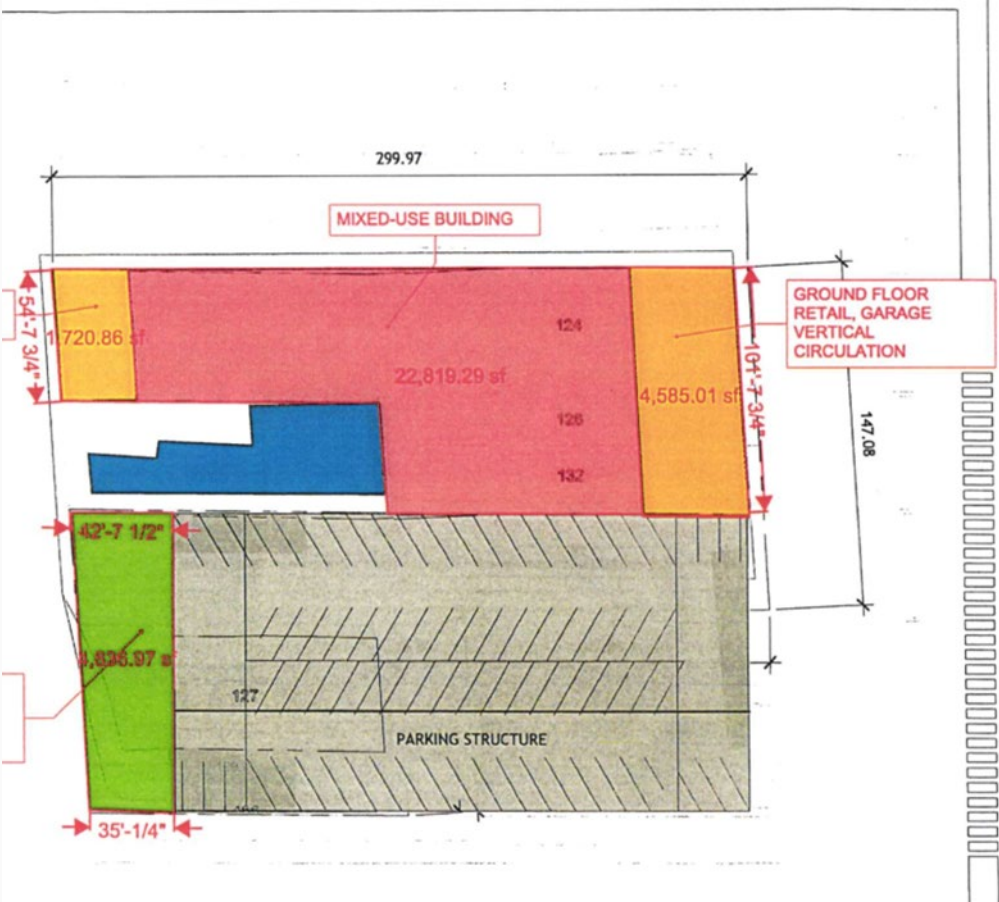
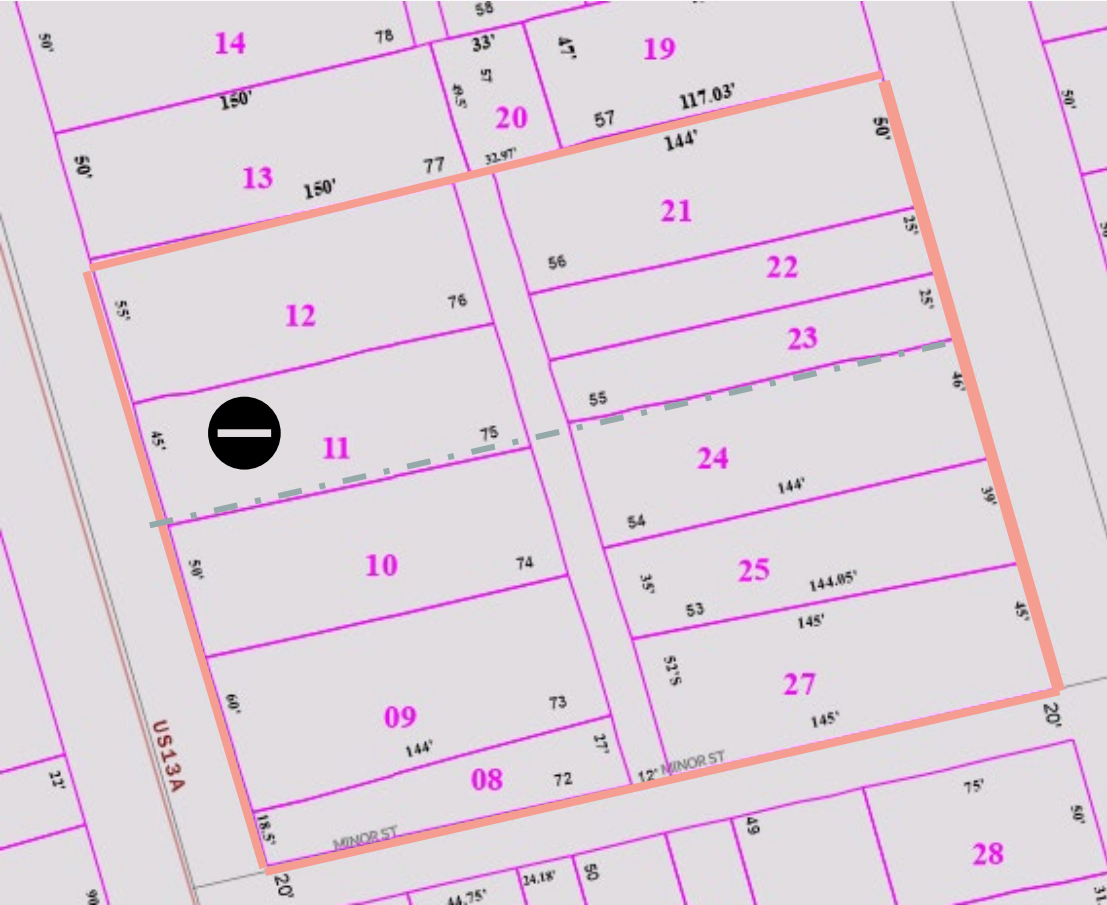
National Register of Historic Places Photo Inventory 1978-1979
(in background of 148 S. Bradford)

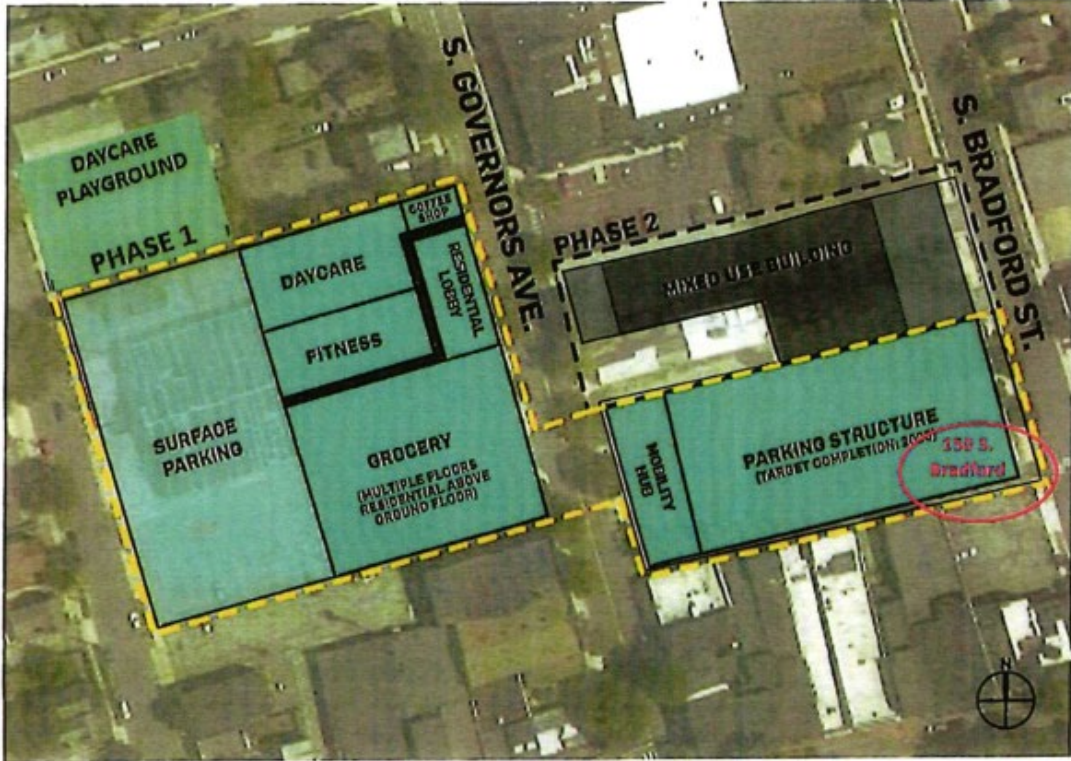
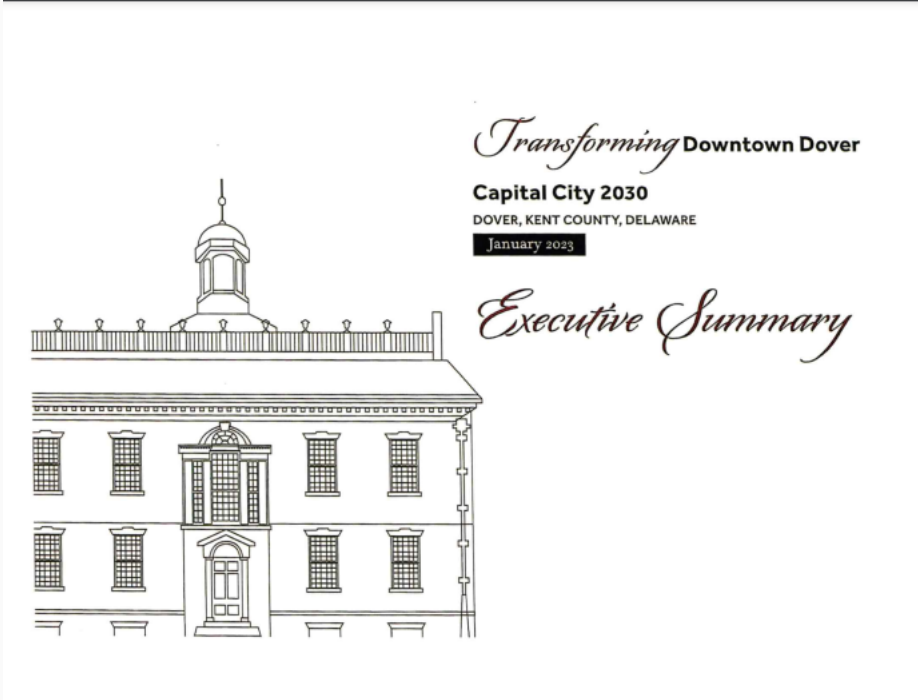




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Sincerely,

Diane Laird
 Executive Director

CC: DDP Board of Directors



Thank You

Planning Office

302-736-7196

compplan@dover.de.us

www.cityofdover.com

DOVER MOBILITY CENTER **GARAGE**

DOVER, KENT COUNTY, DELAWARE

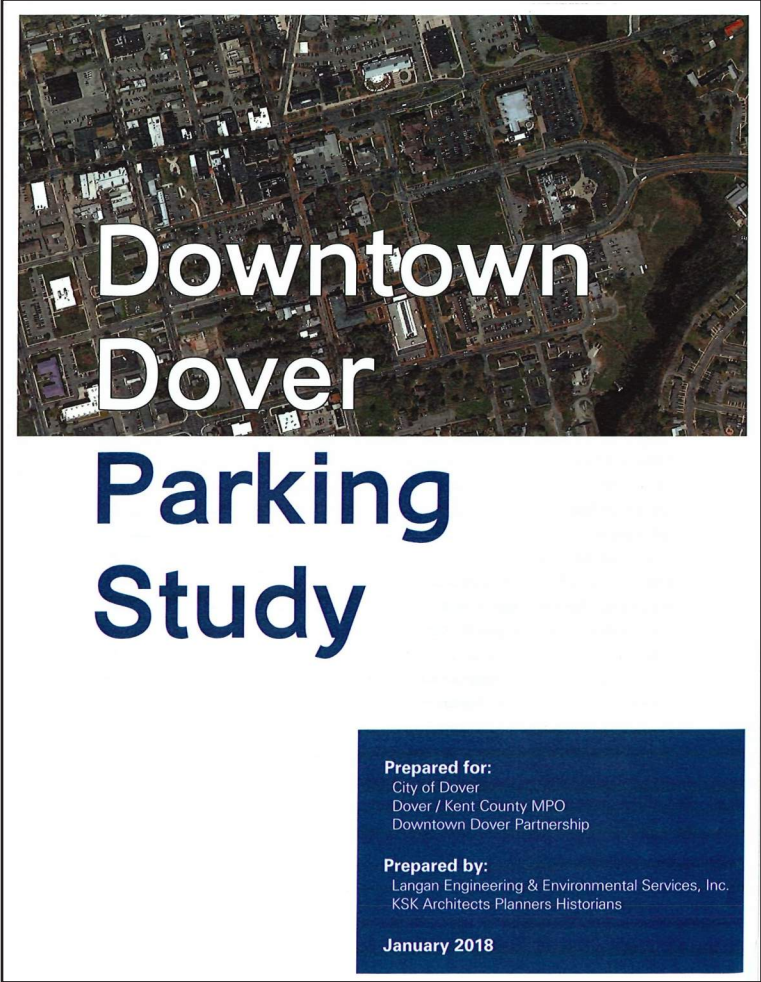
DOWNTOWN DOVER PARTNERSHIP | COLONIAL PARKING + MOSAIC DEVELOPMENT PARTNERS JV

CITY PLANNING COMMISSION PRESENTATION

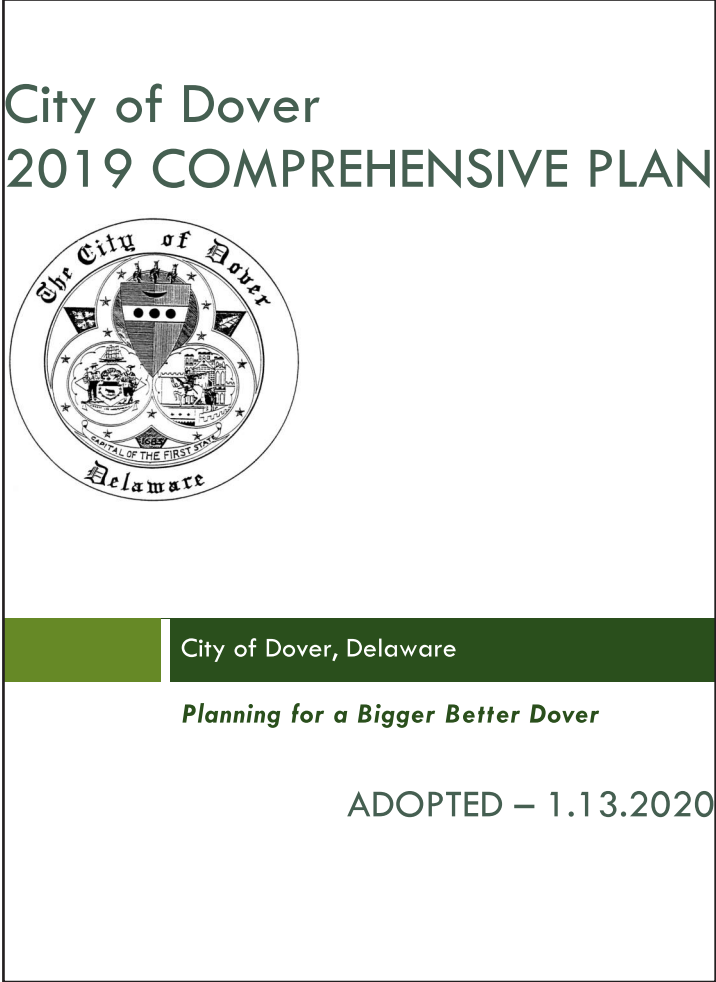


REFERENCED AND STUDIED DOCUMENTS:

RESEARCH & BACKGROUND



PARKING STUDY (2018)



COMPREHENSIVE PLAN (2019)

- Recommended understanding the **balance of preservation, development activity, and planning initiatives in downtown Dover to focus on the goal of strengthening Loockerman and adjoining areas.**
- Improving opportunities for non-motorized travel within the Downtown core.



TRANSFORMING DOWNTOWN DOVER - CAPITAL CITY 2030 (2023)

- Urged for development without the displacement of residents.
- Indicated that the central premise of a reignited downtown district calls for density and connection to become the engines that drive change.
- Determined that Governors Avenue will function as a gateway street, providing a 'grand welcoming' for people walking, biking and driving downtown.
- Called for a coordinated architectural approach that respects the history of the downtown district but also allows new designs to permeate throughout the district.
- Recommended the development of a multi-modal hub as an easily-identifiable location for parking to will meet current and future demand.

CAPITAL CITY 2030 MASTER PLAN PROCESS:



LISTEN

Public Polling & Interviews
Charrettes
Collective Needs & Goals
Stakeholder Identification



DISCOVER

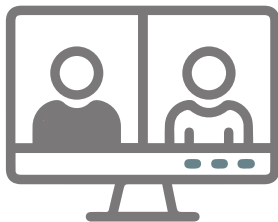
Existing Conditions
Case Studies
Previous Master Plans
Market Analysis
Transportation Analysis



IDEATE

Placemaking
Active Recreation
Passive Recreation

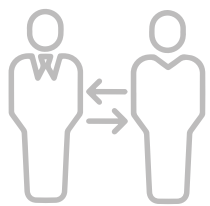
24 Zoom
meetings with
206 Participants



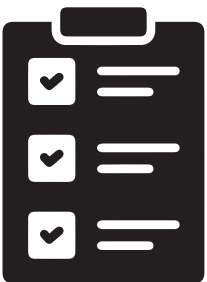
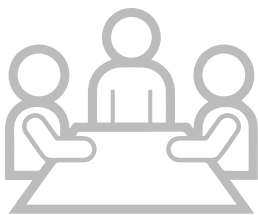
3 Total Charrettes
with total attendance
of over **75** People



6
1-on-1 Meetings



12 In-Person meetings
with over **30** Participants



550 Surveyed
and over
800 individual
connections

CAPITAL CITY 2030

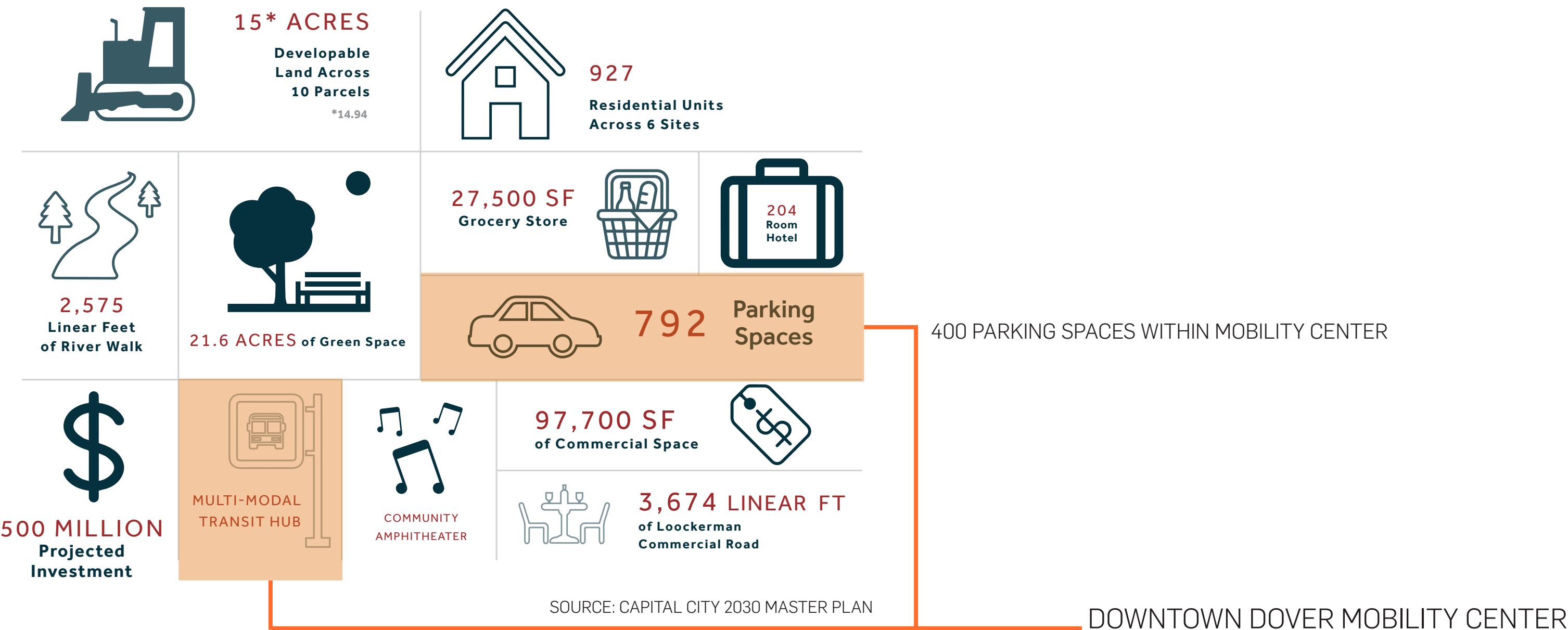


SOURCE: CAPITAL CITY 2030 MASTER PLAN

FOCUS TOWARDS A NEW, VIBRANT FUTURE

BRINGING THE 2030 COMPREHENSIVE PLAN TO REALITY

KEY MASTER PLAN INITIATIVES:



GOALS AND OBJECTIVES

ENHANCING DOWNTOWN DOVER

MOBILITY, PARKING, AND SAFETY INITIATIVES

In line with the Dover Kent MPO's recommendations and the Capital City 2030 Master Plan, we are excited to propose significant enhancements to Loockerman Street. By removing parking on one side of each block, we can create wider sidewalks that encourage leisurely strolls and vibrant outdoor dining experiences. This initiative aims to transform Loockerman Street into a more engaging and pedestrian-friendly environment, while the introduction of a mobility center will address the need for accessible parking.

ADDRESS PARKING CHALLENGES

- Feedback from the DDP- need for more parking downtown.
- Provide convenient, safe parking for residents, workers, visitors, and small business customers.
- Address current parking shortages in Loockerman commercial district.

PROMOTE DOWNTOWN SAFETY AND CONVENIENCE

- Managed mobility center with on-site staffing.
- Enhance downtown safety through consistent monitoring.
- "One-stop shop" location for various transportation modes.
- Reduce the need for multiple vehicles, promote sustainable transit options.
- Reduce vacancy & detract illegal behaviors downtown- adding more "eyes on the street".

BUILD COMMUNITIES AROUND PEOPLE

- Cars and parking exist to bring people to communities.
- Recommend structured parking conveniently placed off of Loockerman.
- Positioned on a main vehicular corridor.
- Offer nearby parking for convenience.
- Allow Loockerman and Downtown Dover to focus on people and businesses.



IMAGE CREDIT: CAPITAL CITY 2030 MASTER PLAN

GOALS AND OBJECTIVES

ENHANCING DOWNTOWN DOVER

PARKING AS A CATALYST FOR GROWTH

ATTRACT & RETAIN BUSINESSES DOWNTOWN

- Lack of parking deters new business, especially restaurants.
- Provide additional centrally-located parking.
- Attract and support new restaurants and small businesses.
- Provide sufficient parking and mobility options to serve downtown Dover and reverse the current 50% vacancy condition.
- Reverse vacancy vacuum that has allowed illegal behaviors downtown to transpire.

SUPPORT RESIDENTIAL EXPANSION

- Master plan recommends nearly a thousand new residential units.
- Safe, convenient parking needed to support residential growth.
- Proposed mobility center to meeting parking needs for both current and new residents, workforce downtown.

GENERATE REVENUE AND REINVEST IN THE CITY

- Parking garage to generate additional revenue for the city.
- Funds from parking fees to be reinvested into downtown improvements.
- Enhance public services, infrastructure, and community projects.
- Spur investment downtown both public and privately.
- Catalyst to ensure continuous growth and development of downtown Dover.



IMAGE CREDIT: CAPITAL CITY 2030 MASTER PLAN

MULTIMODAL OPPORTUNITIES A CONNECTED COMMUNITY

DRIVING FORCES

Downtown Dover is accessed primarily by a few key roads that run north-south and east-west.

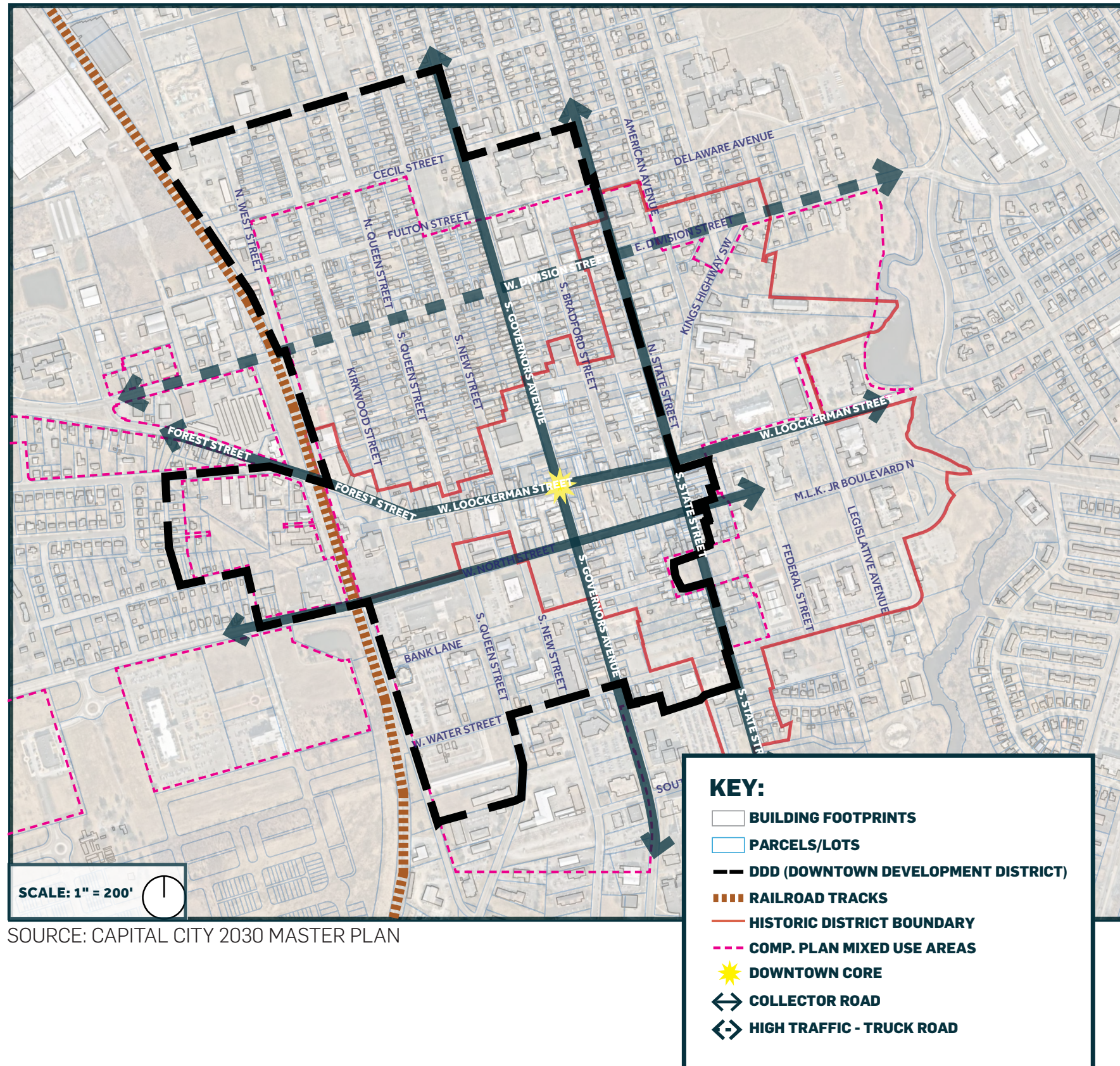
S. Governors Avenue and S. State Street serve as the main arteries for entering the downtown area from the north and south.

SITE ANALYSIS

- West Division Street, West North Street, and West Loockerman Street are key east-west routes that provide access to the downtown area.
- West Division Street is a high-traffic thoroughfare primarily used by trucks and vehicles looking to access DE-8 (Forest Street) on the west side of downtown or US-13 to the east.
- West North Street is a low-traffic street primarily used for access across downtown.
- West Loockerman Street serves as the primary commercial hub of downtown and is known as the "activated Main Street" of downtown Dover, featuring mostly retail and restaurant spaces.

IMPLEMENTATION OF C-2 REZONING EFFORTS

City of Dover has changed C-2 zoning requirements to eliminate parking mandates for individual projects with the Master Plan providing a more efficient, central, public parking option.



Downtown Mobility Hubs

"KIT OF PARTS"



MULTIMODAL OPPORTUNITIES

A MOBILITY HUB FOR DOWNTOWN

CREATING A SAFE AND EASY FACILITATOR TO EXPERIENCE DOVER

DEFINITION AND PURPOSE

- Places where people can connect to multiple modes of transportation.
- Aim to make trips safe, convenient, and reliable.

ECONOMIC AND RECREATIONAL OPPORTUNITIES

- Create opportunities for economic activity and recreation.
- Provide access to travel information.

PARKING STRATEGY AND BENEFITS

- Co-locate structured parking and commercial activity.
- Include amenities that support transfers from personal vehicle to other modes of transportation.
- Facilitate easy modal transfers , reducing the need for parking.



**RIDEHAIL PICK-UP/
DROP-OFF**



PARKLETS / PLACEMAKING



CARSHARE



BICYCLE PARKING



BIKESHARE



TRAVEL INFORMATION

SOURCE: CAPITAL CITY 2030 MASTER PLAN

IMPLEMENTING DESIGN RECOMMENDATIONS

MOBILITY CENTER DESIGN PREFERENCES AND CONSIDERATIONS

SAME PLAN, MODIFIED PARCELS

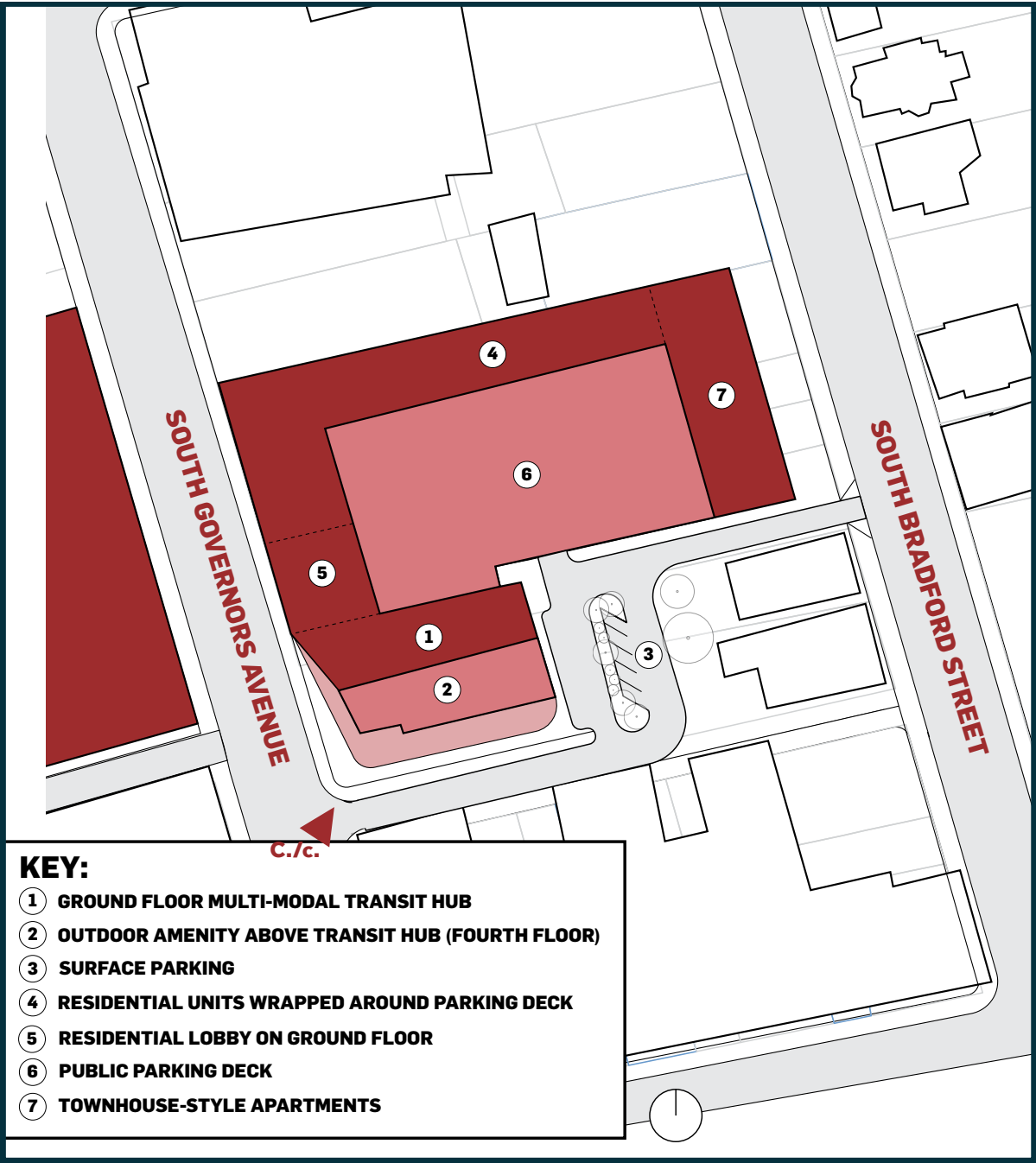
- Master Plan recommendation serves as roadmap, outlining intent and location of mobility center to best serve the Loockerman comercial district .
- Demonstrates the importance of a mobility center for the success of the greater master plan, as the mobility center facilitates the core parking strategy.
- DDP was unsuccessful in the acquisition of the third-party parcel included in the Master Plan recommendation.
 - DDP has 148 & 150 S Bradford Street under contract to continue the goals and intent of the Master Plan's recommendation.

MOBILITY CENTER PLANNING

- Adjusted footprint to fit available land.
- Required aquisition of two additional parcels with existing buildings.

ADDRESSING COMMUNITY AND PRESERVATION CONCERNS

- Conducted research to exhaust design solutions that address preservationists' concerns about replacing buildings.
- Hosted public meeting to discuss design options.
- Surveyed existing buildings to gain understanding about their integrity and condition.
- Connected with industry leaders to understand feasibility of relocating two existing buildings.



*Plan/Design is conceptual

SOURCE: CAPITAL CITY 2030 MASTER PLAN

DESIGN OPTIONS

OPTION 1 RELOCATION



- PROS**
- Preserves existing buildings through relocation
 - Allows target density
 - Full-block connection: S Governors to S Bradford
 - Large retail and mobility center
- CONS**
- Logistical costs

OPTION 2 REPLACEMENT



- PROS**
- Allows target density
 - full-block connection: S Governors to S Bradford
 - Large retail and mobility center
- CONS**
- Replaces existing buildings

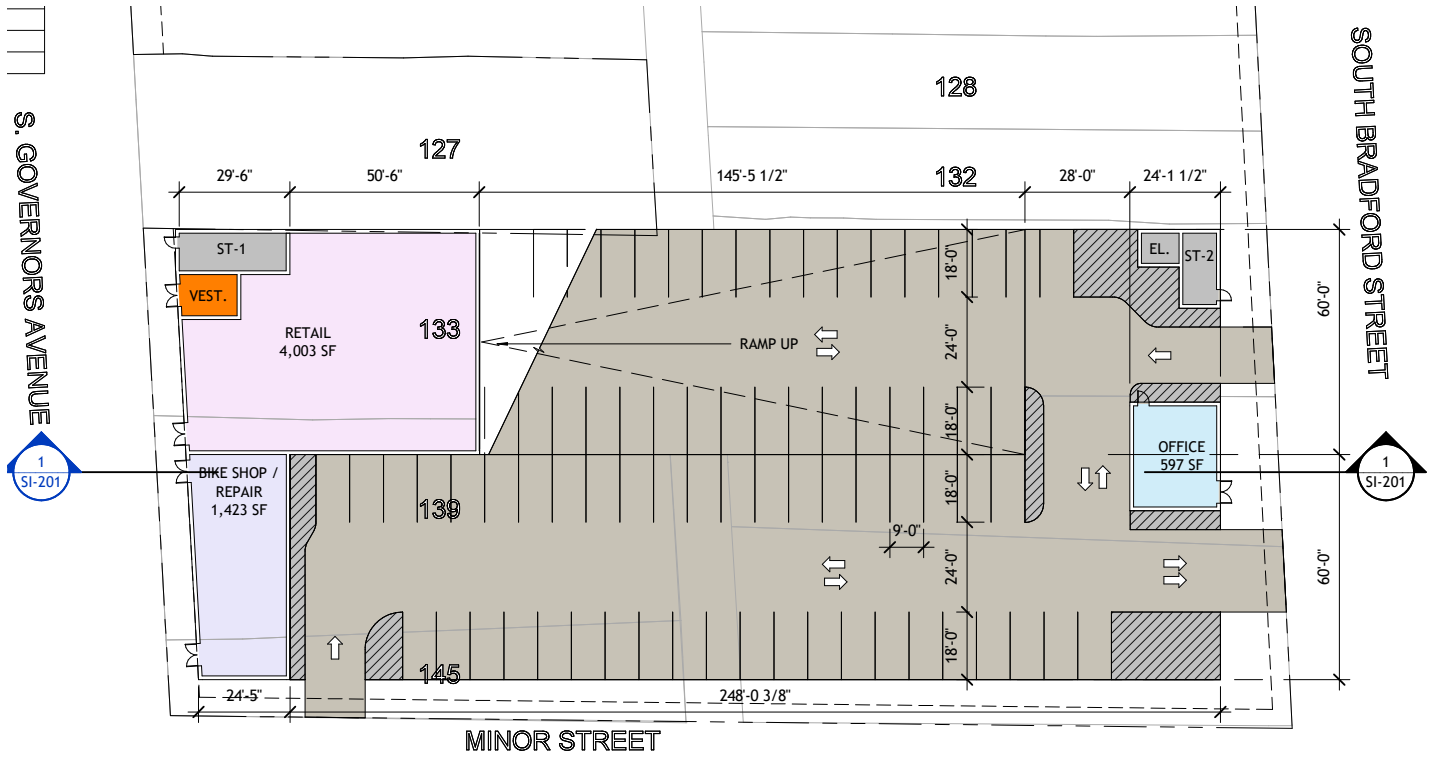
OPTION 3 COHABITATION



- PROS**
- Retains existing buildings in-situ
 - Allows target density
- CONS**
- Tall structure height
 - S Governors Avenue connection only
 - Smaller retail/ mobility components

SCHEME A

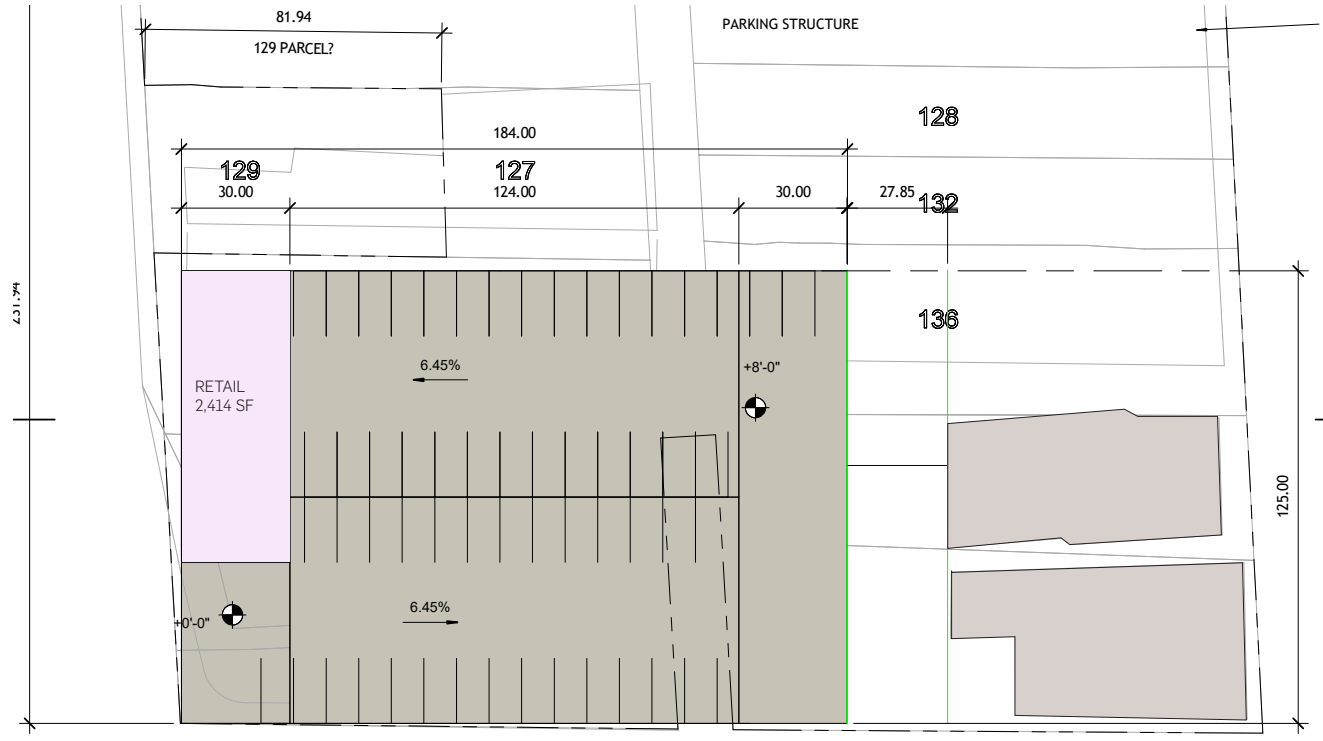
SCHEME B



Parking Schedule	
Level	Count
L01	82
L02	92
L03	104
L04	104
L05	54
Grand total: 436	

SCHEME A

SCHEME B

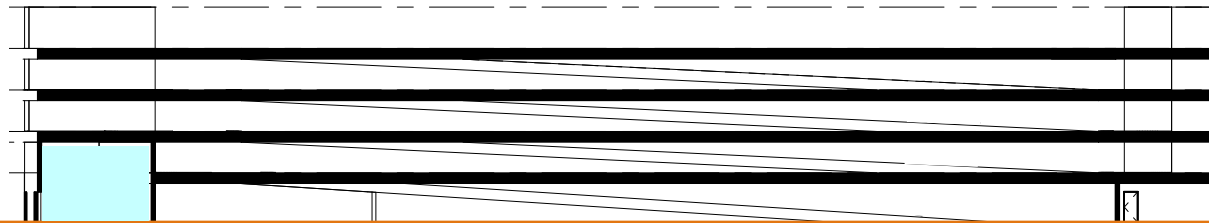


Parking Schedule	
Level	Count
L01	60
L02	65
L03	65
L04	65
L05	65
L06	65
L07	71
456	

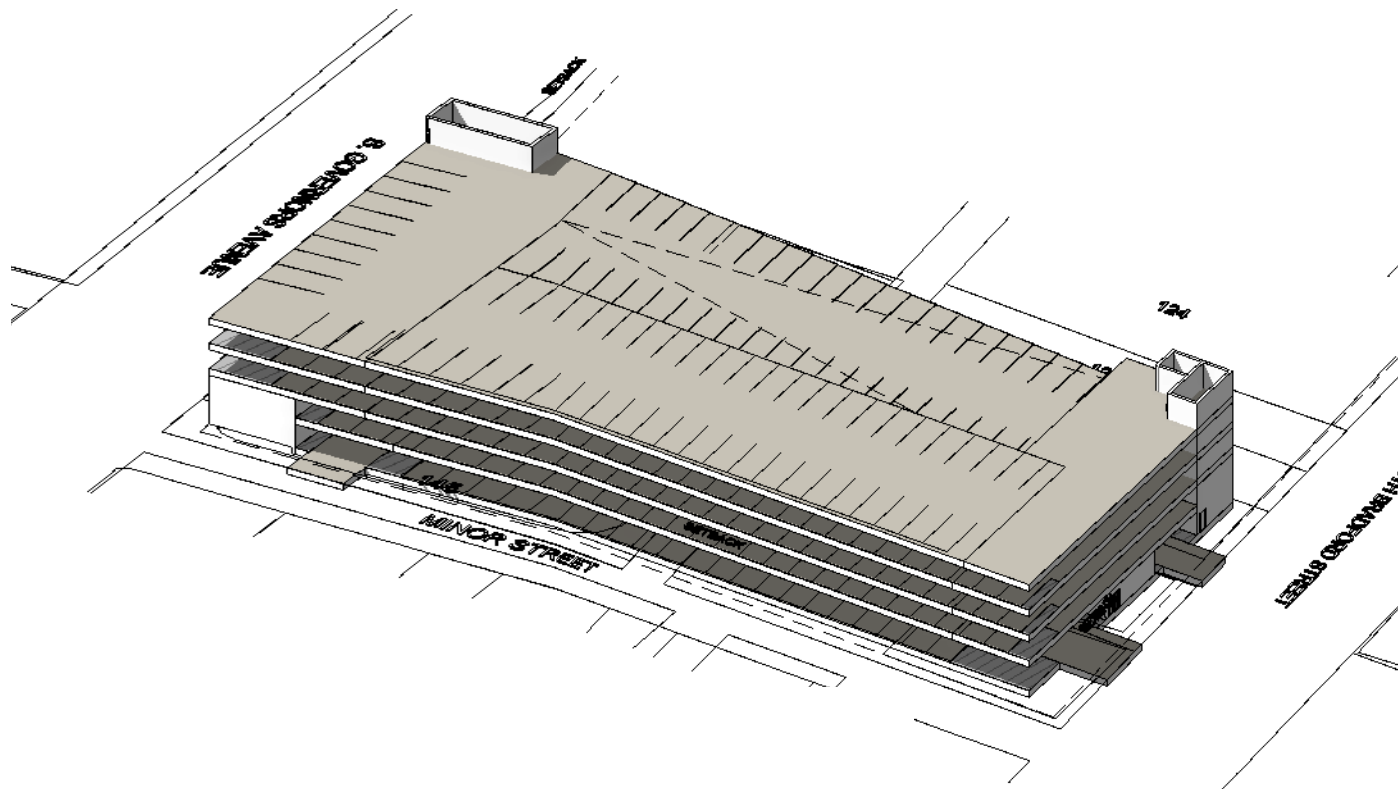
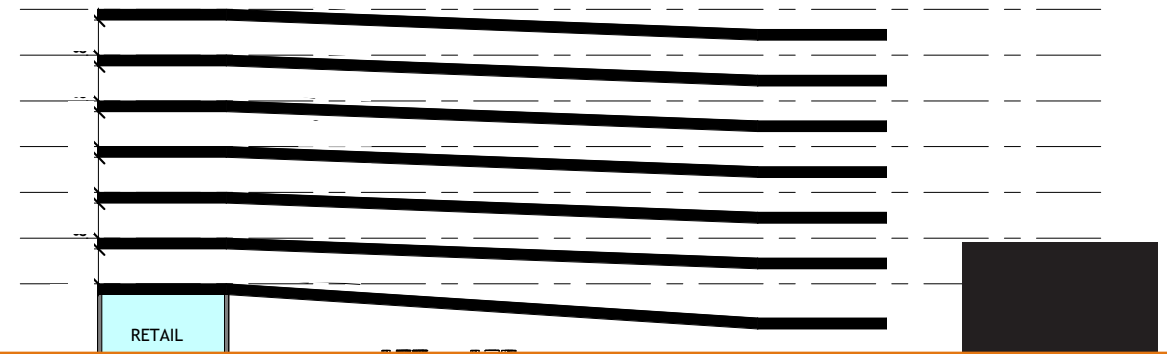
DESIGN OPTIONS

DUELING GARAGE SCHEMES

SAME YIELD, DIFFERENT FOOTPRINTS

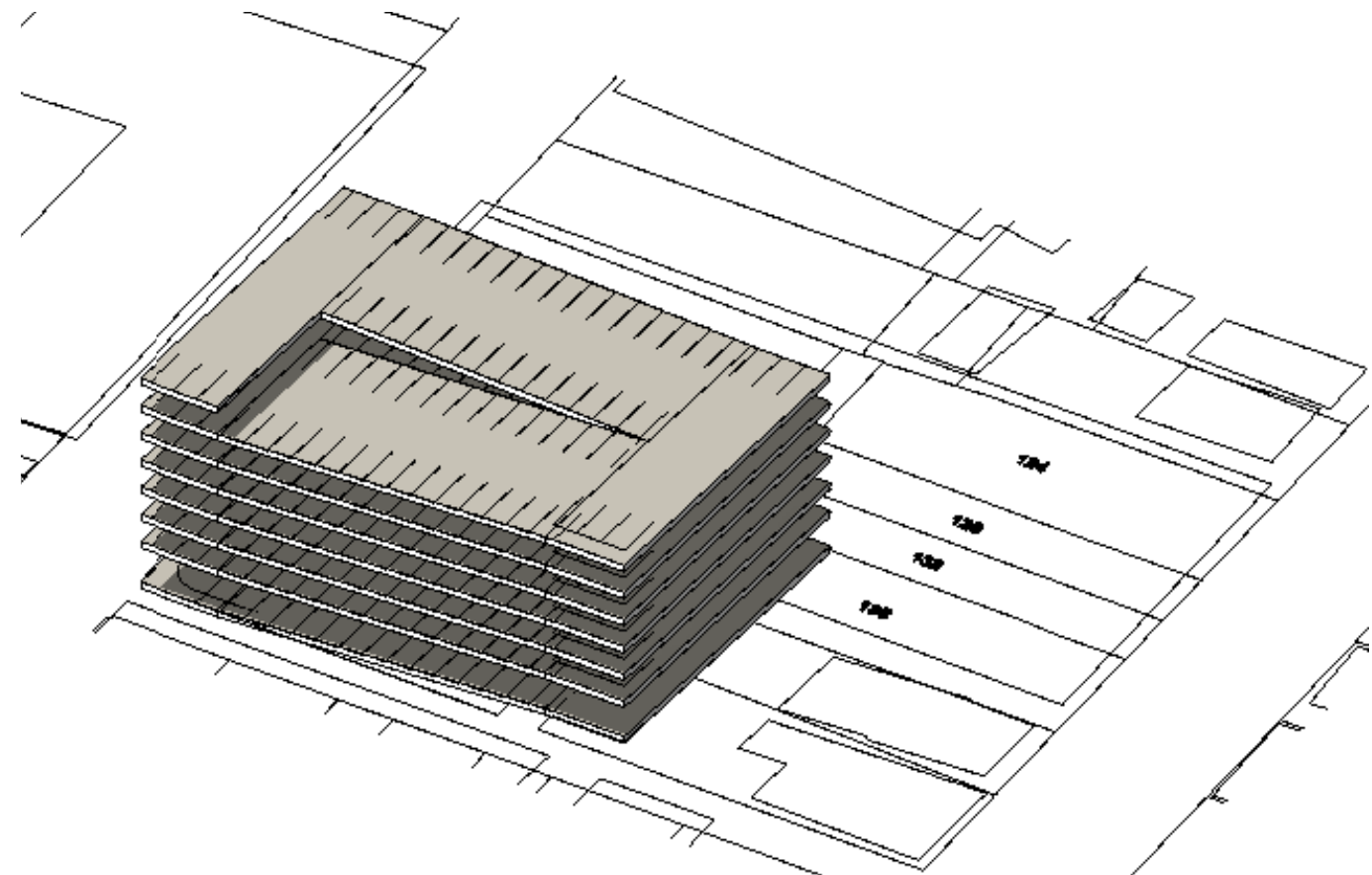


SECTION



AXONOMETRIC

SCHEME A
SCHEME B



DESIGN OPTIONS

ARCHITECTURAL INTEGRATION

- Mobility center to be designed to respect and compliment the historic character of downtown, Victorian Historic District, not replicate.
- First two levels clad in brick with historic patterning to respect the zone of historic roof & cornice lines.
- Historic detailing used throughout the structure.





IMAGE CREDIT: RACHEL SAWICKI / DELAWARE PUBLIC MEDIA

PUBLIC COMMENTS AT JUNE 3RD OPEN HOUSE

"Building shouldn't be out of scale in terms of height to other buildings"

"Love the idea of more parking; demolishing the residential seems to be the best choice, 5 stories is my vote"

"These [existing] buildings have little value give they are already isolated by parking lots. Change is hard for people who have been in the city for years, but it is essential for the city to grow + thrive."

"Take the buildings down; it will have no impact on the historic character of the city"

"Don't let the obsession with preservation overwhelm the need for revitalization."

"I'm very excited about the new parking garage. It will create a place so a lot more people can visit downtown. People will get used to the walk. I'm all for it. Keep pushing to help Dover grow."

"Must ensure convenient, reliable, well-signed options for parking."

"Parking is a major need downtown and the parking garage will address this need. Build the most cost effective building that will address this need. Thank you!"

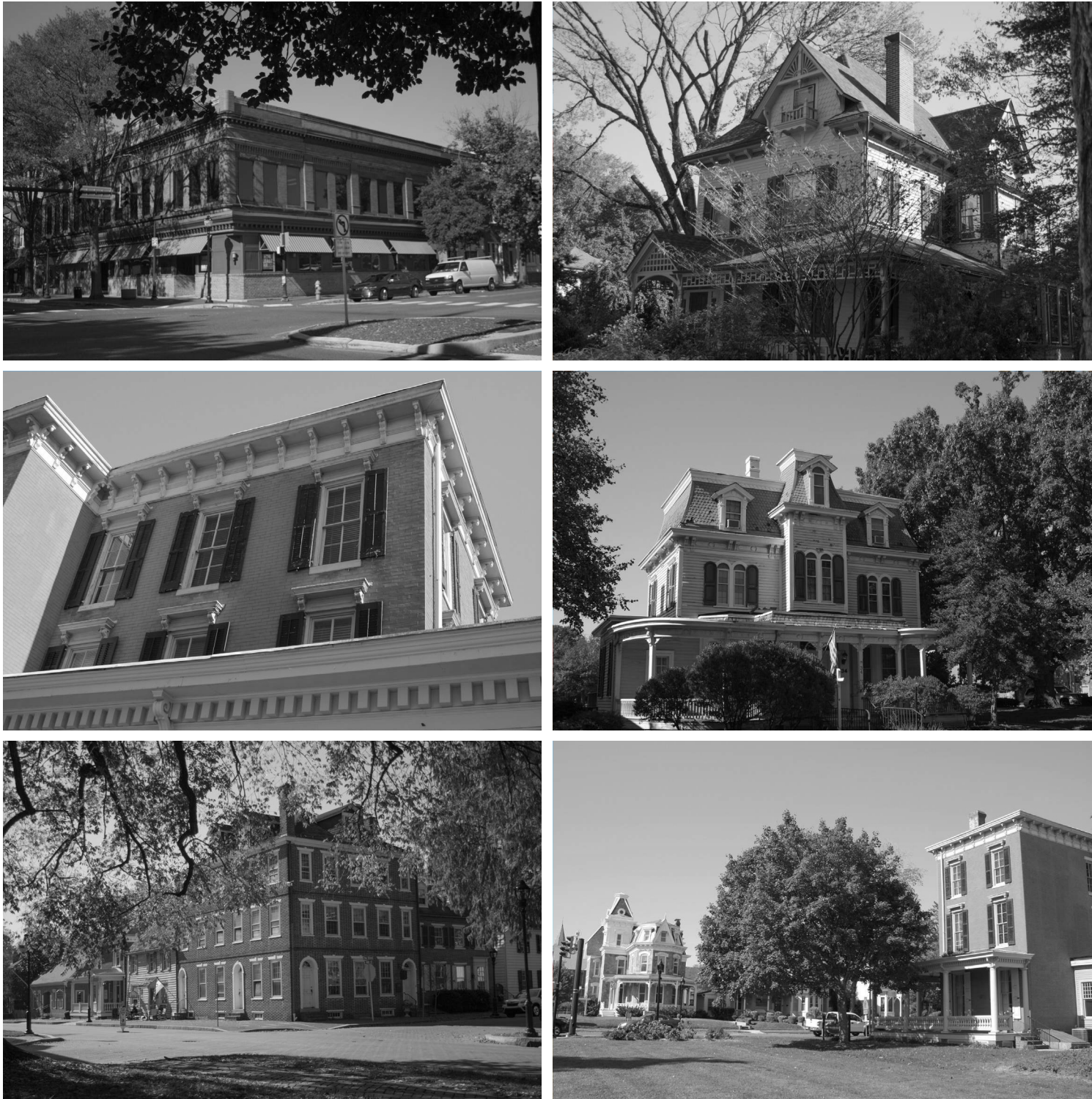


VICTORIAN DOVER HISTORIC DISTRICT

NATIONAL REGISTER OF HISTORIC PLACES, INDUCTED 1979



SOURCE: GOOGLE EARTH



NEIGHBORHOOD IMAGERY

SITE SELECTIONS AND CONSIDERATION



SOURCE: ESRI COMMUNITY MAPS, CITY OF DOVER

IDEAL LOCATION

- Master Plan identified Bradford Street Parking Lot
- Location: Between S Bradford, S Governors, and Minor Streets

VIABLE SITES ACQUIRED

- Identified parcels owned by DDP, City of Dover; 148 & 150 S Bradford Street under contract by DDP.

SITE CONTEXT

- Buildings surrounded by parking.
- Buildings out of original residential context.

ENVIRONMENTAL CONSIDERATIONS

- Impacted properties identified.
- Mitigation planned during Mobility Center project.

ADDRESSES AND PARCEL ID

133 S. Governors Ave

Parcel ID: ED05-077.09-02-10.00

139 S. Governors Ave

Parcel ID: ED05-077.09-02-09.00

145 S. Governors Ave

Parcel ID: ED05-077.09-02-08.00

150 S. Bradford Street

Parcel ID: ED05-077.09-02-27.00

148 S. Bradford Street

Parcel ID: ED05-077.09-02-25.00

136 S. Bradford Street

Parcel ID: ED05-077.09-02-24.00

SITE CONTEXT

EXISTING CONDITIONS



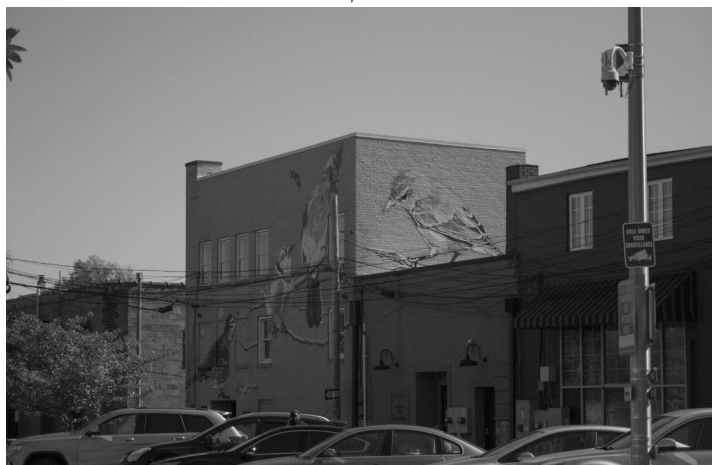
A: GOVERNORS AVENUE, SOUTH-EAST VIEW



B: GOVERNORS AVENUE, NORTH-EAST VIEW



C: GOVERNORS AVENUE, NEIGHBORING BUILDING



D: GOVERNORS AVENUE, NEIGHBORING BUILDING



E: BRADFORD STREET, NORTH-WEST VIEW



F: BRADFORD STREET, SOUTH-WEST VIEW



BRADFORD STREET, FACING WEST

NATIONAL REGISTER OF HISTORIC PLACES NOMINATION (1979)

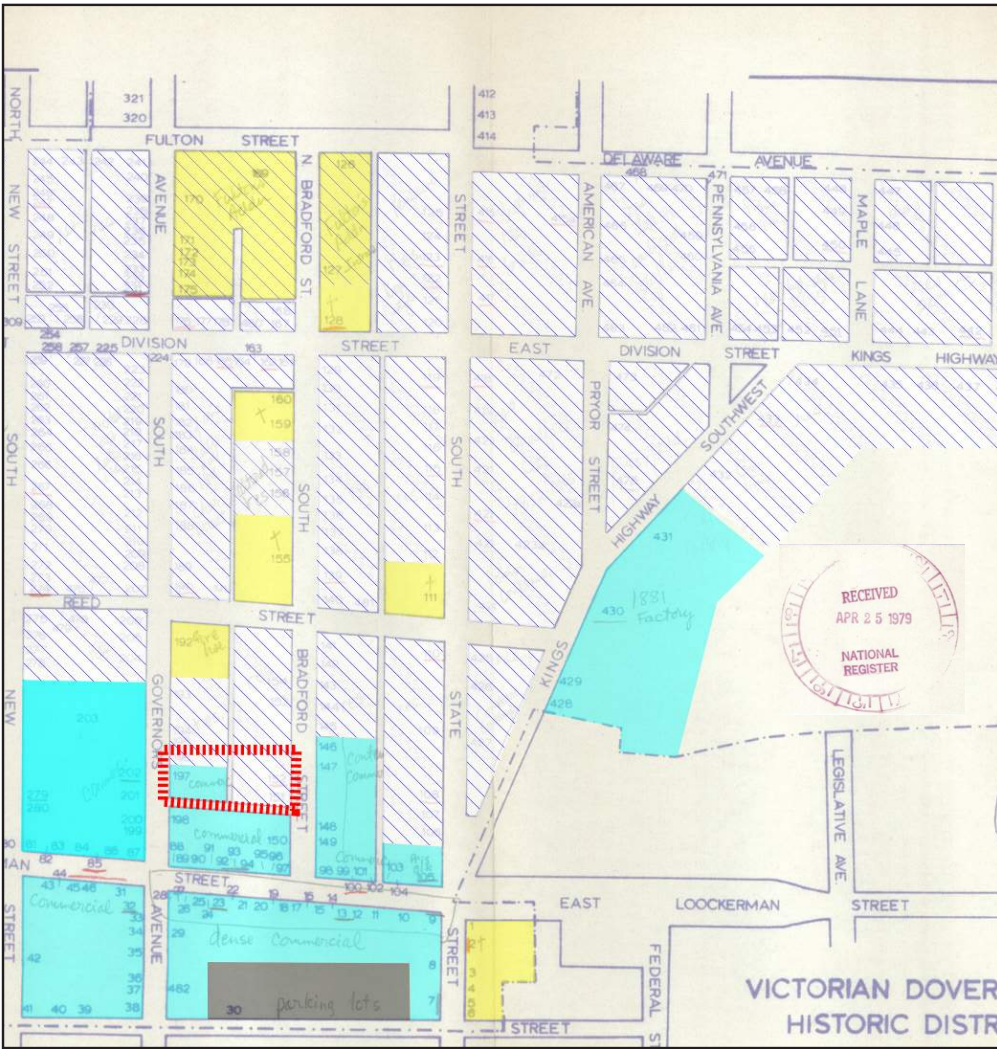
150 S Bradford: (K-396.151) Late 19th Century, 2-story, 5-bay, single-family dwelling; gable roof; single-bay 2nd floor projection at the center of the facade; gable roof, full return, 6/1 sash; facade porch, fluted columns, ionic capitals, balustrade, converted into double-dwelling 1966

148 S Bradford: (K-396.152) 20th century, 1 1/2 story, 3-bay, frame, bungalow-style dwelling, now used as a doctor's office; stucco-sheathed; gable roof, overhang on gable ends with large triangular brackets, hip-roof facade dormer; 4/1 sash, palladian window in gable end, half-round attic window, modern brick porch with iron wall

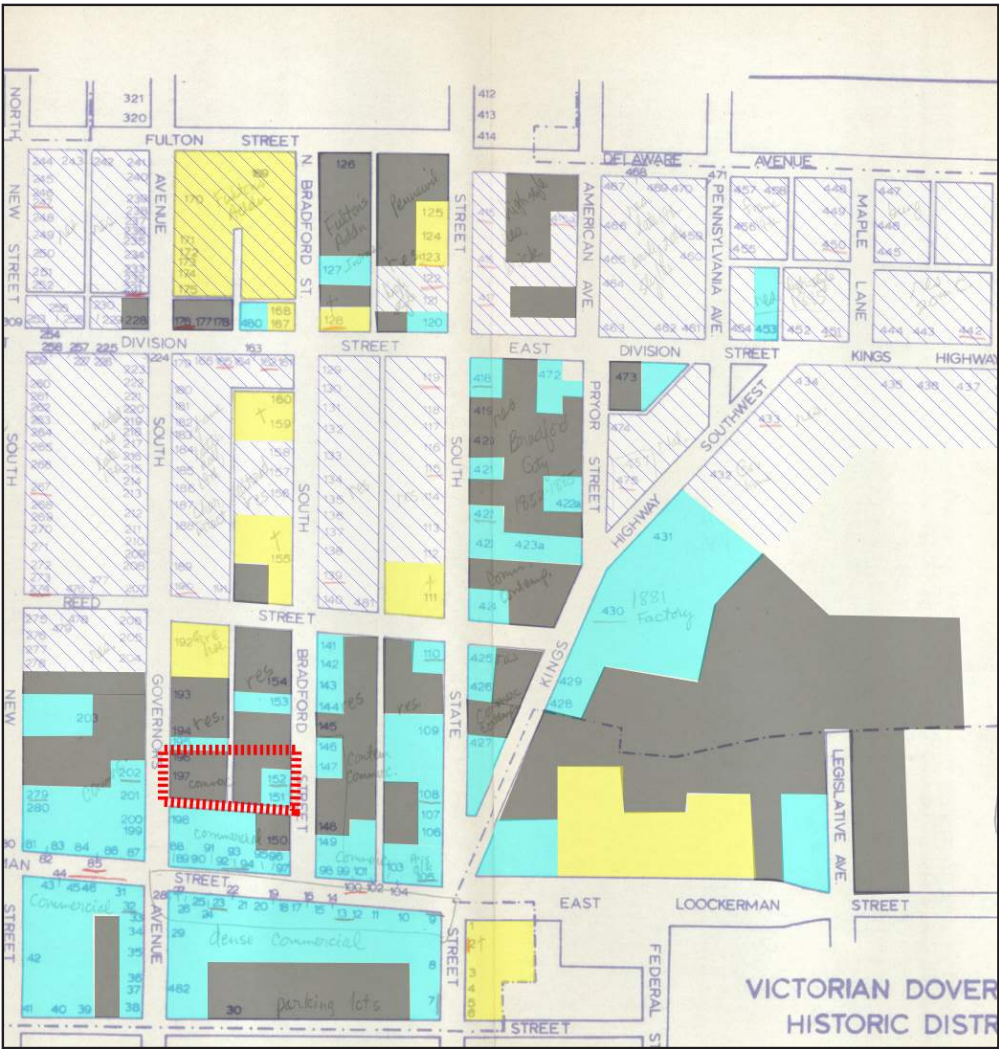
"... the integrity of the Victorian Dover Historic District can be summarized as representing virtually all styles of nineteenth century architecture present in the area. the area is cohesive and has a few intrusions . Some early twentieth century architecture to show the bridge to this century. **These buildings are included only in the areas where there are no intrusions and where they are stylistically pure.**"(8-5)

NATIONAL REGISTER BLOCK INVENTORY DESCRIPTION

The west side of Bradford Street, between Loockerman and Division Streets, consists of two blocks intersected by Reed Street. By 1868, eight structures had been erected on the southern block and include the three cottages purportedly built by Revered Bradford for speculative reasons. The structures erected on the premises apparently varied in size but had been designed primarily for domestic use. **During the Twentieth Century, the residential character of the block was altered as buildings were removed and parking lots constructed in the block's center and northern sections.** Though five buildings are featured on the block today (K-396.150-.154), 118 South Bradford Street is perhaps one of the block's most unusual buildings (k-396-154). It is a two-story frame house, to which an unusual brick veneer was added. Instead of bricks being laid in a typical header or stretcher course, the bricks are laid in an upright position with the face of the brick exposed. The remaining frame or brick edifices contain either businesses, professional offices, or are utilized as private double dwellings. (7-7)



NOMINATION CHARACTER
NOVEMBER 1978



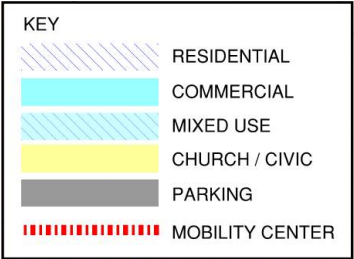
CHARACTER TODAY
JUNE 2024

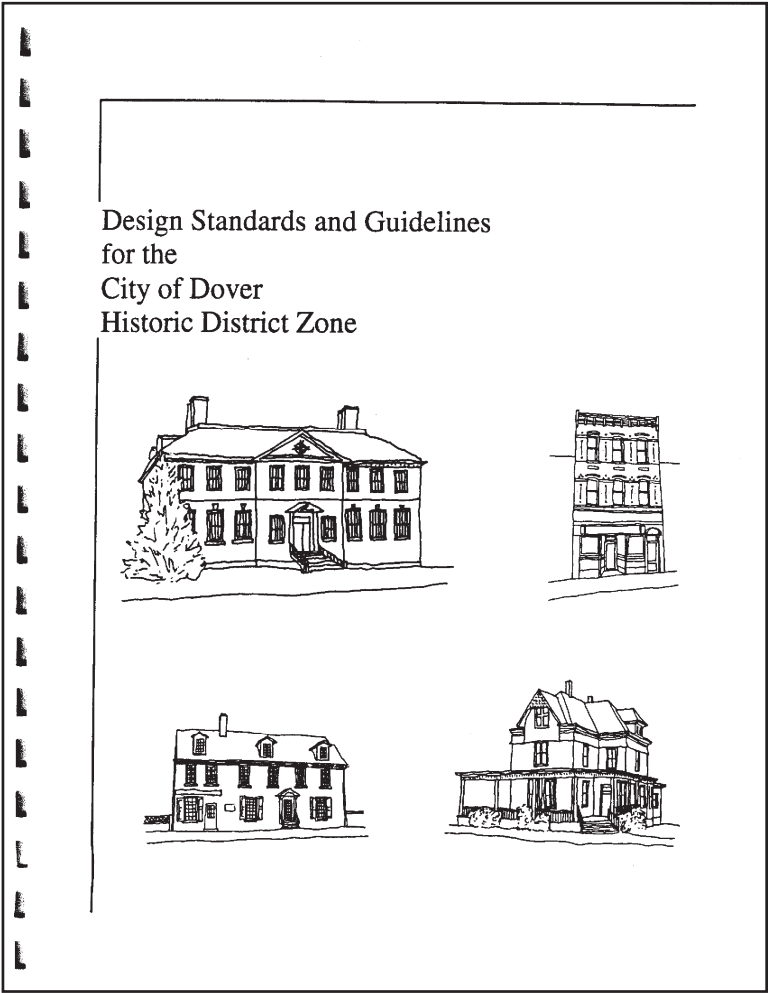
When we **consolidate parking**, we can begin to imagine how Dover's future generations will **reclaim empty spaces**, and **enhance Dover's fabric**.

RECLAIMING SPACE

Through previous downtown zoning conditions, a large portion of downtown Dover's Victorian Dover Historic District, post-nomination, **has been eroded to facilitate the creation of dedicated surface parking.**

With the recently passed C-2 rezoning ordinance, a conveniently located centralized parking structure will **allow Dover to consolidate parking and rebuild the density lost to surface parking, creating a vibrant and cohesive downtown core.**





DESIGN STANDARDS AND GUIDELINES FOR THE CITY OF DOVER HISTORIC DISTRICT ZONE

ON DEMOLITION

Whereas issues of design guidelines for preservation and new construction are driven by architectural and aesthetic considerations, demolition, especially repairable structures, is more frequently an economic issue. Indeed, **the only other legitimate reason for consideration of demolition is if the building poses a threat to public safety.**

In considering applications for demolition, especially those based on economic or development considerations, the City must weigh issues beyond matters of architectural appropriateness, for demolition of an historic building in an historic district is rarely if ever appropriate. Rather, the City must be convinced that all possible means of saving the building have been exhausted.(4-11)

Regardless of economic issues, the relative significance of the building slated for demolition should be evaluated.

In development-related applications, the City should review schematic plans for the new structure, in order to help weigh the virtues of the new versus what exists. (4-11)

Further, in order to provide some slight mitigation of the effects of unavoidable demolition of historic structures within the Dover Historic District, owners should be

ON RELOCATION

Moving historic buildings out of, into or within the Historic District should be discouraged. **The removal of historic buildings from the District has the same effect as demolition on the historic character of the District.** Moving buildings within the District confuses the actual history of the District. Moving historic buildings into the District falsifies the existing record by adding a building that does not belong to either time or place.

Relocating a building, however, is always preferable to its demolition. (4-12)



1979 HISTORIC NOMINATION



EXISTING CONDITIONS

EXISTING CONDITIONS

148 & 150 S BRADFORD STREET

EXISTING CONDITIONS ANALYSIS AND RELOCATION STUDY

DISCUSSIONS WITH EXPERTS

- Relocations are typically one to two city blocks, and never further than five blocks.
- Route considerations become problematic in downtown settings with vertical clearance requirements of up to 30 ft.

ENGINEERING INSPECTION/ ANALYSIS

148 S Bradford:

ENVIRONMENTAL CONSIDERATIONS

- Exterior asbestos remediation required.
- Interior asbestos remediation required.
- UST removal and soil remediation.

STRUCTURAL CONSIDERATIONS

- Original structure (46'x30') and subsequent additions are not structurally connected.
- Existing exterior wall construction is single-width masonry and will require significant shoring and reinforcement.
- Service entrances and building systems originate in the basement.

150 S Bradford:

STRUCTURAL CONSIDERATIONS

- Original structure (41'x18') and subsequent additions are not structurally connected.
- Porch foundation and floor framing is not connected to the primary structure.
- Portion of existing second floor supported by porch foundation.
- Existing chimney is in disrepair and requires removal & replacement.
- Service entrances and building systems originate in the basement.

PREFERRED DESIGN

MOBILITY CENTER DESIGN

RESPECTFUL , ACCESSIBLE DESIGN

BUILDING DESIGN

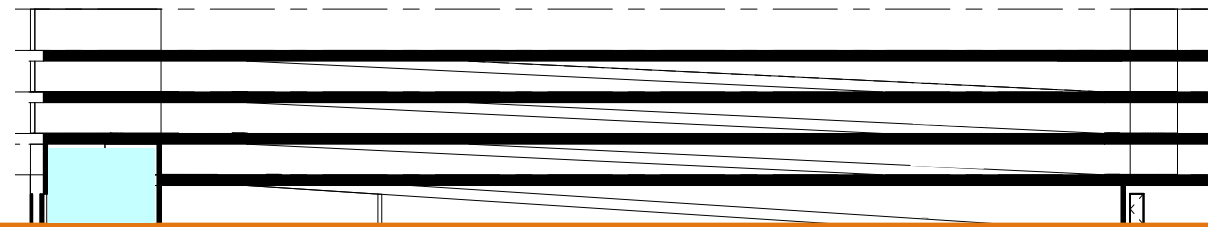
- 5-story building with easily-navigable and intuitive parking structure.
- Most efficient use of parcel footprint.
- Maximized ground floor area dedicated to public amenities and retail.

VISIBILITY, ACCESSIBILITY, SAFETY

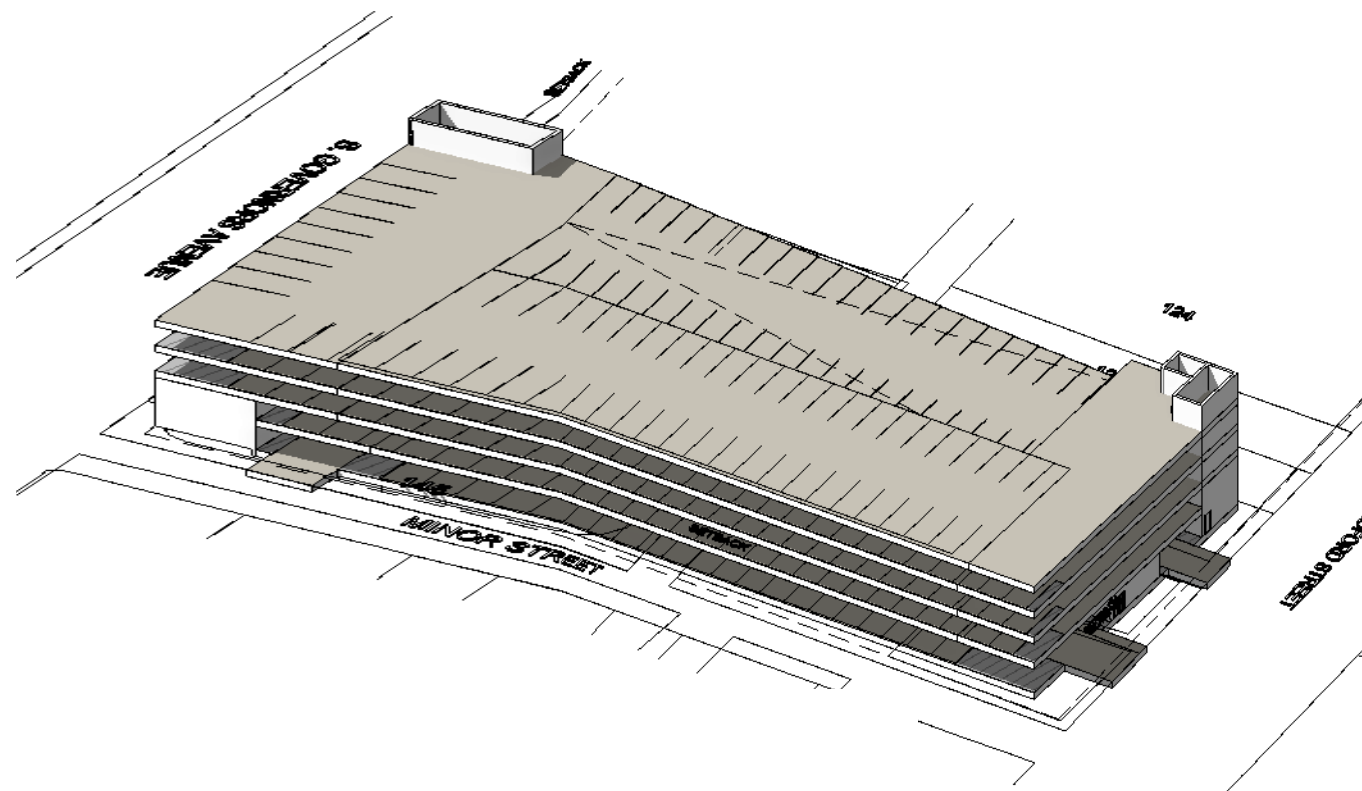
- Critical visibility from Governors Avenue and Bradford Street for user convenience.
- Five minute walk from mobility center to majority of Loockerman Businesses.
- Professionally managed and staffed to ensure public safety.

PEDESTRIAN-FRIENDLY, NEIGHBORHOOD FEEL

- Adjacent paths for access to grocery store and apartments at 120 S Governors Avenue.
- Pedestrian path along Bradford Street for ease of access to destinations on Loockerman Street.
- Vehicular accesspoints located to maximize pedestrian safety.
- Public amenity, retail, and management office located to foster neighborhood vibrancy on both S Governors and S Bradford Streets.



SECTION



AXONOMETRIC

SCHEME A



PROPOSAL FOR DEMOLITION OF 148, 150 S BRADFORD STREET

PARCEL AVAILABILITY, DIMENSIONAL NEEDS

Parcels controlled/ under contract by the DDP & The City of Dover.
Dimensional needs for a safe, scaled mobility center.

CONTEXT

Surrounded by parking lots, no longer in harmony with the greater historic district.

BENEFITS OF NEW DEVELOPMENT

Aligns with the Capital City 2030 Master Plan; enhances safety, accessibility, and urban functionality that provides solution to current and future parking concerns.

COMMUNITY SUPPORT

Strong backing from local residents and property owners, as well as government entities; recognition of transportation, safety, and connectivity improvements.

HISTORICAL EVALUATION

Buildings' significance is outweighed by the need for modern infrastructure.

EXTENSIVE STUDY FOR PRESERVATION

Comprehensive documentation (drawings, research, economic estimations) demonstrating that all other possible measures of preserving both 148 & 150 S Bradford Street have been explored and evaluated to come to this conclusion.

CONCLUSIONS:

While the replacement of 148 & 150 S Bradford Street is a difficult decision, it is **driven by the critical need for contemporary infrastructure that will significantly benefit the community.**

The proposed mobility center aligns with the Capital City 2030 Master Plan and has received overwhelming local & federal support. This development **will ensure a safer, more connected urban environment, fostering the city's growth and development for the future.**

Application V-24-03 Appeal

Public Comments: Set 1 – Received through July 10, 2024

1. Email from Dean Blaha dated 7/9/2024 (forwarded from the City Clerk's Office on 7/9/2024)
2. Email from Ellen Richardson dated 7/10/2024 with Attachment of written comments she plans to read during the Board of Adjustment Public Hearing on 7/17/2024

From: [Rivera, Arielle M](#)
To: [Melson-Williams, Dawn](#)
Cc: [City Clerks Office](#)
Subject: FW: EXTERNAL: 7/17 Appeals Hearing Board of Adjustment
Date: Tuesday, July 9, 2024 3:52:09 PM

Good Afternoon Dawn,

We received the following correspondence regarding the July 17, 2024, Board of Adjustment meeting.

Thank you,
Arielle Rivera
Assistant City Clerk
City Clerks Office
302-736-7007
arivera@dover.de.us

-----Original Message-----

From: Dean Blaha <dean.blaha@gmail.com>
Sent: Tuesday, July 9, 2024 3:49 PM
To: City Clerks Office <CityClerk@dover.de.us>
Subject: EXTERNAL: 7/17 Appeals Hearing Board of Adjustment

[Some people who received this message don't often get email from dean.blaha@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to provide comments for the Appeals Hearing on 7/17 for the Board of Adjustment. I will be out of town that day and cannot attend in person.

I am in support of the demolition of the two buildings on Bradford St. I understand the demolition has been approved by the City's Planning Commission. I see this as the best solution toward the continued revitalization of the downtown area.

Thank you for listening.

Dean Blaha
18 Violet Ct
Magnolia, DE 19962

From: [Ellen Richardson](#)
To: [CompPlan](#)
Subject: EXTERNAL: Comments for July 17 BOA Mtg
Date: Wednesday, July 10, 2024 9:15:12 AM
Attachments: [Ellen Richardson - My concerns regarding denial of Public Comment at Planning Commission Meeting of June 17-1 \(1\).docx](#)

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am attaching the comments I plan to read at the July 17th Board of Adjustment meeting. If these comments can be entered into the record in advance it would be appreciated. Thank you for your consideration.

Ellen Richardson

My concerns regarding denial of Public Comment at Planning Commission Meeting of June 17, 2024

As a member of the Historic District Commission, I am well aware that the Planning Commission took on the role of architectural review certification for 148-150 S. Bradford Street in choosing to hear the appeal of the decision of the Historic District Commission of May 16, 2024. The process of an appeal is defined as architectural review certification by the planning commission according to City of Dover Code, Appendix B, Zoning, Title 10, Section 3.23, subparagraph D.

As the Planning Commission effectively took this role, as allowed, from the board to which I am appointed, I also know they were subject to the same standards for which the Historic District Commission is required to meet when issuing architectural review certification, as set forth in subsection 3.23 and 3.26, to include conducting a public hearing.

Public comment should have been allowed during the appeal process, as a public hearing in front of the Historic District Commission is not a public hearing for the Planning Commission.

Some of the questions asked by the Planning Commission clearly established they were unfamiliar with the reasoning behind the original decision. and could not have fairly made a decision based on all the facts, which did not include minutes of the meeting provided with enough advance notice to read. Had I been allowed to provide public comment as a commissioner, I would have stated the following to the Planning Commission:

BACKGROUND - TWO POINTS ON REASONING FOR DENIAL BY THE HISTORIC DISTRICT COMMISSION

1. Chapter Four, page 10-11 of the Design Standards and Guidelines for the City of Dover Historical District Zone, under the section DEMOLITION states that:

“...As the Dover Historic District continues to attract new residences and businesses, there will be pressure to “make way” for the “progress” which new construction is believed by some to represent”.

After providing a description of possible reasons for demolition including public safety and financial considerations, the paragraph concludes that:

“...the city must be convinced that all possible means of saving the building have been exhausted.”

2. Page six, the third and eighth full paragraphs of the meeting minutes from the May 16, 2024, meeting of the Historic District Committee documents that no effort had been made by the Downtown Dover Partnership to explore any alternatives to demolition.

Third paragraph - “Mrs. Richardson mentioned that she was just wondering if there's an alternative to demolishing these two buildings which appeared to be in very good condition. I mean, are there alternative plans if this isn't done? Mr. Hatfield replied, so there's not.”

Eighth paragraph – “Mrs. Richardson asked, so, what will you do if we don't approve this application? You don't have any options or plans? Ms. Laird replied that we don't have another plan at this time.”

It was after the May Historic District meeting that DDP scheduled a town meeting on June 3 to review alternatives, including reconfiguring the garage and relocating the historic buildings. These options were not presented to the Historic District in the initial request for demolition. It also altered the presentation given by the DDP in their appeal to the planning commission, which subsequently did contain alternative options not mentioned to the Historic District Commission.

Had this information been made available to the Planning Commission, a different outcome is entirely possible. The City staff must strive to follow the code as written and advise the Planning Commission properly to ensure important decisions are made with the public's trust.

Respectfully submitted,

Ellen Richardson, Member Historic District Commission