CITY OF DOVER
HISTORIC DISTRICT COMMISSION
March 20, 2014

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, March 20, 2014 at 3:00 PM with Chairman Scrafford presiding. Members present were Chairman Scrafford, Mr. McDaniel, Mr. Fisher, and Mr. Salkin. Mr. Jackson was absent.

Staff members present were Mrs. Melson-Williams, Bill Cook, and Mrs. Purnell.

APPROVAL OF AGENDA

Mr. Fisher moved for approval of the agenda as submitted, seconded by Mr. McDaniel and the motion was unanimously carried 4-0. Mr. Jackson was absent.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF NOVEMBER 21, 2013

Mr. McDaniel moved to adopt the minutes of the regular Historic District Commission meeting of November 21, 2013, seconded by Mr. Salkin and the motion was unanimously carried 4-0. Mr. Jackson was absent.

ADOPTION OF MINUTES OF THE MEETING OF FEBRUARY 20, 2014

Mr. McDaniel moved to adopt the minutes of the regular Historic District Commission meeting of February 20, 2014, seconded by Mr. Salkin and the motion was unanimously carried 4-0. Mr. Jackson was absent.

COMMUNICATIONS & REPORTS

Summary of 2013 Activity

Mrs. Melson-Williams stated that included in the packet was a summary of applications from both 2013 and 2012. The most notable item from 2012 was the demolition of the building at 509 S. State Street that was owned by Christ Church. The Historic District Commission approved the demolition and the Planning Department received the appropriate documentation of the building. The site has been stabilized and a series of trees were planted along the street frontage sidewalk as conditioned.

Responding to Mr. Salkin's question what the documentation entailed, Mrs. Melson-Williams stated there were a series of photographs of the exterior and interior of the building and measured floor plans. As part of their initial application submission, there was an extensive history of the property where the title work was done and the document is also part of the information received on the building.

Mrs. Melson-Williams stated that the most notable item from applications in 2013 is the progress made with the Family Dollar site at 300 W. Loockerman Street. The Demolition Permit has been issued as well as the Building Permit. They have finalized the Site Plan and likewise documentation of the building was submitted which included floor plans and a series of interior

photographs.

Responding to Mr. McDaniel's question if it was going to be more or less like what they approved, Mrs. Melson-Williams stated yes. The architecture of the building was presented to the Planning Commission. There were some minor tweaks when they had to move one of the rear employee only doors from the side to the rear of the building. It is a mixture of different finishes and it looks like multiple segments of the building and not one solid blank wall.

Responding to Chairman Scrafford's question whether there were any of the walls from the original building kept in the new design, Mrs. Melson-Williams stated that she was not sure because she did not review the final Building Permit application. It may share a party wall with the adjacent building.

Responding to Mr. McDaniel's question when will the work begin, Mrs. Melson-Williams stated that they are still working through some of their permitting with outside agencies. She expects them to start relatively soon.

Mrs. Melson-Williams stated that the other application from 2013 is the North Street Pocket Park. Final Plans were received for approval of a landscaping and paving project at 301 S. Governors Avenue.

Mrs. Melson-Williams asked if there were any questions regarding the applications and their status.

Summary of Architectural Review Certifications for 2013

Mrs. Melson-Williams stated that it is a summary of all the permit activities in the Historic District for the year. Some of which was interior work so there is no certification. A large number of the permits are eligible for staff approval. There were some that were reviewed by the Historic District Commission and the Planning Commission in some cases.

Responding to Mr. McDaniel's question whether the outhouse behind the John Bell's building was going to happen, Mrs. Melson-Williams stated that she had not heard that they were moving forward with the project. They have been through the review process through the Historic District Commission. The Planning Department will keep track of how long the timeframe goes before they apply for a permit.

Responding to Mr. Fisher's question whether the timeframe was one year, Mrs. Melson-Williams stated yes.

Responding to Mr. Scrafford's question whether there was anything in the permitting process that could be a problem if everything was going smoothly, Mrs. Melson-Williams stated that everything is going smoothly, the Bell House Outhouse has filed a Building Permit application, but it has not been issued. From an overall permit process, most things Staff can work with and sometimes Building Permits are referred to the Historic District Commission for consultation.

Summary Report of Activities 2013

Mrs. Melson-Williams stated that this is done as part of the Planning Offices overall Annual Report that includes some overall background of happenings in the district and provides tallies of overall permit activities in the district and how it was involved. The information was included as part of the Annual Report of the Department of Planning and Inspections that was presented to City Council last month. The most significant thing in 2013 that occurred in the district was the designation of The Green as a National Monument.

Mrs. Melson-Williams asked if there were any additional questions regarding the permits. There were none.

Summary Report of Activities 2014

Responding to Mr. McDaniel's question whether Staff was able to approve the sign application for the EZ-Pass located at 22-24 W. Loockerman Street, Mrs. Melson-Williams stated yes.

Mrs. Melson-Williams stated that for the Historic District Commission February meeting there was a Permit referred to the Commission for consultation. The Sign Permit application was referred to the Historic District Commission to review, but due to a lack of a quorum and since time was of the essence Staff continued to work with the applicant. The signs were installed and the facility held its Grand Opening two weeks ago.

Responding to Mr. Salkin's question whether they abided by all of Staff recommendations, Mrs. Melson-Williams stated yes.

Responding to Mr. Fisher's question whether it included a sign on the North Street side, Mrs. Melson-Williams stated no. It is not a public entrance.

Mr. McDaniel thanked Staff for moving the process along and getting it done.

Mrs. Melson-Williams stated that through the end of February 2014 there were nine (9) permits that were activities in the Historic District. Two (2) of them that were issued were ones that came before this body and both are related to the Family Dollar project because they were issued in that timeframe. Most of the permit activities can be reviewed by Staff and they are seeing sign and roofing permits and building exterior projects.

Update on March 2014 Permits

Mrs. Melson-Williams stated that Wesley United Methodist Church has scaffolding in front of the State Street façade. It is a Permit for brick repair and restoration that was approved by Staff in recent weeks. The firm of Paul's Pointing out of Philadelphia will be doing the work. They are repointing the façade, and going back with a mortar that in color more closely resembles what was originally on the building. The mortar lines will not replicate what the building looked like when it was originally constructed because originally the façade had butter joints. A previous brick project on the front of the building removed the butter joint to a much wider mortar joint and the brick cannot be put back. There will be some brick replacement with a new brick. They are hoping to turn around bricks and use the existing bricks; if not, they have a close replacement. (Brick Sample displayed by Staff.) This is a new brick that was formed to use and matches very closely with the

brick on the front of the building. They are expected to be working on the project for two (2) weeks.

Mrs. Melson-Williams asked if there were any additional questions regarding the permits.

Responding to Mr. Salkin's question whether the new sign at State Street Commons was permitted, it is a small black and white free standing V-shape sign, Mrs. Melson-Williams stated that it references parking. If it is of a small enough size it is considered a directional sign by the Sign Regulations and would not require a permit. At the current time there are no tenants in the building.

Responding to Mr. Fisher's question whether there was any information regarding the signs on the lamp posts at the Governor's Club, Mrs. Melson-Williams stated that she did not have any update.

Department of Planning & Inspections Update
Bicycle & Pedestrian Sub-Committee
Mrs. Melson-Williams stated that the Bicycle & Pedestrian Sub-Committee continues to meet. If the Historic District Commission has anything that would be of interest to the Committee that you have observed as a bicyclist or pedestrian let Staff know so that the information can be forwarded.

Central Dover Community Plan
Mrs. Melson-Williams stated that the Steering Committee continues to meet. There was a meeting last week. They are trying to locate a facility in order to hold the Open House to present the study information that they have gathered to date. She will inform the Historic District Commission of the date and location of Open House.

Responding to Mr. McDaniel's question whether the Central Dover Community Plan Steering Committee was a result that came about from the Wells Fargo Grant, Mrs. Melson-Williams stated yes. This is the Wells Fargo Grant that NCALL, Downtown Dover Partnership, and The Greater Kent County Committee are involved in.

Responding to Chairman Scrafford's question whether the Central Dover Community Plan Steering Committee was a part of the Planning Department, Mrs. Melson-Williams stated that the Planning Department and the City have membership on the Steering Committee. It is not a study that the Planning Department is performing. An outside contractor was hired to do the study. She thought that their Open House concept was something that could be open throughout the day and not like a regular meeting that only last for a couple of hours. She stated that it was their initial strategy, but she was not sure where things stood at the current time since they were having difficulty finding a location.

Review of *2008 Comprehensive Plan*
Mrs. Melson-Williams stated that most recently the Planning Office took through the review process for the Planning Commission and City Council a set of amendments to the Comprehensive Plan specifically on two items in order to get them into the Plan. One of them was the amendment to the Transportation Chapter to establish the concept of Transportation Improvement Districts which is necessary to have in place related to the work that is being coordinated with DelDOT

about the establishments of such districts. The district will be focused on Rt. 13 and the Bay Road corridors. City Council adopted the amendment on March 10, 2014. The second amendment also adopted at the same time is related to the Housing Chapter which makes reference to the Central Dover Community Plan is an on-going study and the results of the study may also be amended into that chapter. Once the series of studies are complete it is anticipated that a much more detailed review of the overall Comprehensive Plan will occur.

Responding to Chairman Scrafford's question regarding the traffic involvement of Historic District, Mrs. Melson-Williams stated that the Transportation Improvement District was not in this case. She did not believe that any of the areas that have been identified for that district coincide with the Historic District boundaries.

Responding to Chairman Scrafford's question about traffic in general within the Historic District and if there was an involvement by the Historic District Commission with traffic, because it is going to occur and it has started already. He wanted to know if the Charter included traffic problems within the Historic District, Mrs. Melson-Williams stated that the *Design Guidelines* do not speak to road signage for traffic control measures.

Chairman Scrafford stated that when State Street was redone there was a considerable amount of attention paid to the type of signage including the trash cans that would be in that area. Mrs. Melson-Williams stated that it was more of a streetscape project.

Citywide Recreational Needs Assessment

Mrs. Melson-Williams stated that the Planning Office and the Parks and Recreation Division have started gathering and mapping some of the information from existing studies. This is an on-going project and they will bring forth any needed information to the Historic District Commission.

Responding to Mr. McDaniel's question of the Transportation Department not being happy about the street cobblestone and the difficulty of determining the left turn lanes at the corner of Loockerman & State and Water & State Streets, and if there needed to be a change, Mrs. Melson-Williams stated that there was some discussion when there was a paving rehab project that focused on Loockerman Street because of that one intersection and a similar project on Water Street. They were looking to stripe over the cobblestone, but she has not seen anything on paper.

Mr. McDaniel stated that it is a problem if someone is not familiar with the intersection. They want to turn left, they will be in the wrong lane and back up traffic. He could not imagine the great looking cobblestone and someone going out there and painting a new lane over top of them.

Chairman Scrafford stated that there was a decision made on the selection of the color of State Street and this is the reason the lines are red and not black.

Mrs. Melson-Williams stated that she can see where the paving rehab project ended up. She thought that something was supposed to be implemented.

Responding to Mr. Salkin's question whether there were any alternatives, Mrs. Melson-Williams stated that she was not aware of any because it was a DelDOT project and State maintained road.

Responding to Mr. Salkin's question whether a citizen or the Historic District Commission wanted to recommend expanding the boundaries of Dover Historic District if there was a particular place in the Comprehensive Plan or is it appropriate to use the process to recommend that a review of the boundary be undertaken and incorporate it into the plan, Mrs. Melson-Williams stated that the Comprehensive Plan has a Historic Preservation Chapter and that chapter had a series of goals and potential action items. One of those action items in general terms was to look at the expansion of the Historic District.

Responding to Mr. Salkin's question whether it was 2008, Mrs. Melson-Williams concurred. It is probably an implementation item that would be several years out. The process would need to involve the Historic District Commission, Planning Commission, and City Council because it is a zoning overlay. Part of the process is like doing a Rezoning application. You will need to have the background of the reasons why you would like to draw the lines.

Responding to Chairman Scrafford's question whether there was a process, Mrs. Melson-Williams stated that there would be a process. At the current time there is not an active process to review it. There would be a process in the Code to establish how to do it. A citizen could make the request to the Planning Office for an individual property or to look more closely at an area.

Responding to Mr. Fisher's question whether it would start with the Planning Office, City Council, or the Historic District Commission, Chairman Scrafford stated anywhere, but the focus within the City would be the Planning Office. Mrs. Melson-Williams concurred.

Mr. McDaniel recalled the hearings when their role was being examined there were citizens present were in favor of expanding the Historic District.

Chairman Scrafford also recalled the hearing and stated that attempts have been made many years ago to include North State Street.

Mr. Salkin suggested that it be included on a future agenda so that as the Historic District Commission go through their discussion about the plan they will decide to pursue or not to pursue. He did not want another five (5) year plan to go by without addressing that question. He did not have a specific suggestion as to where to start, but in general terms he sees historic fabric of Dover being botched in a lot of places inside and outside the current district. There is absolutely no control or consistency.

Responding to Chairman Scrafford's question whether this was addressed in the Guidelines on expanding or changing the boundaries, Mrs. Melson-Williams stated that it will not be necessarily in the Guidelines. There are discussions of the different historic context areas of the City and how it developed. The procedures for expanding the boundary would be in the *Zoning Ordinance*.

OLD BUSINESS

Responding to Mr. McDaniel's question whether there was updated information regarding the role of the Historic District Commission and City Council feelings about the Historic District Commission, Mrs. Melson-Williams stated that there has not been anything else as a result of that

public outreach meeting that was roughly a year ago. It has not come up on any Council agenda since that point in time.

Responding to Mr. Fisher's question whether the City was pursuing the status of the Certified Local Government that is required in the Historic District, Mrs. Melson-Williams stated that the Certified Local Government program which there is a City Council recommendation to pursue that which happened in late summer of 2013. It would require the Historic District Commission to be in place to participate in the program.

NEW BUSINESS

Review of Building Permits Referred to Commission

Mrs. Melson-Williams stated that there were no Building Permits to refer to the Historic District Commission today. The Planning Office has been working with at least one project regarding roofing. They will be looking at an appropriate way of repairing a wood shingle roof. There may be another one if it does file that will come before the Historic District Commission. While there is not a Building Permit application needed or file at this point in time are the activities at 6 South State Street, the southwest corner of Division and State Street. The property has new ownership and they are doing some vegetation clean up on the site. There has been a plan filed that will come before the Historic District Commission next month related to establishing parking on that site. The building was previously used as an office with apartments on the upper floors. The new owners are looking to take the entire building to office space.

Responding to Chairman Scrafford's question whether there was available property between the building and the alley, Mrs. Melson-Williams stated yes. The lot does have a rear addition off the building, but it is not the full width of the main front of the building.

Mr. McDaniel stated that the property also has some sliver of land across the alley. Mrs. Melson-Williams stated that she believed that is the case.

Consideration of Historic or Significant Sign

HI-14-02 Kirby & Holloway Sign – Consideration to determine historic or cultural/aesthetic significance of the pylon sign located at Kirby & Holloway Family Restaurant in accordance with *Zoning Ordinance*, Article 5 Section 4.12. Property Address: 656 North DuPont Highway. Tax Parcel: ED-05-0-68.09-01-09.01-000.

Mrs. Melson-Williams stated that included in the packet was a background summary. The Kirby & Holloway Family Restaurant sign which is probably the most famous sign along Route 13. This is a pylon sign. The Sign Regulations, when they were most recently changed, included a provision for the Historic District Commission to determine a sign as historic or of cultural /aesthetic significance. It is outlined in the *Zoning Ordinance* Article 5 Section 4.12. The restaurant experienced a fire over the winter. With the restaurant obviously closed there is concern that the sign could potentially be deemed as abandoned under the Sign Regulations. Since it appears to be non-conforming and does not meet the current Sign Regulations that are in place there are provisions that could dictate the removal of the sign because the business is not currently in operation. It is a pylon sign consisting of multiple geometric shapes with lettering reading as "Kirby & Holloway, Family Restaurant, Established in 1948." The sign is Art-Deco style and sits

in a small grass and planter area along the Route 13 frontage of the site. As part of the submission a recent photograph of the sign was included in the packet along with the Advisory Comments and Recommendations.

Responding to Chairman Scrafford's question whether the owner was aware that the Historic District Commission was reviewing the submission, Mrs. Melson-Williams stated that the Planning Office met with the owner because of the process to rebuild. They were advised that Staff would move the submission forward to the Historic District Commission. She also spoke with the owner on site when the photo was taken.

Responding to Chairman Scrafford's question whether if there was approval would it level any obligation from the owner other than having a normal sign, Mrs. Melson-Williams stated that the only obligation is to keep it in good working condition.

Responding to Mr. Salkin's question whether this just protects the sign, but does not allow them to continue to use it, Mrs. Melson-Williams stated correct. It protects the sign in a sense that the Sign Regulations could not force its removal because of other provisions that would deem it as an abandoned sign.

Responding to Chairman Scrafford's question whether the owner could make a request to change the sign, Mrs. Melson-Williams stated yes.

Responding to Mr. Salkin's question whether the owner wanted to save the sign, Mrs. Melson-Williams stated that it was her understanding that the owner wanted to save the sign.

Mr. Salkin and Chairman Scrafford questioned if the owner did not want to save the sign would they need a Demolition Permit to demolish the sign and what action could someone take in the future to destroy the sign. Responding to the question of if the property was sold can the name on top of the sign be changed or does it take it out of the context of being a historic sign, Mrs. Melson-Williams stated that it would be considered a reface under the Sign Regulations. If the new owner did not choose to utilize the existing sign and wanted to put a totally new version of a sign they would have to meet the requirements of the Sign Regulations today, which would be a sign that is set back much further from the road, it will be shorter in height, and smaller in overall size.

Responding to Chairman Scrafford's question whether the selling of the operation could force the sign to be removed, Mrs. Melson-Williams stated no. This designation allows any degree of non-conformity that the sign has whether it is the height or location to continue to be okay.

Responding to Mr. Salkin's question whether the approval of the sign would give the current owners the opportunity to continue to preserve the sign as long as it makes sense for them or their successors and beyond that there is no protection, Mrs. Melson-Williams concurred.

Responding to Chairman Scrafford's question whether the Historic District Commission was preventing the owners from being impacted by the Sign Regulations, Mrs. Melson-Williams concurred. Under the Sign Regulations if a business is not in operation for a period of 90-days and the sign is still up that has their name on it, then it is considered an abandoned sign. It becomes a

code violation and the City has to pursue removal of the sign.

Chairman Scrafford wanted to make sure the owners knew the Historic District Commission was protecting the sign.

Responding to Mr. Fisher's question whether the sign change would need to a permit, Mrs. Melson-Williams stated yes, any reface of a sign would require a Sign Permit application. If they wanted to do something electronic it would also require a Sign Permit.

Mr. McDaniel wanted to make sure the owner was okay with the Historic District Commission making the decision and not them and that the owner is aware of all ratifications and they are in favor of the decision, Mrs. Melson-Williams stated that it is her understanding. The Planning Office met with the owners in mid-February to talk about the rebuilding process at the site. One of the items that the Planning Staff alerted them too was the specific provisions of the Sign Regulations that allowed for the designation of the sign as a historic and significant sign which would protect the legal non-conforming status of that sign indefinitely.

Responding to Chairman Scrafford's question whether it was for the current owner only, Mrs. Melson-Williams stated that the regulation is for the property and not specific to the owner.

Responding to Mr. Salkins question whether the owner was formally notified and invited to the meeting, Mrs. Melson-Williams stated that they were supplied with the report.

Mr. McDaniel and Mr. Fisher stated that they would like to have had the owners present asking about the sign or agreeing to the approval.

Mr. Salkins questioned whether this subject could be endorsed to their acknowledgement.
Although he knew that the Historic District Commission could, but he would have been more comfortable if it was a request from the owner. If the owners do not like it for any reasons they can follow all the same procedures to take it down. The Historic District Commission is not tying their hands.

Chairman Scrafford stated that the Historic District Commission was allowing the owner to maintain a non-conforming sign as long as they desire.

Mr. Salkin moved to approve that the Historic District Commission endorse the Staff recommendations that allows the Kirby & Holloway sign to continue in its non-conforming status indefinitely, seconded by Mr. Fisher and unanimously carried 4-0. Mr. Jackson was absent.

Mrs. Melson-Williams stated that by endorsing the Staff recommendations the Historic District Commission has confirmed the sign as a historic and significant sign under the provision of the Sign Ordinance that allows for such designation.

Responding to Mr. Salkin's question if anyone has ever systematically reviewed highway signs under historic corridors to see if the Historic District Commission or owners should be proactive anywhere else in the community, Mrs. Melson-Williams stated no. There are other jurisdictions

that actually have such things in place as an inventory. When the Sign Regulations were most recently revised and this provision included, this was one of the signs that was held up as a potential example for why to include that element in your Sign Regulations. Certainly, there may be other ones not just on the highway corridor, but in other locations throughout the City. If there are any ideas of signs, an inventory type listing can be started.

Update on Certified Local Government (CLG) Program Application

Mrs. Melson-Williams stated that as mentioned earlier in the meeting the CLG program is something that City Council has endorsed the City applying for. It has been more of an issue for Staff time to be available to put together the application. This includes supplying the resumes of those who sit on the Historic District Commission. She is hoping that since there is now a full Planning Staff that some of the backlog work will hopefully be completed and this will start to transpire. She did not have a deadline date, but understood that there have been some inquiries as to the status of the application from one member of Council.

Training

Mrs. Melson-Williams stated there was none, but would inform the Historic District Commission of any training opportunities that arise. There have been some training opportunities for the Planning Commission that is related to larger land development type application review. If the Historic District Commission is interested in learning more about that process, Staff can point to those training efforts.

Mr. Salkin moved to adjourn the meeting; seconded by Mr. Fisher and unanimously carried 4-0. Mr. Jackson was absent.

Meeting adjourned at 3:54 PM

Sincerely,

Maretta Savage-Purnell
Secretary