

ARCHITECTURAL REVIEW REPORT

Project Revision Update to Historic District Commission
Meeting of July 20, 2023

Associated Application: New Courthouse on South Governors Avenue: Kent County
Family Court HI-22-03

Owner: State of Delaware

Location: East side of South Governors Avenue between Bank Lane and W. Water Street

Future Addresses: 415 S. Governors Avenue (Parking Garage)
445 S. Governors Avenue (Courthouse)

Size: 3.7499 +/- acres

Present Uses: Vacant lots, Vacant Residential and Commercial Buildings (previously demolished), and a Parking Lot

Proposed Use: Future site of Family Court (Courthouse)

Present Zoning: IO (Institutional and Office Zone)
SWPOZ (Source Water Protection Overlay Zone)
H (Historic District Zone)

For Consideration: Architectural Review Certification Item: Fence Height

Plan Proposal:

This request is associated with Application HI-22-03 New Courthouse at South Governors Avenue and West Water Street for the development of the Kent County Family Court Building. This submission is a Revision for Fence Alternative and Review of the Architectural Review Certification for this expanded use of six-foot metal fencing in the parking lot area. As design and the project have progressed, the project team is looking at alternates; this is one proposed that requires an update to the Historic District Commission.

The project site is located within the local Historic District Zone (H) and subject to the provisions of the *Zoning Ordinance*, Article 3 §21 and referenced sections.

Previous Action on Application:

This is associated with the Site Development Plan Application S-22-06 to permit the construction of a five-story 105,259 GFA government building to serve as the new Kent County Family Court. The proposal also includes a five-story Parking Structure (425 vehicle parking spaces), parking lot, and other site improvements. For the project, the Architectural Review Certification for HI-22-03 was recommended for approval by the Historic District Commission on April 11, 2022 and granted approval by the Planning Commission on June 21, 2022 in conjunction with Site Plan S-22-06.

Historic District Commission's previous action on HI-22-03 was to recommend approval and passed 3-0 of the members present (with one abstention) at the April 21, 2002 Meeting. The Historic District Commission recommended approval of the Architectural Review Certificate for the application referencing the HI-22-03 Staff Recommendation Report and Addendum. The Commission also recommended approval of the Alternative Bulk Standards to allow a Rear Yard Setback of 25 feet and the use of a fence that is 6-foot in height at the rear of the building. During the Meeting the Historic District Commission heard the applicant's response to the series of Staff Comments and Recommendations (Items 1-13). They presented information on the materials and finishes selected, agreeing to the 25-foot setback, bicycle parking strategy, sidewalks, building placement, landscaping, etc.

The application detailed the construction a Courthouse Building, a Parking Garage Structure, a Parking Lot, and other site improvements for the development of the Kent County Family Court. The Fencing was originally proposed in several location on the site. The equipment compound area is partially enclosed by a metal shadow fence to be eight feet in height. The compound where a generator and other mechanical (chiller) equipment will be placed is to the northeast rear of the Courthouse building. There is also a six foot fence proposed on the east side of the Parking Structure entrance drive/shared access drive adjacent to a residential property.

Update on Project Revision for Fence Alternative:

The following Project Revision for a Fence Alternative is presented to the Historic District Commission for consultation regarding the Architectural Review Certification for the expanded use of a six-foot Fence for the project. If an Alternate (to remove the connecting bridge between the Courthouse and Parking Garage) is selected, then revisions will be necessary to the east Parking Lot to create a secured parking area. This would involve reconfiguration of the parking space layout in a portion of the lot and its enclosure with fencing to segment it from general parking. This will place the fence in an area that is visible from Water Street.

See the attached Site Plan sheet drawings for detailed information on locations and details.

Staff Review for Architectural Review Certification:

Project activities are reviewed for compliance with the *Zoning Ordinance* and the *Design Standards and Guidelines for the City of Dover Historic District Zone* as stated in *Zoning Ordinance*, Article 10 Section 3.25(A).

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 proposed location of the expanded use of the six-foot fence segment is in the "public view", and it is deemed visible from the public ways of the adjacent street (Water Street). Public view is

defined in the *Zoning Ordinance* as “that which can be seen readily from a public street, public building or public property, excluding views from alley rights-of-way.”

In reviewing the proposed project for Architectural Review Certification, Staff referenced various sections of Chapter 3: Maintenance, Repair, Preservation and Restoration of Existing Historic Buildings of the *Design Standards and Guidelines for the City of Dover Historic District Zone* which presents the Recommended, Not Recommended, and Inappropriate approaches to construction of various elements in the Historic District.

This Request should be reviewed for conformity with the design criteria and development guidelines found in the *Design Standards and Guidelines for the City of Dover Historic District Zone*. Specifically, Chapter 3 page 3-26 includes the discussion of fences in the Historic District zone where it states that site fences and walls “should not exceed 4’0” in height and then discusses the Recommended, Not Recommended, and Inappropriate practices associated with fences and walls as related to materials. Chapter 3 presents the information on the appropriate fence materials for use in the Historic District. Wood picket style fences and cast iron (metal) fencing are Recommended.

Staff also looked at the provisions for fences in the *Zoning Ordinance*. The *Zoning Ordinance* limits the height of fences to four (4) feet within the front yard setback (Article 5 §1.55) with other provisions for increases fence height to 6.5 feet for side yards, rear yards, and the second front yard on corner lots. This expanded fence location is not in the front yard area.

Historic District Commission Action

The Historic District Commission should consider the proposal for the expanded fence project and take action in regard to the Architectural Review Certification. The Historic District Commission may add conditions for the fence in order to comply with the character of the property within the Historic District.

Staff Findings:

Staff findings and recommendations are summarized as follows for the proposed Fence Alternative as presented in the accompanying documents.

1. Fence Location: The proposed expanded fence is to be located in the northwest portion of the Water Street Parking Lot in proximity to the rear of the Courthouse Building. This is internal to the site and towards the rear of the property.
2. Fence Visibility: The fence segment would be visible from W. Water Street. Its visibility could be further mitigated by landscaping such as trees and shrubs that are proposed between the fence and the street as part of the project development. Also, additional plantings could be implemented at its base as part of the landscaped parking lot island/median where it is located.
3. Fence Height – 6 ft.: The *Design Standards and Guidelines* say that generally the height of a fence should not exceed 4 feet. The proposed 6 feet fence exceeds the recommended height of the *Design Standards and Guidelines*. However, the height is necessary as a security measure and should be given consideration.

4. Fence Material: The fence is proposed to be a metal fence in black which is an appropriate material for use in the Historic District. Clarification of the fence format i.e., picket style is needed.

Advisory Comments and Recommendations:

1. The applicant shall be aware that issuance of a Building Permit/Fence Permit is required prior to the commencement of construction. The Permit Application will be subject to the conditions of approval established through the Architectural Review Certification process.
2. If this Alternate is selected, there may also need to be revisions to the site plan for the construction of the Parking Lot area.

Attachments:

- Letter of Historic Review Submission Alternate dated June 13, 2023
- Plans: Current Site Plan Sheet, Site Plan of Revised Parking Configuration with Fence Alternative, Detail Sheets
- *Design Standards and Guidelines for the City of Dover Historic District Zone*, Chapter 3, page 3-26.