

CITY OF DOVER
HISTORIC DISTRICT COMMISSION
JUNE 20, 2024

The Meeting of the City of Dover Historic District Commission was held on Thursday, June 20, 2024, at 3:30 PM as an In-Person meeting in the City Hall Council Chambers (anchor location) and virtually using the videoconferencing system Webex. With Chairman Czerwinski presiding, the other members present were Ms. Horsey, Mrs. Richardson, and Mr. Street. Mrs. Mason was absent.

Planning Office Staff members present were Mrs. Melson-Williams, Ms. Katherine Oehmke, and Assistant City Manager Sharon Duca (assisting with management of the Department of Planning and Inspections).

APPROVAL OF AGENDA

Mr. Street moved for approval of the agenda as presented, seconded by Ms. Horsey, and the vote was unanimously carried 4-0. Mrs. Mason was absent from the meeting.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF MAY 16, 2024

Mrs. Richardson moved for approval of the Meeting Minutes of May 16, 2024, seconded by Ms. Horsey, and approved 3-0. Mr. Street abstained from the motion.

COMMUNICATIONS & REPORTS

Summary of Applications for 2023 and 2024

Mrs. Melson-Williams mentioned that the Commission reviewed a total of 5 applications in 2023. All of them are either complete or underway. With the Permit Referral that was reviewed for 153 S. Bradford Street, they were initially looking to demolish the second floor of that building. However, after meeting with you, they re-evaluated their options and brought forth a Permit to complete renovations and repairs of the masonry instead; thus, keeping the full building intact. The renovation work is underway. For 2024, as of today the Commission is reviewing their fifth application. Two of the applications (HI-24-02 and HI-24-03) were the Request for Demolition of the buildings at 148 S. Bradford Street and 150 S. Bradford Street. The initial request was denied for Architectural Review Certification for Demolition of those properties. The applicant filed an Appeal which is permitted under the provisions of the *Zoning Ordinance*. The Appeal on both applications was heard by the Planning Commission on June 17, 2024. The Planning Commission ultimately had a motion that reversed the decision of the Historic District Commission and has thus granted the Architectural Review Certification to allow for Demolition of both buildings. The other application that you heard last month, HI-24-04 Legislative Hall Parking Garage project, continues to move through a regulatory process. They had to file an Application to the Board of Adjustment for several variances related to floodplain requirements for that property. The application was heard this morning. They successfully received the two variance requests. That project will need to file a Site Development Plan for Planning Commission review as its next step.

Mrs. Melson-Williams asked if there were any questions; there were none.

Summary of Architectural Review Certifications for 2024

Mrs. Melson-Williams stated that there had been a total of 13 applications and there was a total of 4 Permits in the Historic District through the end of May. Only one of them, mentioned as the Fence Permit at 146 S. State Street, involved the Historic District Commission.

The other Permit Applications were eligible for review by Planning Staff either in review of exterior projects, a couple of sign requests, and a number of Roof Permits. A lot of times the Roof Permits are not in visible locations; so, that's a relatively straightforward authorization. There are Building Permits that involve only the interior of buildings; they're just not subject to Architectural Review Certification.

Mrs. Melson-Williams asked if there were any questions; there were none.

Department of Planning & Inspections Updates

Mrs. Melson-Williams noted that the City of Dover has July 4th as a holiday; additionally, Friday, July 5th has been declared a special holiday for the City. The City offices will not be open. There will also be a delay for trash and recycling for City residents. Any filing deadlines that were set for July 5th are moved to July 8th.

NEW APPLICATIONS

HI-24-05 Building at 120 S. Governors Avenue: Demolition – Public Hearing and Review for Action on Architectural Review Certification for the demolition of existing commercial building (former Acme grocery store and other more recent tenants). The parcel contains 1.70 +/- acres with a 19,136 SF building. 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 South Governors Avenue and halfway between Reed Street and West Loockerman Street. The owner of record is Downtown Dover Development Corporation c/o Downtown Dover Partnership. Property Address: 120 S. Governors Avenue, Dover. Tax Parcel: ED-05-077.09-01-44.00-000. Council District 4.

Mrs. Melson-Williams gave a brief overview of the project. The present location is a multi-tenant commercial building. Its last tenants were a retail store and a Child Daycare Center facility. The proposal today is for demolition of the building. This location contains a twentieth century commercial building, as noted divided into several tenant spaces. The building is located within the boundaries of the National Register of Historic Places as part of a Historic District, specifically the Victorian Dover Historic District. The image on the screen includes the inventory statement for this building. At the time of the nomination, it was identified as an “intrusion.” In today's world with historic districts that would be considered as a non-contributing building to that National Register Historic District. The Victorian Dover Historic District basically focused on a different era of building here in Dover. There are a number of historic maps that we can take a look at. This property has been a lot of things over time. The Sanborn Map Series is probably the best map series showing history. At one point there was a school building, there was a church on this property, but ultimately by the mid-20th century those buildings as well as some other residential buildings were long gone. In the late 1960's (1966-1970), the site is redeveloped with this existing masonry commercial building that we are looking at today. Today this is the current view of the building. You can see it kind of sits back on the property. It has a low wide sloping roof; this is the front view that would be from South Governors Avenue.

The project proposal is to demolish this building. It was at one point an Acme grocery store and has other tenants since then. The applicant in their narrative outlined challenges about its upkeep. They do also manage the parking that surrounds this building. The location is within some of the potential redevelopment opportunities that the *Transforming Downtown Dover: Capital City 2030 Plan* was envisioning. What's shown on the screen is a concept that was in that *Transforming Downtown Dover Plan*. However, we are not looking at any future redevelopment today. We are just considering a demolition of the existing building. The Historic District Commission is charged with looking at the *Design Standards and Guidelines for the City of Dover Historic District Zone*. That document as part of Chapter 4 lists a series of specific criteria that would be evaluated when it comes to demolition. As part of the Staff Report on this Application, those series of five criteria are found page 4. They deal with determining the financial implications looking at the significance of the individual building, if redevelopment is being proposed to look at new structure versus what exists, then criteria 4 is looking at what the adequate recordation of the property should be, and if the properties are to be left vacant and how it's being treated for that location. As part of the Staff Review, we do have a series of comments and recommendations that are included in the Report on pages 4 and 5. We did look at those same criteria and made note of it being deemed non-contributing as part of the National Register of Historic Places and that there are no specific redevelopment plans that we are focused on today. Staff is recommending approval of the Architectural Review Certificate to demolish the building finding that it is a more modern intrusion into the historic area. While the overall massing of the building is maintained from its initial construction, the detailing has certainly been changed out over the years. You don't see the full glass storefront or entry details. Staff is recommending that any available documentation about the building, exterior photographs, and the like be gathered to amend to the survey record that exists for the property. We have a series of conditions that we suggest related to demolition just to clarify those activities on the site should that be the ultimate outcome.

Mr. Jonathan Street stated that he has resigned his position on the (Downtown Dover Partnership) Board. He was a former member of the Board and of the Executive Committee. I no longer sit on that Board and to my knowledge Becker Morgan (his employer) is not contracted for any work on this property. I do not see this as a conflict with me taking a place in discussions and motions. He asked the members and Mrs. Melson-Williams if they agreed. Mrs. Melson-Williams replied that the Bylaws for the Historic District Commission do note a provision for conflict-of-interest determinations; and those include property ownership within a distance of the property or some type by financial interest in the project. I don't think you have either one of those situations, but certainly if you do not feel you have a conflict, I think we can go along with that. You certainly were part of the Downtown Dover Partnership at one point in time. But as noted, you currently are not.

Representative: Diane Laird, Executive Director, Downtown Dover Partnership (DDP)

Ms. Diane Laird stated that she really feels it's important to note that the Becker Morgan Group may have an interest in this project, but she was not positive about that. There has been no hire, but they have been discussed as a potential candidate. Mr. Street mentioned that was true, but that would be true with any project Downtown or in the State. Ms. Laird mentioned okay, very good. Thank you.

Ms. Diane Laird stated that she was joined here today by her colleague Mr. Ken Anderson who is the Downtown Dover Partnership Property Development Director and on Webex phone we have Meagan Whetstone who's an architect with Mosaic Development Partners who is our project development team. We appreciate the opportunity to present another critical step in the *Capital City 2030 Master Plan's* set of priority projects today. As Mrs. Melson-Williams mentioned we are here in support of the Application, the request for an Architectural Review Certificate for Demolition of 120 S. Governors Avenue (the former Acme Grocery Store). More recently this building was occupied by daycare center and an auto parts store. Both recently vacated. Currently, only minimal utilities are active as required by the City for any temporarily vacant building. The parcel contains 1.7 acres with just about 19,000 square feet in the building. The property had been zoned C-2 and is located in the Historic District Zone overlay. You're likely familiar with this property that fronts on the west side of South Governors Avenue and lies halfway between Reed Street and West Loockerman Street. The back of the building faces New Street. For well over ten years, the Downtown Dover Partnership has owned and leased this property to two tenants. As previously mentioned, the building is now vacant. We've secured the property by a chain link fence at present to prevent further trespassing and break-ins. The structure of the property was built around 1970 according to the National Register of Historic Places Historic District inventory in which the structure was described as mentioned by Mrs. Melson-Williams as an "intrusion" and deemed it noncontributing. Pending your approval today, the property will need to undergo a process for remediation of contamination that's been discovered. You will hear a little bit more about that from my colleague. This will be followed by a process of solicitation for demolition of the structure, which will commence as early as within 90 days of your approval if granted. We anticipate the new construction would begin in less than a year. The process will be concurrent with our application for Architectural Review Certification for the design and replacement structure. It's conceptually envisioned as a multi-level, mixed use, mixed income structure that would include approximately 150 residential apartments as well as proposed ground floor retail opportunities including a grocery store, a coffee shop, a fitness and wellness center, and a daycare facility. Even though the building is located within the boundaries of the local National Register of Historic Places Historic District and specifically the Victorian Dover Historic District, we agreed with the disposition outlined in the National Register inventory description in which 120 South Governors is deemed a noncontributing building to the District. As the owner of the building and component of Dover's historic landscape, the DDP plan for the site supports the *Capital City 2030: Transforming Downtown Dover Master Plan* and will help set the stage for a strong sustainable future for the Downtown business district and neighboring community of Dover. The site and the proposed replacement structure is subject to the Historic District Commission's approvals will ensure a Victorian Dover Historic District maintains an overwhelming majority of its assets, character, and intrinsic value throughout the transformation that's associated with the *Capital City 2030 Master Plan*.

Presentation

Mr. Ken Anderson, Property Development Director for the DDP introduced himself as the next speaker. The *Design Standards and Guidelines for the City of Dover Historic Districts Zone* in Chapter 4 entitled New Construction, Additions, Demolition and Relocation “starting at page 10 in entitled “Demolition” provides the DDP with guidelines regarding the criteria to be thoughtfully considered prior to the demolition of any structure for any purpose in the City of Dover Historic District. For a lot of those Guidelines, we offer the following to justify our request to proceed with the demolition of 120 South Governors Avenue. The 120 South Governors Avenue property is not being demolished because of catastrophic damage or neglect. Unfortunately, the property and its immediate surrounding environment have increasingly become a go-to location for systemic loitering, vacancy, drug dealing, after hours trespassing, and other nuisance and illegal activities. The City of Dover Police and the DDP Staff make regular visitation to the site to maintain cleanliness, security to the building, and order to the site. Nevertheless, this site continues to threaten public safety. The DDP's proposed demolition of this property is synergistic with critical components of the Capital City 2030: Transforming Downtown Dover Master Plan and supports the objectives of the City of Dover's 2019 Comprehensive Plan, including the overall positive sentiments expressed from the community during the development and the vetting of the 2030 Master Plan. The assessment of that Plan by the State of Delaware resulted in a recent award of \$25 million toward both the Mobility Center across the street from 120 South Governors Avenue and the predevelopment costs associated with the site preparation of 120 South Governors Avenue site. The 120 South Governors Avenue site although within the Downtown Dover Historic District, is not a note worthy source of revenue to the City of Dover and has been assessed by the City of Dover Planning Department and the National Register of Historic Places as an intrusion. This deemed it a non-contributing building in the Historic District. The projected adaptive reuse of 120 South Governors Avenue is a highly anticipated priority mixed use project as recommended in the *Capital City 2030: Transforming Downtown Dover Master Plan*. We look forward to presenting our design concept for that structure and working towards an Architectural Review Certificate for design at the appropriate time. If deemed necessary, the DDP will facilitate the recordation of archival photographs of the property prior to demolition. If approved for demolition, the DDP will engage a demolition contractor through a formal solicitation process, which gives preferences to support local contractors. An environmental assessment ACM (or Asbestos Containing Materials) Phase 1 Survey has already been completed at the site. Approximately 220 square feet of Category 1: Non-friable ACM has been identified at the site. This material requires removal and remediation by a Delaware Certified Asbestos Abatement Contractor prior to any demolition activities that could impact these materials. From a menagerie of environmental, development and safety reasons, we will expeditiously abate the discovered contamination and with your approval today begin the process of soliciting for the demolition of the structure. After this, we will work with our developer who is on the Webex today and return to this Commission to request an Architectural Review Certificate for the design of the replacement structure. Just a brief word about demolition. We anticipate a traditional demolition process using the work course of standard demolitions; an excavator working from the top to the bottom of the structure and then from the front to the rear. An active example of this demo process can now be seen at the western gateway leading into Downtown Dover at 680-684 Forest Avenue as demolition is almost

complete at what used to be the Dover Interfaith Mission for Housing and its associated garage warehouse structure. Let me now turn the presentation back over to Diane Laird.

Ms. Diane Laird stated that in summary, the City of Dover *Comprehensive Plan* recommends balancing preservation, development activity, and planning initiatives to strengthen Loockerman Street and adjacent areas. As you are aware, the Loockerman Street corridor is over 50 % vacant and the area is in dire need of revitalization. The *Capital City 2030 Plan* calls for increased density by adding more residents. It calls for varied modes of transportation including cars, bikes, micro-transits, and buses. It also calls for a coordinated architectural approach that honors the history while introducing new designs that will compliment the historic landscape. This Plan strategizes to a very bright future for Downtown beginning at this site and the heart of Dover. We appreciate your thoughtful consideration of this request and approval for an Architectural Review Certificate for Demolition of 120 South Governors Avenue in line with recommendations of the City of Dover Planning Staff. Mr. Anderson, Ms. Whetstone, and I are available for questions if you have any.

Chairman Czerwinski said thank you very much. Do we have any questions from the Board?

Ms. Richardson mentioned that she did not have any questions.

Mr. Street said thank you for recognizing that the Historic District has *Guidelines* and at least addressing them. I don't disagree with you that there is no real significance to this building. It's a pole barn in the middle of the City. But thank you for recognizing that we have standards and addressing those issues.

Mr. Street mentioned he had a question for Staff. He asked if Staff could elaborate on number 3 recommendation and the documentation of a building. How extensive do you want the existing building documented? Mrs. Melson-Williams from the Planning Staff replied that this is on page five of the Report, Item #3 where Staff recommends an exterior photographs series and any other available building information that may be in the owner's records. It suggests that it should be added to the Cultural Resource Survey and there's a file number for that. The Cultural Resource Survey Records maintained by the State Historic Preservation Office, and there are particular forms and process to gather that information. Certainly, a photograph series would include images of all four sides of the building. Key details are also something that is typically photographed. I don't know that in this case, full measured drawings would necessarily be appropriate. There may be some floor plan information that may be already available by the owner based on what they may have in their records that could certainly be offered as additional information before the building could potentially be demolished. It's an opportunity to gather information. It may lend to future research for buildings of this era in which we probably don't have a lot of survey information about the 20th century buildings because typically they're not thought of as historic. But certainly, with the estimated date of around 1970 that puts it at least 50 years old by my calculations. Certainly, an opportunity is there. I think their package of information included a number of those exterior photographs, but we would look to have them appropriately prepared. Staff can coordinate and work with the Applicants about those proper methods. I will tell you that I am not totally up on that because the last time I did survey documentation, we were still doing everything with black and white photographs and negatives and printing. I think they have processes that deal with the digital world that exists today. We can

provide guidance and connection to the State Historic Preservation Office and the survey methods.

Ms. Horsey mentioned that she did have a comment based upon what Mrs. Melson-Williams stated. I totally agree with the documentation of this building just like the other two that are on Bradford Street that are slated for demolition. It's crucial that just because it's a pole type building that it is still a documented record of what Downtown Dover had about 1970. So yes, it is important to do that. But that's my only comment.

Chairman Czerwinski commented while this structure is considered non-contributing, you know, I would disagree that "it's not historic." Whatever we do here today, we need to acknowledge that this building represents an important time in Dover's history where it's transitioning from where Downtown Dover used to be the center hub of activity, and it slowly heads out to Route 13 and DuPont Highway. This represented the last Downtown grocery store that was in existence before everything moved out to Edgehill on Route 13. Remember history doesn't end at a certain date. History is perpetual; it's always in action. As we move forward, what's going to be important here is all these structures that were built in fifties and sixties that we had discovered as being non-historic are now becoming historic. It becomes part of that brief era of American exceptionalism where many people, not all, would be able to afford a house and a car with a carport on a single income. Again, it's tied into the growth of Dover Air Force Base. It's important to acknowledge that when we're moving this City forward that we acknowledge the structures that we're dealing with. This might be non-contributing, but I would probably disagree with that because it did represent important time in this City's history.

Mrs. Richardson mentioned that it's called Mid-century Modern. Chairman Czerwinski thanked Mrs. Richardson for the architectural term.

Chairman Czerwinski asked if there were any other questions?

The public hearing is open.

Mrs. Melson-Williams mentioned that she believed she had several individuals online (participating virtually on Webex). She first went to Zach Prebula.

Mr. Zach Prebula mentioned that he was with Kent Economic Partnership. We are the Economic Development Organization for Kent County, and we focus on business attraction, business retention, and expansion. Currently, it is challenging to help businesses locate or relocate to Downtown Dover. There are just buildings that don't facilitate those needs and buildings like this one that have kind of a negative environment around them. So, we are in support of the Demolition of this building because it will allow us to continue to attract businesses and help local businesses expand and grow into Downtown Dover. We are in support of this and ask if the Commission could please approve. Thank you.

Mrs. Melson-Williams mentioned another virtual participant appears to be Gigi Windley.

Ms. Gigi Windley of 725 Bicentennial Blvd., Dover, Delaware mentioned that she was involved with Main Street Dover for many years and helped to start up that organization. In doing so, I was also on the Downtown Development Corporation, the predecessor too or what is there today. I wanted to just give a little history of that property. It was vacated by Acme, and it was vacated and not allowed to be leased so that they could not have competition to the new Acme on the highway. It created a vacuum for Downtown Dover. I just think that history is very important because the Downtown Development Corporation did acquire it and held it and tried to adaptively reuse it. So, within your history related to this particular building, I think that's an important point to make. The City files in and of themselves should have some history related to this. I am in support of demolishing this particular building.

Mrs. Melson-Williams mentioned Mr. Chair, that is the two folks that were available online. I will note that Meagan Whetstone from Mosaic Development Partners was also online should we have needed any questions related to that group as part of the Applicant's presentation on the project. She is present if you have any questions for them as well.

Chairman Czerwinski asked if anybody have any questions for Mosaic at all? There were no questions.

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

Chairman Czerwinski asked if anyone has anything they want to discuss about this project before we move forward with a motion?

Mr. Street moved for approval of the Architectural Review Certification Application HI-24-05 for the demolition of the existing commercial building (former Acme grocery store and other more recent tenants) with the Staff recommendations with one exception on the Recommendations number 4B (all utilities must be properly capped and or abandoned). I'd like to add the statement "as required by the City of Dover;" not necessarily per the regulations. There's going to be a gap between the Demolition of the building and the construction of the new building. If the City only requires them to be capped at the property line, I would like the Applicant to have the ability to do that. Otherwise, they would have to be abandoned at the main and that could be costly, and they have to do that anyway. It was seconded by Mrs. Richardson.

The vote was unanimously carried 4-0.

NEW BUSINESS

Review of Permits Referred to Commission

Mrs. Melson-Williams mentioned that there are no new Permits that we need to bring to you today.

OLD BUSINESS

Certified Local Government (CLG) Program

Mrs. Melson-Williams mentioned I believe there's still an opportunity that is open to us about that CLG Grant. We did indicate our interest in pursuing that. I have not had any opportunity to follow up on that in order to get a Grant Agreement in place. I believe we are within the time frame of opportunity for that. We will see if our workload lightens up to move forward.

Implementation of 2019 Comprehensive Plan

Mrs. Melson-Williams stated that she did not have any particular items related to that to bring to you today.

Chairman Czerwinski mentioned that he would like to thank and acknowledge Mr. Jonathan Street for the service he has done with the Historic District Commission. I just want to wish him good luck in the future. We thank him for everything he's done for us, and he will be missed.

Mr. Street said thank you. It has been quite an experience. I think we all bring something to the table. I enjoyed it, so thank you.

Ms. Horsey stated that even though in your absence Jonathan, there's probably an opportunity to rejoin us once you return. It will not be forever that you are away. Mr. Street replied that we will see.

Mr. Street moved to adjourn the meeting seeing no other items of business, seconded by Mrs. Richardson, and unanimously carried 4-0 of the members present.

Meeting adjourned at 4:24 PM

Sincerely,

Maretta Savage-Purnell
Secretary