

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

Mr. Reaves 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. Reaves, 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