CITY OF DOVER HISTORIC DISTRICT COMMISSION
AGENDA
THURSDAY, August 18, 2011- 3:00 P.M.
City Hall – Conference Room

ROLL CALL
APPROVAL OF AGENDA

APPROVAL OF MINUTES OF MEETING on July 21, 2011

COMMUNICATIONS & REPORTS

OLD BUSINESS

1. HI-10-08 Bayard Plaza on West Loockerman Street - Update on the selected/required exterior finish materials for the Bayard Plaza project. Previously, the Architectural Review Certification for the project was issued upon recommendation of the Historic District Commission on October 21, 2010 and November 4, 2010 and upon action by the Planning Commission November 15, 2010. The project consists of the construction of a five story 54,998 S.F. mixed use building to include 5,012S.F. of retail space on the first floor, 48 residential apartments, and the associated Site improvements. The project involves demolition of the two existing buildings on the project site including the building known as the Bayard Hotel which the Commission declared on January 21, 2010 as being Demolished by Neglect. The project area consists of one parcel of land totaling 27,675.62 S.F.± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the southwest corner of West Loockerman Street and South Governors Avenue. The owner of record is the Capital Plaza, LLC. The property addresses are 200-216 West Loockerman Street and 208 South Governors Avenue. Tax Parcel: ED-05-077.09-01-86.00-000. Council District 4.

NEW BUSINESS

1. Request for Waiver as part of Architectural Review Certification:
   a. HI-11-04 Acme Site Redevelopment Master Plan: Architectural Review Certification - Review of Waiver Request for Recommendation to the City of Dover Planning Commission as associated with the Architectural Review Certificate for Site Development Master Plan for the redevelopment of the property at 120 South Governors Avenue (commonly referred to as the Acme Site). The waiver request is for a reduction of the required side yard setback. This project is to include a retail/apartment building and a second apartment building along with the demolition of the existing mid-to-late twentieth century commercial building. The project also includes the associated parking, streetscape improvements, landscaping, and stormwater management facilities. The project area consists of one parcel of land totaling 1.7653 acres ± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property site spans the block between South Governors Avenue and South New Street located north of but not adjacent to West

Loockerman Street. The owner of record is the Downtown Dover Partnership. The property address is 120 South Governors Avenue. Tax Parcel: ED-05-077.09-01-44.00-000. *Previously, the Historic District Commission took action on a recommendation on the Architectural Review Certificate for this project at the July 21, 2011 meeting. Upon review of the Site Development Master Plan, it was determined that a waiver request would need to be considered for the side yard setback.*

2. Certified Local Government (CLG) program

3. Adoption of Ordinance #2011-14 with PC Amendment #1: Zoning Text Amendment (MI-11-06) Updates to *Zoning Ordinance*, Article 10
   a. Article 10 §3. Historic District Commission and Architectural Review

ONGOING PROJECTS

1. Discussion of the Project to Evaluate and Update the "*Design Standards and Guidelines for the City of Dover Historic District Zone*"

ADJOURN

THE AGENDA ITEMS MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSION.

CITY OF DOVER
HISTORIC DISTRICT COMMISSION
JULY 21, 2011

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, July 21, 2011 at 3:00 PM with Chairman Scrafford presiding. Members present were Col. Scrafford, Mr. Salkin, Mr. Jackson, Mr. McDaniel, and Mr. Fisher.

Staff members present were Mrs. Melson-Williams, Mrs. Townshend (Arriving at 3:12 PM) Ms. Cornwell, and Ms. Metsch. Also present was Mr. Zachary Carter, Mr. Chris McCone, Mr. Constantine Malmberg, Mr. Gregg Moore, Mr. Bill Neaton, and Ms. Arden Bardol.

APPROVAL OF AGENDA

Mr. Salkin moved for approval of the agenda as submitted, seconded by Mr. Fisher and the motion was unanimously carried 5-0.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF MAY 19, 2011

Mr. McDaniel moved to approve the minutes of the Regular Historic District Commission meeting of May 19, 2011, seconded by Mr. Salkin and the motion was unanimously carried 5-0.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF JUNE 16, 2011

Mr. McDaniel moved to approve the minutes of the Regular Historic District Commission meeting of June 16, 2011, seconded by Mr. Salkin and the motion was unanimously carried 5-0.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that Staff received correspondence from Richard Grubb and Associates which is a Cultural Resource Consulting firm who is conducting Section 106 Compliance Review for a proposed cell tower that is located on Route 13. We also have very similar correspondence from the FCC in regards to this Section 106 filing. Because they require a Federal license, they have to comply with the Section 106 Regulations to ensure that they are not impacting any historic resources in the activity that they undertaking. Part of the outreach of Section 106 is to contact local Commissions or other folks who may have a preservation interest to see if there are any resources that may be affected. Staff will draft a letter stating that this project is nowhere near the Historic District or a National Register site.

Mrs. Melson-Williams further stated that Preservation Delaware will hold a preservation weekend on August 6 & 7, 2011 in New Castle, Delaware. They have a session on Saturday in the late afternoon that is a lecture about the New Castle that almost was the next Colonial Williamsburg. On Sunday the event is a workshop entitled "Snug & Sound" which deals with weatherization of historic buildings including window restoration. For Historic District members, there are some scholarships available to pay for the cost of the Sunday workshop.

Summary of Applications 2009-2011

Mrs. Melson-Williams further stated that she provided a summary of applications from 2009 through to 2011 because there are some changes and projects that have finished since you last looked at this. Located in the last column of the chart there is a status update of the projects. The

most significant project is a 2006 project. The Kent County Courthouse Addition is now open and they will be moving into their next phase which is renovations of the existing Courthouse that fronts on The Green.

Mr. Scrafford stated that he remembers that they did a relocation of major access for that building. They changed the access from The Green to further back on the east side of the building for security reasons. Responding to Mr. Scrafford, Mrs. Melson-Williams stated that the building addition is the main entry into the Courthouse and there is a connector that goes from it to what is the Old Courthouse.

Mr. Jackson questioned whether they were still using the sally port? Responding to Mr. Jackson, Mrs. Melson-Williams stated that she did not believe that they were still using the sally port for prisoner transfer; however, they may need to use it for construction access for the work on the Courthouse itself.

Mr. Scrafford questioned whether Staff would track the entrance to see if there is any effort on their part to change that entrance back to where it was. Responding to Mr. Scrafford, Mrs. Melson-Williams stated that she is unaware if there will be a main entrance onto the old part of the Courthouse. They have not filed a building permit for those renovations.

Summary of Architectural Review Certifications for 2011

Mrs. Melson-Williams stated that she has started a new chart which is the summary of permit applications that require an Architectural Review Certification. The chart provides information on what the permit was for such as a sign, the action that was taken on the Architectural Review Certificate, and whether it was something that came through this body or if it was something that was eligible for Staff approval through the permit process. Through the end of June, there were twenty-six (26) permits for activity within the Historic District. A majority of them are Sign Permit applications with some of them being temporary signs and banner installations done within the District.

Mr. Scrafford questioned whether there were any time limits associated with any of these that we should pay attention to or are these things that are going to occur? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that a Building Permit is good for a certain period of time; it is a six month duration and another section of the office that deals with that. There are a number of bigger projects that are underway including the Wesley Elevator Addition; however, nothing that you would need to worry about.

Mr. Fisher stated with regards to the Division Street property, is City Council active on that? Responding to Mr. Fisher, Mrs. Melson-Williams stated that yes for the 43 E. Division Street property. As of the end of June, there was no demolition permit pulled. This was a Demolition by Neglect determination by this body. City Council declared it a Dangerous Building which meant it either needed to be repaired or be demolished. The latest update on that property is that the property owner may be pursuing demolition.

Mrs. Townshend stated that the property owner has been in to see her and is discussing demolition on his own. He has contacted someone to do the asbestos survey. He intends to demolish what is there and rebuild. He is aware that he will need to bring any new proposal forward to the Historic

District Commission prior to rebuilding.

OLD BUSINESS

HI-09-01 Dover Public Library – Update and Review of the selected exterior finish materials for the Dover Public Library. Previously, the Architectural Review Certification for the project was issued upon recommendation of the Historic District Commission on June 17, 2009 and action by the Planning Commission March 15, 2010. Construction of a two story library building of 46,000 S.F with the associated parking, walkways, landscaping, and stormwater management facilities is underway. The project area consists of 4.67 acres ± of land zoned I-O (Institutional and Office Zone) and subject to the H (Historic District Zone). The property site is located on the north side of Loockerman Plaza between South State Street and Legislative Avenue. The owner of record is the City of Dover. The property address is 35 Loockerman Plaza. Tax Parcel: ED-05-077.05-04-55.00-000.

Representatives: Zachary Carter, Director of Parks, Recreation and Library for the City of Dover; Chris McCone, EDIS Company, Project Manager.

Mrs. Melson-Williams stated that the Historic District Commission previously recommended approval of the Architectural Review Certificate in June 2009 and then the Planning Commission fully granted approval to that Architectural Review Certificate in March 2010. In your previous deliberations, there were some questions regarding some of the materials and as a result of their continued design work, construction bidding, and engineering initiatives, they are back here today with an update on some of those finishes specifically for three (3) areas.

Mrs. Melson-Williams further stated that the "bookends," as we refer to them as the ends of the building, were originally proposed as stone. They are presenting today a utility sized brick. The main roof of the building was originally shown as a slate roof and they are presenting a standing seam metal roof for the overall roof. The light monitors that are the chimney-like type features throughout the roof system were originally shown as slate and at the time, they were considering other materials such as a metal panel system for that; however, ultimately, the selected material will be slate. Today you are asked to review the exterior finish materials and then make a recommendation with regards to these revisions to the Architectural Review Certification for the project. Your recommendation will be forwarded onto the Planning Commission since they have final action.

Mr. Carter stated that we were here in May of 2009 and showed you a building that had on the "bookends" a stone material, slate roof, and light monitors on the top. After going through the bidding process and value engineering, we have changed some of the materials. The concept of what we were trying to do with the building will remain the same. With the stone bookends, there is really no stone in the Downtown area so what we are proposing now is the utility brick (examples were displayed) that will be placed on the bookends with some bands. If you look around the buildings around The Green and Legislative Hall Mall area, they have those bands on the different buildings there. We feel that it will give it contrast with the rest of the building and it fits in with what is in the Downtown area.

Mr. Carter further stated with regards to the roof area, we are looking to go to a metal grade material instead of the slate and the light monitors will be slate in a grey shade.

Mr. Scrafford stated there were two other brick samples located on the exhibit at the meeting.

Mr. McCone stated with regards to the middle brick, you can see that the top brick has an indent of what we call the "frog." They will all have the "frogs" and he has brought two (2) bricks that will show you color.

Mr. McDaniel questioned with regards to the light monitors which look like chimneys, will they be slate? Will they look as much as if you threw cinder block up there as they do in the pictures? Responding to Mr. McDaniel, Mr. McCone stated that it would look like brick.

Mr. Jackson questioned with regards to slate and putting it vertical on vertical walls, where is that slate in that area? The reason that he is questioning this is because when you use slate on that vertical wall, it tends to look like cinder block and he feels that it would look inappropriate. It would not be an immediate identifiable material. He would consider or suggest that the light monitors should be metal coming out of a now metal roof. Mr. Salkin noted that there is slate shown on the roof of the bookends. Responding to Mr. Jackson, Mr. McCone stated we looked at eliminating the slate and putting in metal; however, the problem is the prevailing rate for a sheet metal worker is three times the rate for someone who installs slate. If you say that the metal is the same cost per foot between slate and metal, labor is three times as much. The labor rate for metal is $60 an hour and a slate roofer is between $20 and $22 an hour.

Mr. Salkin stated that he likes the look of the shingles. One of the things that he likes about the whole building is the variety of texture and color and that it has a real traditional feel to it in the distance; however, when you look more closely it is more modern and interesting. He is very comfortable with the proposed changes.

Mr. Scrafford questioned with regards to the chimneys, you priced brick? Responding to Mr. Scrafford, Mr. McCone stated that they did not; however, it is also going to be just as expensive as metal would be and it would take longer to install.

Mr. Fisher moved to approve HI-09-01 Dover Public Library for the suggested changes of the exterior finishes and interior, seconded by Mr. McDaniel and the motion was unanimously carried 5-0.

HI-05-03 State Street Commons – Update and Review of Request for use of alternative material for building entrance railings at porches and porticos. Previously, the Architectural Review Certification for the project was issued upon recommendation of the Historic District Commission on March 16, 2006 and action by the Planning Commission on June 20, 2006 for the project known as State Street Commons. Construction commenced on two connected 2 ½ story office buildings of 12,000 S.F. each for a total of 24,000 S.F with a two level parking garage. The existing brick office building at 502 South State Street consisting of 3,222 S.F. will remain. The property consists 35,061 square feet ± of land zoned RG-O (General Residence and Office Zone) and subject to the H (Historic District Zone). The property is located at the southwest corner of South State Street and Water Street. The owner of record is YOZIMA, LLC; request received from

Onix-Z, LLC. Tax Parcel: ED-05-077.09-03-70.00-000.

Representative: Mr. Constantine Malmberg, representing the applicant, Onix Z.

Mrs. Melson-Williams stated that this is a review of a request for use of an alternative material more specifically for the building entrance railings on the porches and porticos. The Historic District Commission looked at this project in March of 2006 providing a recommendation onto the Planning Commission which took final action in June of 2006. Since that time, a Building Permit was pulled and they began construction for what is the building shell and that is where it remains. The building as it stands today has a white vinyl handrail system that was installed as the entrance railings. In researching this, Planning Staff looked at what you saw at the time of presentation in March. While it showed railings, it was not specific as to the type of material that they were going to be. There was specific discussion for the use of metal railings as part of the parking lot garage wall which is on other faces of the project. Looking at the Building Permit itself, that Staff reviewed and issued the Architectural Review Certificate in accordance with the actions taken by this body and the Planning Commission, the railings for these entrance porches were specified in the permit plan set as a black metal stair railing. The columns were a fibertech product which is a molded composite material. Staff is recommending a conditional approval and has outlined a series of conditions with regards to their request. Your packet included some photographs that were taken this week by Staff.

Mr. Malmberg stated that the shutters for this project are scheduled to go up next week and then the landscaping will be put in once it cools down. The project should be finished soon. One of the issues that was identified by the Historic District Commission and Staff was the hand railings which were not specifically addressed by this body; however, were once the permit was pulled. Staff graciously suggested that the freestanding railings at the far ends of each structure be the only ones that get replaced because obviously there is more that is involved with replacing the ones that have been integrated into the post structures that support the roof. His client's view is that he would question if it would look good to have black railings at the ends and then white railings throughout. However, as these have been built as townhouse style architectures, it would give the illusion that they are separate buildings. They are okay with the Staff recommendation; however, feel that it does not improve the situation.

Mr. Malmberg further stated that the railings match the wraps that are done around the windows and the trim and does not look out of place with regards to the building. He did drive around the Historic District and pretty much all the railing systems are black railings.

Mr. Scrafford stated that two comments were made, one was with regards to shutters being put up can you tell me what they are made of? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that they are made of a composite and are not white. Some shutters have been installed on the State Street frontage in the last few days. Not all the windows get shutters; it is select units. The one that has been installed was painted the same as the door on the unit.

Mr. Scrafford stated with regards to landscaping, are we looking at something that might change or direct the view from the white railings? Will it be tall landscaping or low growth landscaping? Responding to Mr. Scrafford, Mr. Malmberg stated that there is an approved Landscaping Plan. The depth of the planters in front of the buildings is fairly shallow and would be boxwood looking

plants that are low to the ground. Between the sidewalk and railings there will be plantings; however, there is nothing there now.
Mrs. Melson-Williams stated that the Landscape Plan includes tree plantings which are not located in that area.

Mrs. Townshend stated that they would have to submit a revised Landscape Plan due to some other site issues that Staff is working through with the applicant.

Mr. Scrafford further stated that a recommendation is that careful selection of plantings would be necessary. He was trying to figure out if that meant something between the sidewalks and railing that would help color the railing more green than white. Responding to Mr. Scrafford, Mr. Malmberg stated that he would be okay with that recommendation.

Mr. Salkin stated that he is not comfortable with the idea that something is okay if we can hide it. He does not feel that landscaping should be a factor. These are architectural discussions and the owner can decide to plant or not plant whatever is agreeable with Staff. He feels that the vinyl is not very attractive and is not in keeping with the neighborhood and the fact that it could be hidden for him is not a factor. If we decide that it can stay, then it can stay. He does not feel that they should compromise their standards or the objectives of the program because you would not see it.

Mr. Malmberg stated that they would be okay with submitting a revised Landscaping Plan that would satisfy Staff.

Mr. Salkin questioned how the gutters and stormwater are being addressed? Responding to Mr. Salkin, Mr. Malmberg stated that the gutters were shortened and the areas in front of where we are talking about doing plantings were depressed and made into infiltration systems. They will be small stormwater ponds and is where the vegetation would be located.

Mr. Fisher stated that if you put the end units in black, you will emphasize the white more than just leaving the end units white.

Mr. Salkin stated that he would tend to agree; however, would ask that they be all black.

Mr. McDaniel stated that changing the end units to black and leaving the other ones white is acceptable because they are townhouses and ideally speaking, they are different places. This is something that he could live with and is comfortable with Staff recommendations.

Mr. Jackson stated that he feels that they should be similar in architecture to what is in the surrounding area.

Mr. Salkin stated with regards to process, he was not on this Commission when this first went through. Apparently, the Commission did not make any particular decision with regards to the railings. He recalls another decision made regarding the Hanson House sign where there was discussion regarding it and now what we have is an ugly sign post where we did not vote on it. The point is that this is the way it was left and chose not to intervene. Here, we know what the right thing is and have the opportunity to make it what it was intended to be rather than making a change after the fact that we would not have approved had it come to us before then. He does not

believe that this Commission would have voted to put white vinyl railings on these buildings if it had come to a vote.

Mr. Scrafford stated that it did not come to them this way and was different. Responding to Mr. Scrafford, Mrs. Melson-Williams stated that it was not spec'd specifically and was not discussed in any of the Staff reports or in the meeting minutes.

Mrs. Melson-Williams stated that this was spec'd in the Building Permit submission and it was a metal railing which was in keeping with the *Design Standards and Guidelines* so there was no question.

Mr. Scrafford stated that this is behind this Commissions control. They can recommend and others then approve. We have the option to again recommend.

Mr. Salkin moved to approve HI-05-03 State Street Commons and recommend that the white PVC railing system be replaced with black metal railing system throughout and that the landscape plantings be designed to be appropriate to the structure and location without consideration of blocking the railings, seconded by Mr. Jackson and the motion was unanimously carried 5-0.

NEW BUSINESS

HI-11-04 Acme Site Redevelopment Master Plan: Architectural Review Certification - Public Hearing and Review for Recommendation to the City of Dover Planning Commission on the Architectural Review Certificate for Site Development Plan for the redevelopment of the property at 120 South Governors Avenue (commonly referred to as the Acme Site). This application consists of a project that is to include a retail/apartment building and a second apartment building along with the demolition of the existing mid-to-late twentieth century commercial building. The project also includes the associated parking, streetscape improvements, landscaping, and stormwater management facilities. The project area consists of one parcel of land totaling 1.7653 acres ± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property site spans the block between South Governors Avenue and South New Street located north of but not adjacent to West Loockerman Street. The owner of record is the Downtown Dover Partnership. The property address is 120 South Governors Avenue. Tax Parcel: ED-05-077.09-01-44.00-000.

Mr. McDaniel and Mrs. Townshend recused themselves from this application because they are both technically owners of the property as they both are members of the Downtown Dover Development Corporation Board and were advised to not hear the application; therefore, both left the meeting. (

Representatives: Mr. Gregg Moore, President of Downtown Dover Partnership; Mr. Bill Neaton, Executive Director of the Downtown Dover Partnership; and Ms. Arden Bardol, Becker Morgan Group, Inc.

Mrs. Melson-Williams stated that this is before you for a recommendation regarding the Architectural Review Certificate for the project. This project has a requirement that they file a Site Development Plan for review with the Planning Commission who will be the final say

regarding the Architectural Review Certificate for the project. Staff has prepared a report. There is an existing commercial building located on the property which dates to the late 1960's or early 1970's. With this proposal, that building would be demolished and on the property two (2) buildings constructed. The first building would front on South Governors Avenue and would be Retail/Apartment Building #1. The second building on the site which fronts on New Street would be labeled as Apartment Building #2.

Mrs. Melson-Williams further stated with regards to history for the property also noted in the report is a review of the *Design Standards and Guidelines* specifically the section regarding demolition and then the sections in Chapter 4 where you will find guidelines for new construction. Staff's series of comments and recommendations begins on page #5 through the end of the document. Staff has made specific recommendations with regards to demolition of the existing building on the site and then recommendations related to each building. There are recommendations related to site improvements in general and a series of advisory comments as well.

Ms. Bardol stated that she would provide a general overall orientation of the project site location first. The site is the old Acme site located on Governors Avenue. To the north on Governors Avenue there is a series of residential and commercial structures that are two (2) stories with our site and then you move into more commercial types of structures then onto Loockerman Street. On New Street to the north, there are a series of residential structures then our site then we move towards more commercial buildings up to Loockerman Street.

Ms. Bardol further stated that as noted, the site is zoned C-2 and is allowed a maximum of sixty (60) feet or six (6) stories. The site is currently occupied by Kunkel Auto Supply on one side and a daycare facility on the north side of the site with parking located between Governors Avenue and the building. This site is nestled between the residential and commercial area.

Ms. Bardol further stated that what they are proposing for Building #1, as noted in Staff comments, a building that is a variety of different materials. At ground level, the proposal is that it be brick with storefronts with a series of awnings along the street. The upper three (3) stories would be apartments and are all treated with windows that have a series of muttons with some balcony areas as well as some awnings on the upper story area. The entrance to the building is in the center and there are stair towers located behind them. The site has buildings that face right up to the street edge on Governors Avenue. On New Street there is another building which is an apartment building that is again right up against the street. Nestled between those two buildings is a parking area. We have tried to nestle the parking for these two buildings in the center. We are providing access off of Governors Avenue as well as New Street to this parking area.

Mr. Fisher questioned if some of the parking would be reserved for the retail customers? Responding to Mr. Fisher, Ms. Bardol stated that she would not say that it is reserved for the retail customers; however, there would be parking available for the retail use.

Mr. Moore stated that it is the amount that is required for the retail combined with the requirement for the residential uses. There is enough parking to provide for both uses.

Mr. Moore further stated that what Downtown Dover Partnership's intention is to present a portion

of the design in a Site Plan then actively pursue a developer/builder who would be the investor and owner of it. We do not have the intention of executing these buildings. We do not have the resources or the ability. Our goal is to actively market the project to a builder/developer and let them bring the energy into the Downtown area with the Downtown Dover Partnership being the stimulus.

Mr. Scrafford questioned if this was a package that included both demolition and construction? Responding to Mr. Scrafford, Mr. Neaton stated no, this is not our intentions.

Mr. Moore stated that they set this up so that the developer could build this large building on Governors Avenue and leave the building there with the tenant until they found a place to go.

Ms. Bardol stated that what they are trying to do with this package is to set a standard level that the developer would have to meet. To most developers, the things that we are representing here, are somewhat of a higher quality standard than they may normally want to do. On this building we are proposing brick, Hardie board siding not vinyl siding and proposing some material selections as specifically identified to set a standard that is higher than a developer might try to do.

Mr. Scrafford questioned if we were to approve this, does a developer that builds to this scheme have to come back before us? Responding to Mr. Scrafford, Mrs. Melson-Williams stated no. If they make major changes like the building got larger or all of a sudden it was moved around or significant changes to the architecture, then Staff could determine that enough of a change has occurred and would then come back to this body and back to the Planning Commission.

Mr. Neaton stated that the genesis of this entire project, if you remember the Neighborhood Plan that was done last fall in conjunction with the MPO, this is one of the plans that came out of it. The Downtown Dover Partnership partnered with the MPO and decided that this was one of the sites that needed to be evaluated.

Ms. Bardol stated that also in conjunction with that study through some research it was recommended that the City of Dover needed to support its Downtown economy and have an additional 600 apartments in the Downtown area. In order to get that number, you need to get that into a compact multi-story structure.

Ms. Bardol further stated that what they have done on this building is try to present a building at the street level that is brick and is in keeping with its neighbors and the Historic District. Then, present a variety of materials breaking up the façade with material changes in the awnings to break down the scale of the building. This building will be just under sixty (60) feet meeting the height requirement in the C-2 zoning district.

Ms. Bardol further stated with the New Street building, it will be a multi-story apartment building that at the ground level has covered parking. You would access the parking from the backside of the building. The front side would have fixed carriage style doors and some type of protected grill work on the openings to provide ventilation into the garage. The structure of the building was looked at from an economic standpoint and how they could build it in an economical fashion. The main idea was to have a gabled roof that runs the entire length of the building and then break it up by adding the punctuated out and up dormers. The main roof would be shingles and then the

smaller roofs would be standing seam metal. They would then provide a series of windows and balconies for the apartments. We have changed the material colors with the proposal for a Hardie-plank siding in at least two different colors with banding to break up the scale. The proposal would include a sixty (60) foot building on Governors Avenue and the back drop to New Street would also be a taller structure.

Ms. Bardol stated that she would like to go through some of the Staff's recommendations. On the Staff comments regarding the Architectural Review Certificate for the existing building, Item A regarding "appropriate survey forms were completed for record of demolition." The developer will take care of any appropriate forms when the demolition occurs. They will also take care of any stabilization if they do not proceed immediately with a building. Their goal would be that any demolition that occurs they would immediately move into construction so that we do not wind up with a vacant site. The Downtown Dover Partnership is looking for revitalization not something sitting vacant.

Mr. Moore stated that the Downtown Dover Partnership is the landlord for the two standing tenants and they have long term leases so the developer would have to deal with that long term lease.

Mr. Fisher questioned whether the two leases have the same timeframe? Responding to Mr. Fisher, Mr. Neaton stated that no, they do not. He talked with the tenants to assure them that this was not a plan where they would have to vacate in the next 60 to 90 days.

Ms. Bardol further stated with regards to Comment #2: "Staff recommends conditional approval for Architectural Review Certificate for construction of Retail Building #1 finding the overall building to be of a contemporary design yet compatible with the buildings of this block of the Historic District which includes larger multi-story commercial buildings, the Dover Fire Department building (across Governors Avenue), and existing parking lots" she would add that this particular area also has a series of two-story residential style buildings adjacent to it. This site offers opportunities for transition to our Downtown area.

Ms. Bardol further stated with regards to Item #3, the conditions that are recommended she will comment on each one of them.

a. The actual height measurements shall be confirmed. The height measurement as we show it on the drawings is 58 feet +/- that is to the stair tower.
b. Signage identifying the commercial tenants and the apartment building main entry. She believes that there will be signage for each of the tenants and the main entry of the building will have signage identifying the main entry of the building.
c. Confirm materials and design of the balcony railing system as black metal system compliant with the requirements of the Building Code. The railings are planned to be black metal in keeping with the Historic District and will comply with Building Code.
d. Confirm the materials for awnings. The awnings could be a metal that is made to look like canvas that has less maintenance associated with it and is more durable. The clear height will be Code compliant.

Ms. Bardol further stated with regards to Item #4: "Staff recommends that action on the Architectural Review Certificate for the construction of the Apartment Building #2 be deferred to

allow additional information and an alternative design to be submitted. This multi-unit residential building with its contemporary design must strive to be compatible with the nearby single family detached dwellings and duplex dwellings of predominately two story buildings. The current design appears to be very large in overall form, scale, and proportion." Deferral of approval of this project would be detrimental to moving forward of what the Downtown Dover Partnership's intent is. In terms of the appearance of Building #2, we believe that we have strived to meet the intent of blending in with our neighbors in terms of material selections and compatibility. We tried to break down the scale of the building by having the bump outs along the façade. We have put a brick base again trying to bring down the scale. This site is transitioned between the two-story residential like you have on Governors Avenue transitioning to a larger scale along Loockerman Street. The height of this building to the tip of the gabled roof is no taller than the sixty (60) feet. Whenever you move things in and out on a building you add cost. Adding cost to the construction of this building would thus increase the remedy.

Mr. Scrafford questioned what the scale of these buildings with relation to the North State Street Silver Mill apartments? Responding to Mr. Scrafford, Mr. Moore stated that it would be very similar.

Mr. Neaton stated that they reviewed a number of different designs for this parcel. Initially we reviewed single family dwellings, townhouses as well as condominium complexes and this last concept of twenty-seven (27) apartments was the concept that we decided was the most easily sellable to a future developer.

Mr. Salkin asked if someone could explain why it is so critical to design this building to be this economical when the other building is what we would prefer in that it is not as large a mass, more interesting in its appearance, and sets a better example of the Downtown Plan that we saw. Why do these two buildings have two different designs with two different rationales for what is sellable and economical in the current market? Responding to Mr. Salkin, Mr. Moore stated there are two reasons: First, the front building has 11,000 square feet of retail space and a number of different commercial tenant opportunities which will help pay for the structure; this building does not. This building is saddled with having to put the parking underneath it which raises its cost. Lastly, New Street is not the top street for neighborhoods in the City of Dover.

Mr. Salkin stated that a question that he raised a few months ago is what are we as a community going to do to set the highest standards we can so that when developers do come in we get what we want and that we do not write off New Street?

Mr. Salkin further questioned if one building was more marketable than the other building? Responding to Mr. Salkin, Mr. Moore stated that the parcels are not separate so when we market a parcel for sale, the developer will have the issue of the demolition of the current Acme building and its tenants. It is very difficult if not impossible to separate this building from the other. The other issue that we are faced with is that in today's market, getting financing for an apartment complex even for twenty-seven (27) units in the first building is easier if you have more units to take your management costs over.

Mr. Scrafford stated that the amenities that can be built into these apartments are what will make these very nice apartments.

Mr. Moore stated with regards to the Hardie-plank, it is a great system in that it is very structurally sound, gives the appearance of wood, it has a painted material on it that is very durable, and our residential division uses it on higher-end houses all time which is what this building has.

Mr. Scrafford questioned how many bedrooms each unit would have? Responding to Mr. Scrafford, Ms. Bardol stated that all the units would have two bedrooms. What they were trying to do in the difference of the architectural treatment on Governors Avenue versus the architectural treatment on New Street was to respect the difference in that Governors Avenue does have a higher traffic volume and it is more commercial. New Street has a more residential feel to it and is not to bar with what might happen in the future. We tried to do something that was sympathetic to its neighbors; however, setting a bar that would be higher than a developer would typically do in this area.

Mr. Scrafford questioned if they find it convenient to change the mass of this building, as it would seem you have gone through what should be here and this is your final offer. Responding to Mr. Scrafford, Mr. Moore stated that if they change the mass of the building, they would have to make it smaller, short, and down and we would lose apartments units which we believe is a struggle because of the small amount of units that they have. Changing the roof style adds to cost. Our honest opinion is that when we sell this, the building on Governors Avenue will likely be first because of the commercial opportunity with this building on New Street likely being second. We believe that there may need to be some local improvements in the neighborhood for this building to get built even second. This is why we do not want to separate these two buildings. We want to sell both of them as a package and believe that it will get sold to a developer who will come to the City requesting a permit to build. We believe that we have raised the bar as high as we can get it and still make it a good opportunity.

Mr. Fisher questioned if there was utilization of the attic space such as air conditioning units in them or is it just open space? Responding to Mr. Fisher, Ms. Bardol stated that they have not gotten that far and have not shown any mechanical units on the ground. The plan would be to integrate the mechanical units as much as possible into the building structure to eliminate ground units.

Mrs. Scrafford questioned if any part of their design includes outside storage for the tenants? Responding to Mr. Scrafford, Mr. Moore stated that there is no outside space where they could create units or buildings. We have not discussed basements, not that they wouldn't be there. His vision would be that they are probably not going to be in these two (2) buildings. Other than using parts of the buildings that are not for living space, we have not talked about it.

Mr. Scrafford further stated that what they ran into when they approved the Silver Mill Apartments, we did not put basements in; however, should have put outside storage around them. If you do not put in basements, you have no other place to put items because you cannot use the attic for storage because of fire code. Responding to Mr. Scrafford, Mr. Moore stated that we have not precluded storage; however, we do not have a proposal for you. It cannot be outside because we need all the outside space for parking and park areas.

Mr. Neaton stated that the park and open space plan has already been through the Parks,

Recreation and Community Enhancement Committee. They will not be putting a gazebo in because it is considered a structure.

Mrs. Melson-Williams stated that there are some provisions in the Recreation Open Space section of the Code that establishes a setback from property lines for structures that are part of a Recreation Plan. This is a tight site so there is no space; however, there is a suggestion for a way to do something.

Mr. Moore stated that they agreed to move it so that there was not an issue and have agreed to pave it so that there will still be a platform there for benches.

Mr. Salkin stated in the interest of time if we could just go through whatever points remain where there is any disagreement.

Ms. Bardol stated with regards to Item #5 all of these have been discussed and agreed upon. With regards to Item #6, on Building #2 they propose traditional gutters and downspouts. With regards to Building #1 they did not get that far; however, because it will be a flat roof, it would have some type of internal gutter system. The balconies will be sized to be useable. Building #1 will have slightly deeper balconies that are more useable. Building #2 balconies are not intended for large gatherings of any sort. They are more considered an architectural treatment and more intimate.

Ms. Bardol further stated with regards to Item #6 (c) Hardie-board would be between six (6) and ten (10) inch boards. We recognize Item (e) that once the topographic survey has been done of the site that there will have to be some adjustments made in the building to address any elevation difference between the parking lot side of the building and the New Street side. Responding to Ms. Bardol, Mr. Moore stated that this has already been completed as part of the Site Plan condition. The grades are established and are not depressed.

Ms. Bardol further stated with regards to Item #7, it appears that there is additional information that is being asked for and she can address some of those issues now. When this building comes through on the site amenities issue, they will be providing paving materials and lighting fixtures that are appropriate for the Historic District.

Mr. Jackson stated that you are essentially providing a developer package here that is only directions to a possible future development? Responding to Mr. Jackson, Ms. Bardol stated yes, we tried to set a standard.

Mr. Salkin questioned what this Commission could do today to endorse this project; however, not necessarily have it move forward with elements that we think are either not appropriate, need more work, or might have to be changed later; however, still giving you the ability to keep this moving so that it stays marketable. Responding to Mr. Salkin, Mr. Moore stated that his answer would be to endorse it as we have presented it and require that at Building Permit submission that those Plans come back for you to see from that developer.

Mr. Salkin would also recommend that the Staff comments continue to be addressed through this process. Responding to Mr. Salkin, Mr. Moore stated that some of them yes; but the massing of the building we cannot change or the height, the stepping out of the building in terms of the roof

changes and the footprint of the building because we do not have the space. The lights are not a big issue for them as we are already stating that they are metal.

Mr. Salkin questioned if they could help the Board understand the path forward and how essential a final decision today or a month from now which is more firm and more supportive better than a little bit of uncertainty today? He thinks that this Commission would be inclined to say yes to this; however, we wish that you had a little more time to address the things so that we could say yes to with more conviction. Responding to Mr. Salkin, Mr. Moore stated that they are working a little against the clock. They have a mortgage on the property and unfortunately that mortgage comes due. It is substantial, it is interest only, and with the current market, we are not certain that we can reestablish that mortgage in its current form. As a result, that is why we are actively trying to get this to the marketplace so that we can get interest.

Mr. Neaton stated that the mortgage holder has asked us to move forward with our plans to find a developer.

Mr. Jackson stated that what we are accepting here today is the Concept Plan, not the Final Plan. Responding to Mr. Jackson, Mr. Salkin stated with full knowledge of what issues need to be specified when the developer comes back for final approval.

Mr. Moore stated that he felt that this was fair to add that final plans come back to this body for approval before the permit is issued. The developer would then have specific answers for you.

Mr. Salkin stated that one piece of this, if we approve this Plan today, is that we would approve it either specifically in our motion or at least with an understanding that as many of these issues that are Staff recommendations that you can accept will be put into the Plans before you would market them so that we narrow the gap between what the developer thinks the Concept Plan is and what it is likely to be when it comes back to us. These issues are important. Responding to Mr. Salkin, Mr. Moore stated that we would sell this package with this report. We will be very forthright in stating that this is the report that was created from the Historic District Commission as well as the conditions that come from the Planning Commission and that is the package they would be buying. He wants to be able to market that 24 units has been approved, the parking, the roof form, those major things we want to be able to say this is the building that is acceptable.

Mr. Neaton stated that the one comment that he really has exception to would be Comment #4(c): "the building has a very suburban design feel and not one that is responsive to the neighborhood around it other than its placement close to the street." He thinks that they cannot really live with that comment. Responding to Mr. Neaton, Mr. Moore stated that this comment makes it sound like the building is unacceptable.

Mr. Salkin stated that at the very least, he feels that they could present that this is the concept that has been approved; however, the City would be much happier if you could figure out a way to address this. He would rather not give up on the prospect that we might be able to improve on this building and make it look more like you wish you could spec it now.

Mr. Neaton stated that the comment that is difficult to swallow is the comment stating that it is not responsive to the neighborhood around it. If he were a developer, he would feel that he had to

redesign the entire building if the City feels that it is unresponsive to the neighborhood. We feel that it does respond to the architectural style and the type of neighborhood.

Mr. Jackson questioned in approving this and commenting on Item #4, is this going to be enough for you to move forward? Responding to Mr. Jackson, Mr. Moore stated that it would be good that the comments that Ms. Bardol made could be incorporated in as responses to the issues that we do not agree with and amending this report as part of the final record to get what you are asking so that we can present it and not being deterring for us to sell; however, clear up some of the things for the buyer.

Mrs. Melson-Williams stated that what happens with this report is it becomes the Historic District Commission recommendations when we get to that. We present the recommendations so if you say that you agree with all of these comments; however, want to take exception to something or if you want to address Item #4 totally different way, than Staff you can do that. The remainder of the report includes word-for-word what was presented here.

Mr. Salkin questioned if the sidewalks would all be the same in width and the distance from the building to the curb? Responding to Mr. Salkin, Ms. Bardol stated that they would not be coming any closer and would be consistent with the other buildings on the street.

Mr. Salkin further stated that the number of spaces for cars that you have is more than what is required and he has two questions related to that. What opportunities might there be to having more green space and buffers if there was less spaces and who owns the parking lot to the south by Building #2? Responding to Mr. Salkin, Mr. Moore stated that this parking lot is owned by Simon's. We wanted to join our parking lot with them and make one parking lot; however, we lost spaces for them and we did not think that they would buy that so we did not try.

Mr. Salkin further stated that there are fourteen (14) more spaces than are needed and I know you are always trying to find Downtown parking spaces; however, has any thought been given to how this can be a more attractive greener place to live if there were fourteen (14) spaces of parking replaced by green space or some other amenity? Why fourteen (14) more spaces? Responding to Mr. Salkin, Mr. Moore stated that it would be because of the retail use. To us, if we were to cut out some parking to get closer to the requirement, we would probably just make the islands bigger.

Mr. Salkin stated with regards to the Staff comments regarding the light standards, you are not planning to create any new design or streetscape, it will just continue with whatever is there now? Responding to Mr. Salkin, Ms. Bardol stated no, in accordance with the Staff comments we would try to be in compliance with what is done in the rest of the Historic District and the Downtown area to continue that feeling.

Mr. Scrafford opened a public hearing.

Mr. Gregg Moore – President, Downtown Dover Partnership – Stated that as President of the Downtown Dover Partnership he would speak in favor of this application. We believe that we are bettering the neighborhood and improving the architectural quality from the current Acme building.

Mr. Scrafford closed the public hearing after seeing no one else wishing to speak.

Mr. Fisher moved to approve HI-11-04 Acme Site Redevelopment Master Plan: Architectural Review Certification with the concept of the Plan with the comment that this will not be detrimental to the neighborhood on New Street with respect to Item #4 (c) and that it is compatible and to include all other Staff comments and recommendations with the massing and roof line being addressed satisfactorily.

Mr. Moore stated that his understanding would be that the building is in keeping with the neighborhood; therefore, 4 (c) would not be valid and that the massing and roof lines and bump outs as long as they stay to this level are fine. If they are tweaked less, they would have to come back to this Commission.

Mrs. Melson-Williams questioned if there was a motion specifically referring to the recommendations listed in this report? Responding to Mrs. Melson-Williams, Mr. Moore stated that what he heard him say is that the massing as presented was acceptable.

Mrs. Melson-Williams further stated that it would be with the exception of what you have specifically addressed in the alternative.

Mr. Fisher amended his motion to include that the remaining Staff comments are part of the motion.

Mr. Salkin asked that the motion be read back for clarification.

Mrs. Melson-Williams stated that the motion is to approve the concept of the Plan as presented today and determining that Building #2 is compatible with the neighborhood and its overall massing and roof line issues have been addressed by the applicant in their presentation before the Commission today and acceptance of remaining comments with the exception of 4 (c).

Mr. Salkin recommended amending the motion to state that the Commission endorses the concept and accept the Staff recommendations with the exception of 4 (c) so that the wording flows better.

Mr. Fisher moved to approve HI-11-04 Acme Site Redevelopment Master Plan: Architectural Review Certification with the above amended motion, seconded by Mr. Salkin and the motion was unanimously carried 4-0. (Mr. McDaniel recused for application deliberations).

Certified Local Government (CLG) program

Mrs. Melson-Williams stated that this has been on the horizon for a number of years. We did not do anything with it since we did not have a full complement on the Commission. It is in the Comprehensive Plan as one of the goals for Historic Preservation in the City of Dover.

Mr. Salkin stated that as he was looking at the list of accomplishments and projects that have come through us and been completed. With the project on South State Street that is owned by Rosemary Twilley, we asked her to consider putting cedar shakes on the front of her building and she did that. His thought is that somehow through the Commission, the City, or Mayor that

someone should thank her. So many times we ask people to do things and they blow us off and he thinks that this is wonderful that she did it and that she that she should be recognized.

Mrs. Melson-Williams stated that Mrs. Twilley did receive a façade improvement grant from the Downtown Dover Partnership and that a grant helped fund replacement front doors on that building and the roof that you see.

(Mr. Salkin left the meeting at 4:57 PM)

ON-GOING PROJECTS

Update on Draft Zoning Text Amendment (MI-11-06) Updates to *Zoning Ordinance*, Article 10 §3. Historic District Commission and Architectural Review

Mrs. Melson-Williams stated that at the Planning Commission meeting of July 18, 2011 they recommended approval of the Text Amendment package for Article 10. Your comment regarding having an annual report is part of the final draft of that Ordinance. It will go to public hearing in front of City Council on August 8, 2011. By the time you meet again in August, there will be a new set of regulations clarifying how this Commission operates.

Discussion of the Project to Evaluate and Update the "*Design Standards and Guidelines for the City of Dover Historic District Zone*"

Due to time constraints and length of this meeting, this item was deferred to the August 18, 2011 Historic District Commission meeting.

Mr. Jackson moved to adjourn the meeting, seconded by Mr. Jackson and the motion was unanimously carried 3-0 with Mr. Salkin and Mr. McDaniel absent.

Meeting adjourned at 4:58 PM

Sincerely,

Diane Metsch
Secretary

ARCHITECTURAL REVIEW REPORT
Update on Selected/Required Exterior Finish Materials
For Consideration by Dover Historic District Commission
Meeting of August 18, 2011

Application: Bayard Plaza, HI-10-08 and S-10-30

Location: 208 South Governors Avenue
200-216 W. Loockerman Street (Bayard Hotel)

Current Request for Review:
As part of the ongoing project review to enable the construction of the Bayard Plaza project, some design revisions to the exterior finish materials are proposed as a result of the requirements for Building Code and Fire Code compliance. In the approval for Architectural Review Certification for the Bayard Plaza project, it was noted that any changes to identified exterior materials could require additional review by the Historic District Commission.

During the review of Building Permit #11-656 for the Bayard Plaza building, changes to the exterior finish materials (combustible versus non-combustible exterior wall coverings) were required in order to achieve Code compliance with the type of construction (Type III) proposed for the new building. A series of architectural drawings (Sheet A9 and A10 revision dated 5/12/2011 with Addendum #8 of 6/24/2011) from the Building Permit submission are provided showing revisions to several exterior finish materials. This information is presented for Review and Recommendation on the Architectural Review Certification by the Historic District Commission. See attached documents. As depicted on the elevation drawings, the changes to exterior finish materials focus on the change of wall areas from vinyl siding to fiber-cement siding (such as Hardie-board) with fiber-cement trimwork.

The Historic District Commission is to review the selected/required exterior finish materials for the project and make a recommendation in regards to the Architectural Review Certification. This Recommendation will be forwarded to the Planning Commission for the final action on the revised Architectural Review Certification. The following information provides additional information on the project and request.

Project History:
On October 21, 2010 and November 4, 2010, the Historic District Commission conducted a public hearing, reviewed the application and the project revisions, and then took action to make a recommendation on the Architectural Review Certificate for the Bayard Plaza project. This application consists of the construction a five story 54,998 S.F. mixed use building to include 5,012 S.F. of retail space on the first floor, 48 residential apartments, and the associated site improvements. The project proposes demolition of the existing buildings on the project site including the building known as the Bayard Hotel. The project area consists of one parcel of land totaling 27,675.62 S.F.± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the southwest corner of West Loockerman

Street and South Governors Avenue. The owner of record is the Capital Plaza, LLC. The property addresses are 200-216 West Loockerman Street and 208 South Governors Avenue. Tax Parcel: ED-05-077.09-01-86.00-000.

Architectural Review Certification Review and Action:
Following presentations on the project, the discussion at the Historic District Commission meetings of October 21, 2010 and November 4, 2010 included significant discussion of the design and materials for the new building's exterior. As a result of the meetings, the Historic District Commission recommended approval of the Architectural Review Certificate for the Bayard Plaza project involving demolition of the two existing buildings and the construction of a new building on the site. See the attached copies of the *Architectural Review Certification Recommendation Report* and excerpts of the Meeting Minutes.

On November 15, 2010, after a public hearing and review the Planning Commission granted approval of the Architectural Review Certificate for the Bayard Plaza project following the recommendations of the Historic District Commission. (See attached excerpt of the Meeting Minutes.) A Demolition Permit #11-579 was issued on May 12, 2011 and following asbestos abatement activities the demolition of the two existing buildings on the site is currently underway. The Final Site Development Plan approval was granted on August 3, 2011 and the issuance of the Building Permit #11-656 for the new building is pending.

Review of DESIGN STANDARDS AND GUIDELINES

Location within the Dover Historic District Zone requires proposals for demolition, new construction, additions, and certain renovation or rehabilitation activities to existing buildings to receive an Architectural Review Certificate. As stated in the *Design Standards and Guidelines for the City of Dover Historic District Zone*, an Architectural Review Certificate will be granted "if it is found that the architectural style, general design, height, bulk and setbacks, arrangement location and materials affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district." In accordance with Article 10 §3.2, the Historic District Commission will provide a recommendation to the Planning Commission regarding the project's compliance with the architectural review standards.

This revised proposal must be reviewed for conformity with the design criteria guidelines found in Chapter 4: New Construction, Additions, Demolition and Relocation. For the Bayard Plaza building, the applicable review considerations are the design criteria and development guidelines associated with "New Construction" (Chapter 4: pages 4-1 through 4-8). Materials is one of the guidelines for new construction to be considered in the review by the Historic District Commission (and Planning Commission) of the project for Architectural Review Certification. Other guidelines focus of style, scale, elevation of the first floor, floor-to-floor heights, bays, windows and doors, absolute size, massing; orientation, proportions, forms, siting and high density/large scale construction.

STAFF COMMENTS AND RECOMMENDATIONS

The following are Staff comments and recommendations for this submission regarding the revised exterior finish materials for the project and Architectural Review Certification.

1. Staff recommends conditional approval of the revised Architectural Review Certificate pertaining to the finding the use of fiber-cement siding materials selected and as presented on the Plan Sheets A-9 and A-10 dated 6/24/2011 to be compatible with character of the historic district and materials as recommended in the *Design Standards and Guidelines*.

2. The recommendation (and action) on the waiver request will be incorporated into the Architectural Review Certification for this project.

3. Any revisions or changes in the identified materials (on 6/24/2011 drawings sheets) may be subject to further review by the Historic District Commission and Planning Commission. If additional revisions are proposed to the exterior finish materials design and detailing (i.e. trimwork, shutters, etc.), then additional review for compliance with the *Design Standards and Guidelines* will be necessary.

4. For building construction, the requirements of the building code or fire code must be complied with. Consult with the Chief Building Inspector and Office of the Fire Marshal for these requirements and any necessary addendums to the Building Permit which may be necessary with this revision in materials.

5. In the event, that major changes and revisions to the building design and materials or site plan occur in project construction contact the Department of Planning and Community Development prior to implementation. These changes may require resubmittal for review by the Historic District Commission and Planning Commission.

6. Any Building Permits submitted for review must comply with the approvals granted through the Architectural Review Certification process.

ARCHITECTURAL REVIEW REPORT
Recommendation Report of the Dover Historic District Commission
Meetings of October 21, 2010 and November 4, 2010
Prepared November 5, 2010

Application:	Bayard Plaza
Location:	208 South Governors Avenue 200-216 W. Loockerman Street (Bayard Hotel)
Tax Parcel:	ED-05-077.09-01-86.00-000
Owners:	Capital Plaza, LLC
Present Zoning:	C-2 Central Commercial Zone H- Historic District Overlay Zone
Present Use:	One commercial building, the former hotel building, a 2 story house converted to commercial use, and associated parking lot
Proposed Use:	Multi-use building with first floor retail space and 48 residential apartments
File Number:	HI-10-08

The following information was considered by the Historic District Commission in making their recommendation. It consists of the Revised Architectural Review Staff Report (dated 11/1/2010) in regards to the application HI-10-08. The actions taken on this application by the Historic District Commission are report at the end of this document under the heading "Recommendation of the Historic District Commission."

Project Description:
The Historic District Commission conducted a public hearing and took action to make a Recommendation to the City of Dover Planning Commission in regards to an Architectural Review Certificate for construction of a project known as Bayard Plaza. This application consists of the construction of a five story 54,998 S.F. mixed use building to include 5,012 S.F. of retail space on the first floor, 48 residential apartments, and the associated site improvements. The project proposes demolition of the existing buildings on the project site including the building known as the Bayard Hotel. The project area consists of one parcel of land totaling 27,675.62 S.F.± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the southwest corner of West Loockerman Street and South Governors Avenue. The owner of record is the Capital Plaza, LLC. The property addresses are

200-216 West Loockerman Street and 208 South Governors Avenue. Tax Parcel: ED-05-077.09-01-86.00-000. Council District 4.

Property Information:

The project site area consisting of one parcel is located within the boundaries of the National Register listed Victorian Dover Historic District. Provided below is the description of each building from the building inventory listing found within the National Register of Historic Places nomination completed for the Victorian Dover Historic District (nomination completed 1977-78).

> K-396.31 200-212 West Loockerman Street (Bayard House) – 1868-1885, large, 3-story, brick hostelry; flat roof, modillion cornice; four commercial businesses on 1st floor level.
>
> K-396.46 214-216 West Loockerman Street – 20th century, 1 story, masonry, double commercial building; 'carrara glass' veneer on façade; flat roof.
>
> K-396.33 206 (208) South Governors Avenue – Late-18th century, 2 story, 2-bay, frame dwelling; gable roof, box cornice; shed roof addition southern end; relocated 1850, originally erected on the Green; rehabilitated for commercial use.

The nomination also notes that 206 (208) South Governors Avenue as a late-eighteenth-century dwelling is representative of the building trends of the time as the architectural details remain on the upper floor even though the first floor has been rehabilitated for commercial use.

A series of historic maps was reviewed by Planning Staff for preliminary information on this block of Loockerman Street. The *1859 A.D. Byles Map of Kent* County (Dover insert) shows Thomas B. Bradford as the owner of property fronting Loockerman Street and J.C. Pennewell* (Levy Court Commissioner) as the owner of the property fronting North Street in the area of the site. The *1868 Beers Map* published by Pomeroy & Beers shows a building at the northeast corner owned by C.C. Schaich, which may be the initial building component of what would become the Bayard Hotel. A building owned by J.C. Pennewell fronts on the North Street side of the lot. By 1885, the *1885 Bird's Eye View of Dover* shows multiple buildings especially in the eastern portion of this block on the south side of Loockerman Street between New Street and Governors Avenue. The drawing appears to depict the Bayard Hotel building in its current form of three stories with frontage across almost half the block along Loockerman Street. The *1887 Map of the Town of Dover* by W.R. Roe depicts the Bayard House, the small building at 208 South Governors Avenue, and the residence of J.C. Pennewell fronting North Street. The series of *Sanborn Fire Insurance Maps* would also be a reference source for information on the series of buildings which occupied this property over time. Additional research using other primary and secondary source documents would provide more information on the history of each building.
*(Some maps utilize the spelling as Pennewill)

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

PROJECT PROPOSAL for Demolition

The demolition component of this project involves the complete demolition of the existing buildings on the property. The existing building known as the Bayard hotel building is divided into multiple tenant spaces and fronts on Loockerman Street. There is also a one story commercial building attached to the west side of the Bayard Hotel that also will be demolished. The second building is the two story frame dwelling building used previously as offices (and now a beauty shop) fronting on South Governors Avenue.

Demolition by Neglect

At its meeting of January 21, 2010, the City of Dover Historic District Commission took action and determined that the Bayard Hotel building is being "Demolished by Neglect" and set forth steps to remedy the situation. (Application HI-09-04) One of the steps required documentation of the property following the typical procedures for recordation of historic properties such as drawings and photographs. To date, no information on the documentation of the building has been received by the Planning Office.

This plan submission (Sheet 1: Historic Review Plan) does not provide information on the stabilization of the property in the event that construction of a new building does not occur immediately after demolition of the existing buildings.

Review of DESIGN STANDARDS AND GUIDELINES for DEMOLITION

The proposal for demolition of the building must be reviewed for conformity with the design criteria guidelines found in Chapter 4: New Construction, Additions, Demolition and Relocation.

Demolition

The *Design Standards and Guidelines* gives guidance to the Historic District Commission by listing specific criteria to be evaluated when considering applications for the demolition of buildings (or portions of buildings) in the historic district. (Chapter 4: pages 4-10 to 4-12) These guidelines are summarized below (see *Design Standards and Guidelines* for the complete text).

1. Determine the financial implications of maintaining a property versus demolition.

2. Regardless of economic issues the relative significance of the individual buildings slated for demolition should be evaluated.

3. In development related applications the City should review the schematic plans for the new structures to weigh the virtues of the new structure versus what exists.

4. Determine the extent of adequate recordation of a property the applicant would be required to complete if demolition were approved.

5. Lots left vacant by demolition should be treated in a manner that is sympathetic to the historic context.

PROJECT PROPOSAL for New Construction as Revised (Site Plan Drawings dated 9/16/2010 and Updated Elevations of October 28, 2010: The applicant has supplied information on the proposed project to be constructed. See plan sheet (previously distributed) and the Revised series of color elevations dated 10/28/2010 of the building. The project components are described below.

The project proposes construction of a five story mixed use building with retail space, 48 apartments, and a surface parking lot. The total square footage of the building is 54,998 S.F. Overall, the project site extends the depth of the block from Loockerman Street to North Street. The building fronts on the corner of West Loockerman Street and South Governors Avenue. The building is a brick and vinyl sided building with a flat roof system. The building height is indicated to be 58 feet 3.75 inches on the elevations with a floor to floor height of 16 feet for the first floor and 9 feet for the subsequent floors. Overall, the massing of the building results in a rectangular shape. On the first floor, the retail spaces are approximately 40 feet deep with a row of parking to the south. This parking area is covered as the upper floors of the building extend further south (approximately 85 foot building depth from Loockerman Street).

For the first floor tenant spaces there are a series of entries along Loockerman Street and there is one entrance from the corner of Loockerman Street and South Governors Avenue. At this street corner the building façade is placed at an angle with a protrusion of about six feet consisting of an arched entry with a series of balconies above. The main entrance to the apartment portion of the building is in the west corner of the rear of the building.

The Loockerman Street elevation is predominantly two types (colors) of vinyl siding on the upper floors with brick on the first floor portion. The first floor of the building is proposed as a series of retail spaces fronting on Loockerman Street each with an individual entrance and an aluminum glass storefront window system. The first floor section is detailed with a Dry-vit signboard area over the retail storefronts. Portions of the upper floors are set back from the first floor façade face. The upper floors include a series of six-over-six windows and balconies with wrought iron railings (clarified as metal/aluminum railings). At the building corner, a Dry-vit (stucco-like) exterior finish in two colors is utilized instead of the vinyl siding. This north elevation and the east and south elevations of the building have had a series of smaller 4-lite windows added on the upper floors.

The west elevation of the building is covered predominately with horizontal vinyl siding in three main areas*. The first floor portion of this wall is a party wall with the adjoining building to the west. There are very large areas of siding on this elevation with only a few windows. *The revised elevations added trimwork on this elevation to further divide the large areas.

The east elevation of the main building along South Governors Avenue follows the pattern established on the Loockerman Street façade of a brick first floor with vinyl above. There is a section of Dry-vit with small windows that corresponds with the location of a stair tower. On this elevation you can observe how the upper floors of the building extend over the parking area. On the first floor there are two large openings, one of which serves as the exit from the parking lot.

On the south elevation of the main building facing North Street, the use of horizontal vinyl siding as the exterior finish material continues on the upper floors after painted masonry is utilized on the first floor rear elevation wall area. There are a series of windows and balcony areas for the apartments. A series of columns also support the building edge in this area.

Site Improvements:
The project also includes site improvements such as a parking lot and landscaping. The parking lot is located on the south side of the building and under a portion of the building. The proposed access to the lot is from North Street; this access allows for two-way travel. There is an exit-only point from the parking lot onto South Governors Avenue. The lot as shown on this plan only provides 45 parking spaces and the project will require consideration of parking waivers and alternative parking locations by the Planning Commission in order to meet the parking requirements for the project.

The project will necessitate improvements to the sidewalks adjacent to the building. Also on the southern portion of the property are several areas that will contain tree plantings.

Review of *DESIGN STANDARDS AND GUIDELINES*

The subject project site is located in the Dover Historic District Zone within the Loockerman historic context. The Loockerman historic context is described on pages 2-7 through 2-8. Location within the Dover Historic District Zone requires proposals for demolition, new construction, additions, and certain renovation or rehabilitation activities to existing buildings to receive an Architectural Review Certificate.

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

This proposal should be reviewed for conformity with the design criteria and development guidelines found in the *Design Standards and Guidelines* of Chapter 4: New Construction, Additions, Demolition and Relocation.

New Construction
The *Design Standards and Guidelines* for New Construction (Chapter 4: pages 4-1 through 4-8) provide the design criteria and development guidelines. The guidelines specify the following individual considerations for new construction to be considered in the review by the Historic District Commission (and Planning Commission) of the project for Architectural Review Certification:

- Style
- Scale *(building to reflect dominant cornice and roof height of adjacent buildings)*
- Elevation of the First Floor
- Floor-to-Floor heights

- Bays, windows and doors *(size, relationship, spacing of)*
- Absolute Size *(compare overall size of new building)*
- Massing *(relationship of solid-to-void)*
- Orientation *(location of primary façade)*
- Proportions *(comparison of height to width of building and elements)*
- Materials
- Forms *(shape of building and roof to be complementary)*
- Siting *(location of building on lot and in relation to street)*
- High density/ large-scale construction

The proposed project must also be reviewed for compliance with the standards established by the *Zoning Ordinance*. The standards include items such as setbacks from property lines, lot coverage, height, etc. This Proposal for the building will require consideration of a waiver of the bulk requirements of the C-2 Zoning District for the side yard setback. The *City of Dover Zoning Ordinance* authorizes the Historic District Commission to waive certain bulk standards when it is necessary to maintain the character of the Historic District. These waivers are part of the Historic District Commission issuing its recommendation to the Planning Commission for an Architectural Review Certificate. At its meeting of October 21, 2010, the Historic District Commission granted approval of the side yard waiver to allow a side yard setback of one foot for areas were provided.

The waiver was requested by the applicant. The waiver requested for the project is summarized below:

Request	*Bulk Standard*	*Ordinance requirements or limitation*	*Applicant proposal and approved by HDC on 10/21/10*	*Building*
1	Side Yard Setback	None required, but 10 feet minimum if provided	*One (1) foot along the south property line shared with Del-Properties. Building complies with the side yard setback in other locations.*	Building

As part of the Site Plan Review process there may be additional waivers sought by the applicant pertaining to parking, loading spaces, etc. The Planning Commission gives consideration to these types of waivers in accordance with provisions of the *Zoning Ordinance.*

STAFF COMMENTS AND RECOMMENDATIONS FOR DEMOLITION PROVIDED TO THE HISTORIC DISTRICT COMMISSION IN NOVEMBER 1, 2010 REPORT

The following are the Staff comments and recommendations for this application regarding project activities and an Architectural Review Certificate for the proposed demolition of the existing buildings.

1) Staff recommends that documentation/recordation of each building be completed prior any demolition or construction activities to include exterior and interior photographs, measured drawings, history of the building, etc. following accepted practices for documentation of historic buildings. This shall be submitted prior to the demolition permit application. Documentation of the

Bayard Hotel building was one of the recommended steps identified in the determination of Demolition by Neglect by the Historic District Commission.

2) Pertaining to the demolition of the two existing buildings: Staff strongly recommends that a Demolition Permit for the building at 206 (208) South Governors Avenue be at the time of Building Permit issuance and not prior to. For the former Bayard Hotel building, if a Demolition Permit is issued prior to issuance of a Building Permit for the new building, staff recommends that submission of a stabilization plan for the site be submitted with the Demolition Permit application.

3) Staff recommends submission of a stabilization plan for the entire site in the event that the buildings are demolished and there is a significant delay in the commencement of construction activities for the new building.

4) Staff notes that submittal of additional information regarding the stabilization of the site for the adjoining buildings and sidewalk areas due to the presence of building basements and strategy regarding the repairs necessary to walls of adjacent buildings in accordance with the Building and Fire Codes will be required.

5) The applicant should be aware of the potential for historic archaeological resources which may include previous building locations, wells, privies, etc. on this property. The State Division of Historical & Cultural Affairs can provide technical assistance when dealing with archaeological resources including previous studies at the subject location.

STAFF COMMENTS AND RECOMMENDATIONS FOR NEW CONSTRUCTION PROVIDED TO THE HISTORIC DISTRICT COMMISSION IN NOVEMBER 1, 2010 REPORT

The following are Staff comments and recommendations for this application regarding project activities and Architectural Review Certification. The following comments and recommendations were updated following Staff's review of the Revised Architectural Elevation submission dated October 28, 2010.

1. Staff reviewed proposed project's compliance with guidelines for "New Construction" within the Historic District. Staff recommends that this application for the Architectural Review Certificate for the Bayard Plaza project be approved subject to the following conditions:
    a. Staff finds that the building's overall massing and form appears to fit the character of the Historic District in its immediate surroundings.
    b. Staff notes that a series of revisions to the building's architecture and exterior finish materials have been made in the 10/28/2010 submission to improve and clarify the detailing and to avoid a 'flat' appearance. See Comment #3 below.
    c. Staff recommends changes to exterior finish treatment on a portion of the first floor on the east elevation along South Governors Avenue to reflect a more pedestrian friendly scale. See Comment #4 below.
    d. Staff also recommends some improvements to the site components of the project. See Comment #5 below.

2. In regards to the waiver requested related to the building side yard setback, Staff previously recommended approval of the one foot side yard setback for this particular section of the building near South Governors Avenue subject to compliance with the code requirements of the Building Code and Fire Code. The Historic District Commission approved the side yard setback waiver on October 21, 2010.
    a. Staff finds that a waiver of this side yard setback requirement to enable building construction activity would not be detrimental to the fit of this building and the architectural character of the Historic District.
    b. Staff notes that the applicant shall be aware of the implications of this reduced setback as it relates to the design of the building elevations under the provisions of the applicable Building Codes and Fire Codes. These code requirements (Building Codes and Fire Codes) cannot be waived by the Historic District Commission.

3. These conditions are recommended by Staff to improve the project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. A number of the recommendations previously issued by Staff were addressed and have been included in the revised architectural elevations received on October 28, 2010; see item b. The following are recommended conditions of approval:
    a. The exterior finish materials should be evaluated to take into consideration the materials identified in the *Guidelines*. The use of vinyl siding is not a recommended practice; however, there are methods to help minimize the impact of vinyl.
        i. Add more detailing elements or increase the dimension of trimwork elements at edges, around openings, and at points of division. *Additional detailing in these areas was added in the Revised Architectural Elevations see comment 3b.*
        ii. The extensive use of vinyl siding could be reduced by changing certain sections to other materials especially on the main street frontages.
        iii. The use of a fiber-cement product may be a better fit for the character of the historic district since is more wood-like in appearance while also providing an increased fire protection rating.

    b. The following listing identifies some of the recommended updates to the original architectural elevations that were implemented in the Revised Architectural Elevations of 10/28/2010.
        i. Additional detailing and changes in element placement or dimension are helping to avoid a very 'flat' look to the building. Details were added at the transitions, corners and edges of material changes in addition to clarification of the building floor plan which has setbacks/indents.
        ii. The corners of first floor and upper floors at key transitions (projections) are aligned so elements appear to have support.
        iii. A wider/heavier cornice detailing was added at the top of the parapet walls.
        iv. The type of column to be used on the balconies now includes more detailing with emphasis on the tripartite form of a base, shaft, and capital.
        v. A small pitched roof in metal caps the uppermost balconies.
        vi. The design of building corner entry element was revised to create a more open and inviting arched element at the street level (first floor). The previous side window-like openings are now fully open to allow pedestrian passage thru.
        vii. The top/roof area of the corner element has greater detailing and a heavier cornice element.
        viii. On the west elevation, a trimwork banding continues to wrap around on this side and a vertical trimwork element was added to the center to divide the large wall areas.
        ix. On the south elevation, the bottom edge was revised to be a larger trimwork element that reads as a base or support element.

    c. Increase of the use of brick on the upper floors along the Loockerman Street and South Governors Avenue sides of the main building. Brick could be the exterior finish for specific segments of the building such as the corner element and the side wrap-around areas.
    d. Check the placement of all columns necessary to support this southern half of the building. Ensure that the specific locations are shown on the Site Plan as they will affect the design of the parking lot and its circulation.
    e. Add brick to the columns and other select areas to improve the aesthetics of this rear elevation that serves as the main entry to the apartment building.
    f. On the west corner of the front elevation continue the brick quoining detail to the full height of the first floor.
    g. Also use the brick quoining detail at both corners of the 'front' elevation of the corner element

4. Staff notes that South Governors Avenue is considered as a building front and the building architecture should take this into account especially in the area of the parking lot exit. The following are recommended conditions:
    a. Continue the brick detailing and other components of the first floor of the building along this elevation including using brick to clad the columns.
    b. The first opening which has the parking beyond it should contain elements to help screen the parking. *A low brick wall was added across the full width of this northern opening.*
        i. Continue the brick detailing established by the first floor as an infill of part of the upper portions of the opening.
        ii. Identify the location of the two openings: a pedestrian way and a window-like opening to let in light and air to the space beyond. These openings could follow the arch with keystone format utilized on the corner entry.
        iii. Add a pedestrian opening and a sidewalk pathway so residents can access the apartment entrance from the street without having to walk in the parking lot.
    c. The second opening which serves as the parking lot exit should be revised to add the brick detailing to the column to help distinguish the corner of the building.
    d. The finish treatment of the header over the openings was revised to a wider trimwork piece.
    e. Add metal building corner protection features at exit opening.

5. The following items are recommended related to the site components:
    a. Identify areas where the sidewalks or portions of the sidewalks will be constructed of brick. The use of brick paving materials for sidewalk construction is a key feature found throughout the Historic District area and along the Loockerman Street streetscape.
    b. The existing streetscape sidewalk improvements should be continued along the building frontage areas of West Loockerman Street and South Governors Avenue making use of the material patterns and fixture types already established in these areas.
    c. All sidewalks shall be accessible including intersections of sidewalks with parking lot entrances and roadways, access from handicapped parking, etc. Improvements to existing sidewalks will be required including appropriate crosswalk markings and traffic control measures.
    d. The light fixtures/poles should continue style of the lighting used Downtown Loockerman Street areas.
    e. Relocate the bike rack from the parking lot area to the space near the building side and entrance to the apartments (just north of the loading space). This will place the bicycle parking under cover.
    f. Evaluate locations of existing bicycle racks along the street frontages of West Loockerman Street and South Governors Avenue for the potential location of additional racks to serve this building.

6. The following items should be clarified regarding the building design.
    a. Submit a copy of the floor plan of the upper floors to assist in understanding of the changes in the elevations (indents, projections, balconies, etc.) and the form of the corner element. The information provided in the site plan is only the building footprint (the first floor plan) and the elevation drawings appear flat. Three dimensional views of the building would also help clarify the specific building form. *The three dimensional view and floor plans were presented by the applicant at the 10/21/2010 Historic District Commission meeting.*
    b. Identify the exposure width and style of the vinyl siding.
    c. The selected brick choices should be compatible to the brick of other existing buildings in the area.
    d. Clarify the type of system proposed for the roof drainage i.e. gutters and downspouts or an internal system.
    e. Identify if the proposed building will have a basement level.

7. The following items are identified for correction in the Data Column on Sheet1:

a. Add H (Historic District Zone) to the zoning for the property
b. Correct the Floor Area Ratio to read as a maximum of 4.0

8. The location of mechanical equipment should be identified. The mechanical equipment should be enclosed with appropriate screening devices such as appropriately scaled walls, landscaping, roof mounting, or other similar treatments to screen it from the public right-of-way.

9. The applicant is advised for future building construction, the separation distances and other requirements of the Building Code or Fire Code must be complied with. Consult with the Chief Building Inspector and Fire Marshal for these requirements. The resolution of these items can impact the site and building design in some cases. If significant design changes result then additional review may be necessary by the Historic District Commission.

10. Staff notes that the proposed access to the site is off of North Street. This entrance is subject to approval by the City of Dover Public Services Department during the Site Plan review process. The site exit onto South Governors Avenue is subject to DelDOT review and approval.

11. Staff notes that the placement of awnings on the building may require approval from the City Manager if the awning encroaches into the right-of-way. (Article 1 Section 98-7c of the Dover Code). Staff also notes that both Loockerman Street and Governors Avenue are state maintained roads.

12. The proposed landscaping (lawn, shrubs, ground cover, etc.) including any tree plantings should be completed with species appropriate to the site conditions and that help to screen the visibility of certain elements of the site.

13. In the event, that major changes and revisions to the project design and materials occur in the finalization of the project contact the Planning Office. These changes may require resubmittal for review by the Historic District Commission.

14. The applicant should be aware of the potential for historic archaeological resources which may include previous building locations, wells, privies, etc. on this property. The State Division of Historical & Cultural Affairs can provide technical assistance when dealing with archaeological resources including previous studies at the subject location.

15. The site development plan for this project is also subject to the application and review process for Site Development Plan (Article 10 §2 of the *Zoning Ordinance)* before the Planning Commission. Note: Additional technical items for compliance with the *Zoning Ordinance* and other regulations may be identified during the Site Plan Process. Review comments pertaining specifically to the Site Plan set will be issued at that time.

16. The applicant shall be aware that Demolition Permits for each building are required to proceed with any demolition activities on the property. The permit application must comply with the approvals and conditions granted through the Architectural Review Certification process. Certification of asbestos survey and abatement must be submitted with the Demolition Permit application.

17. The applicant shall be aware that Building Permits are required to proceed with any construction/installation activities on the property. The permit application must comply with the approvals granted through the Architectural Review Certification process and Site Development Plan review.

RECOMMENDATION OF THE HISTORIC DISTRICT COMMISSION:

The Historic District Commission considered the proposal for demolition and new construction and provides the following recommendation to the Planning Commission in regards to the Architectural Review Certification for the project. The specific recommendation involved consideration of the *Design Standards and Guidelines.* For the Bayard Plaza project, the Historic District Commission considered the application HI-10-08 at meetings held on October 21 and November 4, 2010 regarding an Architectural Review Certificate for demolition of the existing buildings and the construction of the new building and other associated site improvements. See Recommendation as follows.

Action Taken by Historic District Commission:
October 21st Meeting: The following members were present for review of this application: Chairman Dick Scrafford, Mr. Chaz Salkin, Mr. Joe McDaniel, Mr. George Fisher, and Mr. Terry Jackson. The application was represented by Henry Mast (owner) and design professionals Doug Liberman, Bill Byler, and Mike Sollazzo at the October 21st meeting. The Commission conducted a public hearing and heard from John Anderson (via email) and Frank Zaback.

The motion to recommend approval of the requested side yard setbacks passed 5-0 of the Commission. The City of Dover *Zoning Ordinance* authorizes the Historic District Commission to waive certain bulk standards when it is necessary to maintain the character of the Historic District. The chart below summarizes the setbacks recommended for Bayard Plaza.

Request	*Bulk Standard*	*Ordinance requirements or limitation*	*Applicant proposal and approved by HDC on 10/21/10*
1	Side Yard Setback	None required, but 10 feet minimum if provided	*One (1) foot along the south property line shared with Del-Properties. Building complies with the side yard setback in other locations.*

In a second motion (passed 5-0), the Commission postponed making a decision on Architectural Review Certificate to allow the applicant incorporate a series of recommended changes from staff comments, to further address the use of vinyl siding, and the Historic District Commission requested submission of revised architectural elevations.

Revised Architectural Elevation were submitted by the applicant on October 28, 2010 in response to the Historic District Commission's review and comments and Public Hearing conducted at the October 21, 2010 meeting of the Commission and the Architectural Review Staff Report issued for the meeting.

November 4th Meeting: The following members were present for review of this application: Chairman Dick Scrafford, Mr. Chaz Salkin, Mr. Joe McDaniel, and Mr. Terry Jackson. The application was represented by Henry Mast (owner) and design professionals Doug Liberman,

Bill Byler, and Mike Sollazzo at the November 4th meeting. The Commission reopened the public hearing upon a motion from the floor and Frank Zaback spoke.

The Historic District Commission voted to recommend approval of Architectural Review Certificate for the project based on the revised architectural elevations and with incorporation of the meeting's discussion in reference to the Staff Comments and Recommendations (from the Revised Architectural Review Staff Report of 11/1/10) passed 3-1 of those members present. See recommendations below.

RECOMMENDATIONS FOR DEMOLITION

The following are the Historic District Commission's comments and recommendations for this application regarding project activities and an Architectural Review Certificate for the proposed demolition of the existing buildings.

1) Recommends that documentation/recordation of each building be completed prior any demolition or construction activities to include exterior and interior photographs, measured drawings, history of the building, etc. following accepted practices for documentation of historic buildings. This shall be submitted prior to the demolition permit application. Documentation of the Bayard Hotel building was one of the recommended steps previously identified in the determination of Demolition by Neglect by the Historic District Commission. *The applicant noted that this documentation was currently underway by a consultant.*

2) Pertaining to the demolition of the two existing buildings: Recommends that a Demolition Permit for the building at 206 (208) South Governors Avenue be at the time of Building Permit issuance and not prior to. For the former Bayard Hotel building, if a Demolition Permit is issued prior to issuance of a Building Permit for the new building, they recommend that submission of a stabilization plan for the site be submitted with the Demolition Permit application.

3) Recommends submission of a stabilization plan for the entire site in the event that the buildings are demolished and there is a significant delay in the commencement of construction activities for the new building.

4) Notes that submittal of additional information regarding the stabilization of the site for the adjoining buildings and sidewalk areas due to the presence of building basements and strategy regarding the repairs necessary to walls of adjacent buildings in accordance with the Building and Fire Codes will be required.

5) The applicant should be aware of the potential for historic archaeological resources which may include previous building locations, wells, privies, etc. on this property. The State Division of Historical & Cultural Affairs can provide technical assistance when dealing with archaeological resources including previous studies at the subject location.

RECOMMENDATIONS FOR NEW CONSTRUCTION

The following are the Historic District Commission's comments and recommendations for this application regarding project activities and Architectural Review Certification in reference to the Revised Architectural Elevations of 10/28/2010 and the meeting discussion.

1) The Commission reviewed proposed project's compliance with guidelines for "New Construction" within the Historic District and recommends that this application for the Architectural Review Certificate for the Bayard Plaza project be approved subject to the following conditions:
    a. The Commission finds that the building's overall massing and form appears to fit the character of the Historic District in its immediate surroundings.
    b. The Commission notes that a series of revisions to the building's architecture and exterior finish materials have been made in the 10/28/2010 submission to improve and clarify the detailing and to avoid a 'flat' appearance. See Comment #3 below.
    c. The Commission recommends changes to exterior finish treatment on a portion of the first floor on the east elevation along South Governors Avenue to reflect a more pedestrian friendly scale and as discussed and 'drawn' at the meeting. See Comment #4 below.
    d. The Commission also recommends some improvements to the site components of the project. See Comment #5 below.

2) The Historic District Commission approved the side yard setback waiver on October 21, 2010. Approved is a one foot side yard setback for a particular section of the building near South Governors Avenue subject to compliance with the code requirements of the Building Code and Fire Code.
    a. Approved that a waiver of this side yard setback requirement to enable building construction activity would not be detrimental to the fit of this building and the architectural character of the Historic District.
    b. The Commission notes that the applicant shall be aware of the implications of this reduced setback as it relates to the design of the building elevations under the provisions of the applicable Building Codes and Fire Codes. These code requirements (Building Codes and Fire Codes) cannot be waived by the Historic District Commission.

3) These conditions are recommended by the Historic District Commission to improve the project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. A number of the recommendations were addressed and were included in the Revised Architectural Elevations received on October 28, 2010; see item b. The following are recommended conditions of approval:
    a. The exterior finish materials were evaluated to take into consideration the materials identified in the *Guidelines*. The use of vinyl siding is not a recommended practice; the Commission was satisfied (by their vote) that the impact of the vinyl siding was reduced through the Revised Architectural Elevations.

i. More detailing elements (windows, shutters, trimwork) and increases in the dimension of trimwork elements at edges, around openings, and at points of division were added in the Revised Architectural Elevations.
ii. The extensive use of vinyl siding was reduced in some areas by changing certain sections to other materials especially on the corner frontage.

b. The following listing identifies some of the recommended updates to the original architectural elevations that were implemented in the Revised Architectural Elevations of 10/28/2010 submitted to the Historic District Commission.
   i. Additional detailing and changes in element placement or dimension are helping to avoid a very 'flat' look to the building. Details were added at the transitions, corners and edges of material changes in addition to clarification of the building floor plan which has setbacks/indents.
   ii. The corners of first floor and upper floors at key transitions (projections) are aligned so elements appear to have support.
   iii. A wider/heavier cornice detailing was added at the top of the parapet walls.
   iv. The type of column to be used on the balconies now includes more detailing with emphasis on the tripartite form of a base, shaft, and capital.
   v. A small pitched roof in metal caps the uppermost balconies.
   vi. The design of building corner entry element was revised to create a more open and inviting arched element at the street level (first floor). The previous side window-like openings are now fully open to allow pedestrian passage thru.
   vii. The top/roof area of the corner element has greater detailing and a heavier cornice element.
   viii. On the west elevation, a trimwork banding continues to wrap around on this side and a vertical trimwork element was added to the center to divide the large wall areas.
   ix. On the south elevation, the bottom edge was revised to be a larger trimwork element that reads as a base or support element.

c. Advised to check the placement of all columns necessary to support the southern half of the building. Ensure that the specific locations are shown on the Site Plan as they will affect the design of the parking lot and its circulation.
d. Recommended to continue the brick quoining detail on the west corner of the front elevation to the full height of the first floor.
e. Recommended to also use the brick quoining detail at both corners of the 'front' elevation of the corner element

4) The Commission notes that South Governors Avenue is considered as a building front and the building architecture should take this into account especially in the area of the parking lot exit. The following are recommended conditions as discussed at the meeting:
   a. Continue the brick detailing and other components of the first floor of the building along this elevation including using brick to clad the columns.

b. The first opening which has the parking beyond it should contain elements to help screen the parking and allow for pedestrian sidewalk access.
    i. Continue the brick detailing established by the first floor as an infill of part of the upper portions of the opening in addition to the low brick wall.
    ii. Add two openings: a pedestrian way and a window-like opening to let in light and air to the space beyond. These openings could follow the arch with keystone format utilized on the corner entry. (Follow example drawn by staff at meeting.)
    iii. A pedestrian opening and a sidewalk pathway will enable residents to access the apartment entrance from the street without having to walk in the parking lot drive aisle.
c. The second opening which serves as the parking lot exit is to be revised to add the brick detailing to the column to help distinguish the corner of the building.
d. The finish treatment of the header over the openings was revised to a wider trimwork piece and may also incorporate brick.
e. Add metal building corner protection features at exit opening.

5) The following items are recommended related to the site components:
    a. Identify areas where the sidewalks or portions of the sidewalks will be constructed of brick. The use of brick paving materials for sidewalk construction is a key feature found throughout the Historic District area and along the Loockerman Street streetscape.
    b. Continue the existing streetscape sidewalk improvements along the building frontage areas of West Loockerman Street and South Governors Avenue making use of the material patterns and fixture types already established in these areas.
    c. All sidewalks shall be accessible including intersections of sidewalks with parking lot entrances and roadways, access from handicapped parking, etc. Improvements to existing sidewalks will be required including appropriate crosswalk markings and traffic control measures.
    d. Continue the light fixtures/poles style of the lighting used Downtown Loockerman Street areas.
    e. Relocate the bike rack from the parking lot area to the space near the building side and entrance to the apartments (just north of the loading space). This will place the bicycle parking under cover.
    f. Evaluate locations of existing bicycle racks along the street frontages of West Loockerman Street and South Governors Avenue for the potential location of additional racks to serve this building.

6) The following items were clarified regarding the building design.
    a. A copy of the floor plan of the upper floors presented at the meeting assisted in understanding of the changes in the elevations (indents, projections, balconies, etc.) and the form of the corner element. The three dimensional view and floor plans were also presented by the applicant to clarify the specific building form.
    b. The exposure width will be five inches in the clapboard style of the vinyl siding.

c. The selected brick choices should be compatible to the brick of other existing buildings in the area. The Commission preferred the "redder" of the two brick (oversized brick) samples presented at the meeting.
d. The roof drainage i.e. gutters and downspouts will consist of a sloping roof to the south where a system of downspouts will extend down the south elevation painted to match the siding.
e. The proposed building will not have a basement level; only the elevator pit will be underground. Since the existing building has a partial basement then fill will be necessary.

7) The following items are identified for correction in the Data Column on Sheet1:
   a. Add H (Historic District Zone) to the zoning for the property
   b. Correct the Floor Area Ratio to read as a maximum of 4.0

8) The location of mechanical equipment was identified as being roof mounted. The mechanical equipment should be enclosed with appropriate screening devices such as appropriately scaled walls, landscaping, roof mounting, or other similar treatments to screen it from the public right-of-way.

9) The applicant is advised for future building construction, the separation distances and other requirements of the Building Code or Fire Code must be complied with. Consult with the Chief Building Inspector and Fire Marshal for these requirements. The resolution of these items can impact the site and building design in some cases. If significant design changes result then additional review may be necessary by the Historic District Commission.

10) It is noted that the proposed access to the site is off of North Street. This entrance is subject to approval by the City of Dover Public Services Department during the Site Plan review process. The site exit onto South Governors Avenue is subject to DelDOT review and approval.

11) It is noted that the placement of awnings on the building may require approval from the City Manager if the awning encroaches into the right-of-way. (Article 1 Section 98-7c of the Dover Code). No awnings are proposed at this time; however, if tenants wish to implement awnings then it may be addressed at that time.

12) The proposed landscaping (lawn, shrubs, ground cover, etc.) including any tree plantings should be completed with species appropriate to the site conditions and that help to screen the visibility of certain elements of the site.

13) In the event, that major changes and revisions to the project design and materials occur in the finalization of the project contact the Planning Office. These changes may require resubmittal for review by the Historic District Commission.

14) The applicant should be aware of the potential for historic archaeological resources which may include previous building locations, wells, privies, etc. on this property. The State Division of Historical & Cultural Affairs can provide technical assistance when dealing with archaeological resources including previous studies at the subject location.

15) The site development plan for this project is also subject to the application and review process for Site Development Plan (Article 10 §2 of the *Zoning Ordinance)* before the Planning Commission. Note: Additional technical items for compliance with the *Zoning Ordinance* and other regulations may be identified during the Site Plan Process. Review comments pertaining specifically to the Site Plan set will be issued at that time.

16) The applicant shall be aware that Demolition Permits for each building are required to proceed with any demolition activities on the property. The permit application must comply with the approvals and conditions granted through the Architectural Review Certification process. Certification of asbestos survey and abatement must be submitted with the Demolition Permit application.

17) The applicant shall be aware that Building Permits are required to proceed with any construction/installation activities on the property. The permit application must comply with the approvals granted through the Architectural Review Certification process and Site Development Plan review.

HI-10-08 and S-10-30 Bayard Plaza on West Loockerman Street

As related to Applications HI-10-08 and S-10-30, a series of excerpts from the meeting minutes of the Historic District Commission and Planning Commission are attached.

- Excerpt of Meeting Minutes from October 21, 2010 Historic District Commission meeting, Pages 4-9
- Excerpt of Meeting Minutes from November 4, 2010 Historic District Commission meeting, Pages 1-7
- Excerpt of Meeting Minutes from November 15, 2010 Planning Commission meeting, Pages 6-9

Mr. Jackson stated that the original material was probably a wood clapboard siding that had been painted enough times to where you probably could not see the wood grain through it so he would be careful about the wood grain as it does not add anything in his estimation.

Mr. McDaniel moved to approve HI-10-10 Building Permit #10-1672 for New Jerusalem Baptist Church located at 25 Slaughter Street with Staff recommendations of Items 1-3 for horizontal siding and to consider the gutters and downspouts, seconded by Mr. Fisher and the motion was carried 5-0.

Application for Architectural Review Certification:

HI-10-08 Bayard Plaza on West Loockerman Street - Public Hearing and Recommendation to the City of Dover Planning Commission on the Architectural Review Certificate for the Bayard Plaza project. This application consists of the construction of a five story 54,998 S.F. mixed use building to include 5,012S.F. of retail space on the first floor, 48 residential apartments, and the associated Site improvements. The project proposes demolition of the two existing buildings on the project site including the building known as the Bayard Hotel which the Commission declared on January 21, 2010 as being Demolished by Neglect. The project area consists of one parcel of land totaling 27,675.62 S.F.± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the southwest corner of West Loockerman Street and South Governors Avenue. The owner of record is the Capital Plaza, LLC. The property addresses are 200-216 West Loockerman Street and 208 South Governors Avenue. Tax Parcel: ED-05-077.09-01-86.00-000. Council District 4.

Representatives: Mr. Doug Liberman, Larson Engineering; Mr. Henry Mast, Bay Developers; Mr. Bill Byler, Wm. Byler Architects; and Mr. Michael Sollazzo, Architect associated with the project.

Mrs. Melson-Williams provided an overview for the application which consists of two components. The first component is demolition of the existing buildings on the property which would be the Bayard Hotel property, the three story section and the one story section on the west end and then a separate detached building that is referred to as 208 S. Governors Avenue which is a small two story structure originally constructed as a residence building; however, over the years has been several different commercial items. The second component is a proposal for construction of a new building at this location and associated site improvements. The building itself would be located at the corner of Loockerman Street and Governors Avenue and the parking for the site would take access off of North Street and moves up under the rear portion of the building on the first floor. The building would be five (5) stories as a mixed use building. It includes retail space on the first floor and then forty-eight (48) apartments located on the upper floors of the building.

Mr. Liberman stated that the first thing that he would like to address is the waiver request. What we are looking for is a waiver for the side yard setback. He would like to point out on the drawings that they brought for display, along the southern property line, we have a side yard setback for existing building and we are on the property line on the other side with the parcel not totally square. Along the back of the property line we are one (1) foot off of the property line. There is an existing sidewalk.

Mr. Scrafford questioned whose property is the sidewalk located on? Responding to Mr. Scrafford, Mr. Liberman stated that the sidewalk is located on Del Properties.

Mr. Byler stated that the first floor would have columns and from the second floor up there would be walls. The adjacent building sits off of the property line to south approximately four (4) feet so there would be approximately a five (5) foot separation and starts at the second floor level.

Mr. Jackson stated as a general comment, some of the big flat surfaces if they could be broken up, it also may help with the horizontal joints in the vinyl.

Mr. Scrafford stated that in the demolition area, in the Staff report, there was a concern with regard to how fast things occur. What this Commission has tried to do in the past is have the Building Permit and Demolition Permits come in simultaneous. If this is not to occur, there are procedures in here that you would have to go through in order to ensure that the site is stabilized and that progress would be forthcoming at some later date. Responding to Mr. Scrafford, Mr. Byler stated that because of the need to do sub-soil testing, borings and things of that nature, we will submit some type of stabilization plan that enables them to proceed in stages.

Mr. Byler stated with regards to comments located on Page 7, Staff comments and recommendations for new construction; there are several items that we would like to clarify to the Commission. The elevation views that we had submitted to you for review do appear to give a flat presentation of the exterior of the building. We have brought in a rendering that is pretty close to what we are proposing for the elevation views that gives you a better view of how we treated the exterior of the building in attempting moving things in and out a bit to avoid the flat look of the building. There is a series of balconies, with one for each unit, as the building goes up from the second floor up to the fifth floor. At the streetscape level, we are proposing approximately a sixteen foot tall brick veneer to go up to the second level. We do have floor plans available for you to look at that gives you a better feel for how that moves in and out. They are aware that there are some building and fire code related items that they will need to address.

Mr. Byler further stated with regards to a comment located on Page 8, there is a Staff comments that the use of vinyl siding is not a recommend practice; however, there are methods to help minimize the impact of vinyl. We would like to discuss this with the Commission to see how we can best do that to allow them (the applicant) to use vinyl here on a lot of the exterior on the upper floors of this building.

Mr. Byler further stated that one of the things that they would propose doing is where they have the
balconies that come out on the north and south elevations they would propose installing a shed roof type of structure to come over top of the second floor when the second floor comes out to the limit of the building lot. This part of the building sits back six (6) to seven (7) feet so between the balconies under the windowsills, they would add a sloping roof there and also cap the balconies with the same type of design up on the top of the decks to add a little bit of feature

to the building exterior. We may be able to add some of that on the Loockerman Street side as well. The difficulty with that is that this is an angled street and we are attempting to work with a ninety (90) degree wall in the background so that makes it hard to do; however, we are going to approach it and try to do that.

Mr. Byler further stated that one of the recommendations was to carry that feature across the west face of the building wall which we would be able to do very easily. We have attempted to break this up some with different colors. Another thing that has been proposed would be along the second floor edge that overhangs on the back side to add some trim and other things that can also be done easily. One of the recommendations was to wrap the windows with some trim and we would be looking at doing some of that as well.

Mr. Sollazzo stated that on Page 8 of the Staff report Item b, it discusses the increase of brick on the upper floors. From a cost standpoint and a weight standpoint which would carry into all of the structure, we would like to propose using dry-vit in lieu of brick. The dry-vit could have the appearance of brick that would be for the second floor and above where pedestrians would not be able to see it as well.

Mr. Salkin questioned if they could help him understand the color and shading of which materials are which. For example he is looking at the south elevation, what is the finish of the wall at the back end of the parking area? Responding to Mr. Salkin, Mr. Byler stated that this is not represented correctly. This is the back wall of the retail that is tucked underneath the building approximately thirty (30) feet or so. They are proposing that this wall be a masonry wall. On the back south side from the second floor up would all be vinyl siding. The color variation is the color variation in the vinyl.

Mr. Scrafford questioned with regards to the Governors Avenue side of the building, it (the 3D Rendering) differs significantly from what you originally presented. On the east elevation you have almost a flat wall. There are two (2) entrances under the supported section that looks like they have glass in them is this correct? Responding to Mr. Scrafford, Mr. Byler stated that no, that is not correct. This (The 3D Rendering) was prepared early on in the design process of the building prior to some of these other recommendations. One of the things that we are proposing to do is to extend a wall because just beyond that is parking and the exit onto the street is near this opening. We then could allow for pedestrian access in this area as well. One of the things not mentioned that we could do is add some windows to the stair tower to open it up a little bit.

Mr. Salkin stated that it would be helpful if we could get a more detailed explanation back to the discussion earlier where Staff recommended increasing the use of brick. The comment was made to use dry-vit that looks like brick as an alternative. Can we talk about where, if you were to replace vinyl with the dry-vit, that would be and how much would remain vinyl? Responding to Mr. Salkin, Mr. Byler stated that what they would propose would be two columns be made with dry-vit that would not be imitation brick so much as the color would match the brick with the dry-vit and is the only place that we would use dry-vit.

Mrs. Melson-Williams stated that Staff looked at the next wing pieces too as considering all of that the corner. It chops off the corner then has wings, which is the start of the walls. The first

floor is a blank brick wall.

Mr. Jackson stated that he thinks that it is important to keep the brick on the first floor. Responding to Mr. Jackson, Mr. Byler stated that this would all be brick.

Mr. Byler went over the street level plan that was on display. You will see that the Loockerman Street side of the building angles so we tried to divide this up into potential retail suites. Up above the street level, the second floor deck slopes with the angle of the front of the building. The second floor decks are larger than what you will see from the third floor up. What we are proposing to do to break some of this up is to punctuate some areas with a sloping roof.

Mr. Mast questioned if it would work for the Commission; what would you rather see a metal roof or the railing?

Mr. Liberman stated that what we have talked about is this being a concern if they were to do a metal style roof and how they could build it with the zig zag in the roof that they have in the building. The railing would be much easier to construct and would tie everything together and then provide the shed roof only on the higher floors. It would provide more variation throughout the entire building.

Mr. Jackson and Mr. Scrafford agreed that they liked the railing above the retail level.

Mr. Salkin questioned if they could address item 3a-iii on Page 8 regarding the use of fiber cement material and staff's recommendation? Responding to Mr. Salkin, Mr. Mast stated that fiber cement siding gets broken easily if hit with something hard it breaks.

Mr. Salkin further stated that you have a lot of area that is not accessible by the public so brittleness in the product would not be a factor. Responding to Mr. Salkin, Mr. Mast stated that it then becomes a cost factor.

Mr. Salkin further questioned that if vinyl siding were not an option, from your perspective, what would be the most desirable alternative? Responding to Mr. Salkin, Mr. Mast stated that he was not sure that they had one.

Mr. Byler stated that one of the things that he has discovered in the use of Hardi-plank or fiber cement is the ability for the siding to gap where it is put together over time. Exposing the building to elements that you really do not want to expose it to is one of the elements that they looked at when looking at these two products and applying them on this building. It becomes a really big maintenance issue in that we have a lot of wall space. We would prefer to use vinyl because of the ease of installation, cost, and maintenance issues. We are proposing to use a clapboard style siding with a five (5) inch exposure siding. There are a number of colors to choose from.

Mr. Jackson questioned if they could bring back some of the suggested alternative such as increased vertical trim work to break this up? Responding to Mr. Jackson, Mr. Byler stated that with all of the recommendations in the Staff report he feels that this is something that they

should do.

Mr. Jackson questioned what their timeline is to start construction? Responding to Mr. Jackson, Mr. Mast stated that he hopes to put a shovel in the ground by at least February/March; however, needs to demolish the building long before that.

Mr. Salkin stated that he feels that they should look at alternative materials other than vinyl wherever possible. From his point of view, that will only enhance your project and its approval.

Mr. Scrafford opened a public hearing.

Mrs. Townshend stated that Staff received an email from a Mr. John Anderson, address unknown, who identifies himself as a concerned native. He is essentially in favor of the investment Downtown that Mr. Mast is making; however, is concerned about the appearance of vinyl and that the vinyl will present a tacky appearance. He stated that "he would like to make it clear that he is for this building and the redevelopment of all abandoned and run down properties Downtown." "Vinyl on a building that big would look ridiculous it is not a two story house."

Mr. Frank Zaback – 218, 200 & 220 W. Loockerman Street - Stated that he is the property owner next to this building. His comments are simple; he would like to support Staff's recommendations regarding the vinyl siding. Having said this, he realizes that there is a presence of vinyl siding up and down the street where vinyl siding is already present in the Historic District. He is here as a representative of the community as well as himself to voice strong opposition to the use of vinyl siding. He feels it is a great investment and is very supportive of the project and does not want to be an impediment to it; however, he has sat silent for a very long time and this building will be next door to him. He will stick with his statement regarding the vinyl siding.

Mr. Scrafford closed the public hearing after seeing no one else wishing to speak.

Mr. Jackson questioned if it was possible, from the Staff's point of view, to approve the overall concept of this project as it has been shown here and deal with the details that the applicant would bring back to us showing how he would break up some of the larger flat areas of the building at a later date? His purpose in doing that is to give the applicant some assurance because what is happening for this property is a valuable thing for the street and for Dover. We differ on a few of the details for the project and he does not want that holding the project up.

Mr. Salkin stated that Staff has offered some clear suggestions and the applicant has indicated that they are generally agreeable to all of those. There are some questions regarding the siding given that we may not be able to determine our own opinions about the final design regarding siding until we see how the final design tempers that. We have all been speaking and regarding the project in good faith. We, as a Commission, do not have any reason to over extend ourselves and to recluse any options. He believes that they should act on the variances regarding the setbacks that confirms the footprint. We have offered our opinions regarding design features and are clear on demolition. He would be uncomfortable making a decision in advance without having all the information that we should have. We may be misrepresenting our support if it

turns out that what we get back is not what we thought we were going to get.

Mr. Salkin stated that perhaps we could offer, for consensus for the record, that their response to the Staff recommendations has been positive and we encourage them to come back with the details and make a decision in short order.

Mr. Liberman questioned Staff on how this delay would affect their time schedule for moving forward with the project? Responding to Mr. Liberman, Mrs. Townshend stated that the issue is that the Historic District Commission has to make some recommendations to the Planning Commission with regards to the Architectural Review Certification. This application cannot go forward to the Planning Commission until this Commission has made those recommendations. They are in the queue for the November 15, 2010 Planning Commission meeting, which if there is no decision coming out of this meeting, they would be bumped a month. Another option would be that the Historic District Commission hold a special meeting to come back and review changes; however, it would have to be within a two (2) week window. The Planning Commission Packet would go out on November 5, 2010.

Mr. Salkin stated that he fails to understand why it is our responsibility as a Commission that meets monthly to schedule a special meeting in the absence of a crisis. He appreciates what you are up against, he works on development projects too and sympathizes if on your side of the table; however, we meet monthly and make decisions and this project could have been brought to us last month and we could be reviewing it again this month. He is just not sure why they should be setting up special meetings.

In response to Mr. Salkin, all other Commission members did not have a problem with scheduling a special meeting. Mr. Scrafford stated that his job is to represent the public in support of what these people are trying to do and not to have meetings on specific months and dates.

Mr. Jackson moved to postpone Application HI-10-08 Bayard Plaza on West Loockerman Street until we get some details from the applicant on how to treat the wide expanses of the wall and to incorporate Staff's comments, seconded by Mr. McDaniel and the motion was unanimously carried 5-0.

Mr. Fisher moved to approve Staff's recommendation of a waiver for a one foot setback (side yard setback), seconded by Mr. Jackson and the motion was unanimously carried 5-0.

It was agree upon by all Commission members that the special meeting date would be scheduled for Thursday, November 4, 2010 at 3:00 PM.

ONGOING PROJECTS

Discussion of the Project to Evaluate and Update the "*Design Standards and Guidelines for the City of Dover Historic District Zone*"

Mrs. Melson-Williams stated that you made it through the first markup of the document. The next steps that Staff will be taking is creating a table of contents outline of what the new

document would consist of to be able to show you what the old table of contents looked like and what the new

CITY OF DOVER
HISTORIC DISTRICT COMMISSION
NOVEMBER 4, 2010

A Special Meeting of the City of Dover Historic District Commission was held on Thursday, November 4, 2010 at 3:00 PM with Chairman Scrafford presiding. Members present were: Mr. Scrafford, Mr. McDaniel, Mr. Salkin, and Mr. Jackson (Arriving at 3:17 PM). Mr. Fisher was absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Ms. Cornwell, and Ms. Metsch. Also present was Mr. Bill Byler and Mr. Henry Mast (Arriving at 3:33 PM). Speaking from the public was Mr. Frank Zaback.

APPROVAL OF AGENDA

Mr. Salkin moved for approval of the agenda as submitted, seconded by Mr. McDaniel and the motion was unanimously carried 5-0.

OLD BUSINESS

HI-10-08 Bayard Plaza on West Loockerman Street – Continuation of Review and Recommendation to the City of Dover Planning Commission on the Architectural Review Certificate for the Bayard Plaza project. This application consists of the construction of a five story 54,998 S.F. mixed use building to include 5,012 S.F. of retail space on the first floor, 48 residential apartments, and the associated Site improvements. The project proposes demolition of the two existing buildings on the project site including the building known as the Bayard Hotel which the Commission declared on January 21, 2010 as being Demolished by Neglect. The project area consists of one parcel of land totaling 27,675.62 S.F.± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the southwest corner of West Loockerman Street and South Governors Avenue. The owner of record is the Capital Plaza, LLC. The property addresses are 200-216 West Loockerman Street and 208 South Governors Avenue. Tax Parcel: ED-05-077.09-01-86.00-000. Council District 4. *The Historic District Commission began review of this application and conducted a Public Hearing on October 21, 2010. The Commission postponed the application seeking resubmission of revised project information.*

Representative: Mr. Bill Byler, Wm. Byler Architects.

Mrs. Melson-Williams provided an overview of the architectural revisions for the application. (As outlined in the Revised Architectural Review Staff Report dated 11/1/2010).

Mr. Salkin questioned if someone could explain the proposed materials for all these changes for anything that is new? Responding to Mr. Salkin, Mr. Byler stated that they are proposing to use on the heavier corners, banding, and trim work a composition board that is a maintenance free type of material. The window treatments across the top of the windows will also be this same type of material as well. The shutters would be vinyl shutters.

Mr. Scrafford stated in the Staff Report under Item #4, these are the remaining things that are still being recommended as some new and some remaining? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that yes with comment #4 focusing on the South Governors Avenue

frontage and is dealing with how you deal with those openings on the first floor.

Mr. Scrafford questioned if the applicant had any comments concerning the Staff Report recommendations listed under Item #4?

Responding to Mr. Scrafford, Mr. Byler stated that they went through these and made some comments. With regards to 4(b)(i) they will be able to continue the brick detailing established by the first floor as an infill of part of the upper portions of the opening. It is their understanding for this to mean where they are showing the heavy wide horizontal band and that we continue some type of brick across the upper part of that opening. Mrs. Melson-Williams confirmed that this was the intention.

Mr. Byler further stated that they will have to work on pedestrian access from Governors Avenue to this area of the building to provide some type of opening for that.

Mr. Scrafford stated that they want to locate two openings: a pedestrian way and a window like opening. These openings should follow the arch with a keystone format. Where are they to be located at? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that currently, all that they have done is show a brick wall. What these comments get to is more of an arch for a person to pass through with brick either all the way around it or partially around it. (Staff did a quick drawing to show this part of the building.)

Mr. Byler stated that one of the things that they would propose to do is move the pedestrian opening to the other side against the stair tower because that is where we want to be able to provide a connecting sidewalk to the other sidewalk area just beyond the other end of the stair tower.

Mr. Byler further stated that the second opening, which serves as the parking lot exit, should be revised to add the brick detailing to the column. We can make this entire column brick all the way up. It will be a steel column protected in concrete and we will add brick all the way up and across the top except for the driveway.

Mr. Salkin questioned if all of the items listed under #5 of the Staff Report that were agreed upon at the last meeting, where do we stand on each of those? Responding to Mr. Salkin, Mr. Byler stated that in the DAC comments some of the sidewalk issues were addressed. As he understands it, the sidewalk along Governors Avenue will be brick pavers.

Mr. Salkin further questioned that all of 5(a) thru (f) appear to be in the form of recommendations and he would like to know if we have a drawing that shows how that is being done or that you at least agree that you are going to do it so that we do not have to talk about it. Responding to Mr. Salkin, Mr. Byler stated that they would agree to all of 5(a) thru (f).

Mrs. Melson-Williams stated with regards to Item #6 in the Staff Report, the first thing listed is the floor plan to help you understand the changes. The other items listed are with regards to material questions.

Mr. Byler stated that exposure with the style of the vinyl siding is a clapboard siding that is a five (5) inch exposure. Mr. Mast was to bring the brick siding sample and must have had something

come up where he could not attend this meeting.

Mr. Jackson questioned whether the brick is brown or red? Responding to Mr. Jackson, Mr. Byler stated that it is more of a brown color. (At this time Mr. Mast arrived with the brick samples.)

Mr. Jackson further stated that he would prefer the red color over the brown color of brick.

Mr. Scrafford stated with regards to drainage, gutters, and downspouts as recommended in the Staff Report under Item #6(d), do you have any comments? Responding to Mr. Scrafford, Mr. Byler stated with regards to the Staff Report Item #6(d) they are draining everything to the south side of the building on the parking side and it will come down the gutters located outside of the brick. The roof will slope from the Loockerman Street side to the back of the building to the south elevation and will come down in front of the pillars.

Mr. Townshend questioned that there will be no roof drains on either the Loockerman Street or Governors Avenue frontages.

Mr. Salkin questioned if the downspouts could be something other than white such as the same color as the siding to match? Responding to Mr. Salkin, Mr. Byler stated that they could match the siding color with the paint for the downspouts.

Mr. Salkin further questioned that they noted there would be downspouts at each of the four (4) columns and he is curious as to how water is collected to get to the most eastern column? Will it be collected along side of the building or the roof and down? Responding to Mr. Salkin, Mr. Mast stated that it would still come down in the same place between the buildings.

Mr. Byler stated that there is a retention system located on the lot that it will go to then it goes down North Street underground through two catch basins. They will try to place these underneath the sidewalk first; however, it has to go all the way down to South Governors to tie into the storm sewer system.

Mr. Scrafford questioned if there was anything in the remaining items in the Staff Report that could not be dealt with easily? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that a number of the items are advisory comments related to path forward, process wise, and mechanical equipment–roof mounted equipment.

Mr. Salkin questioned if Item #11 in the Staff Report could be addressed and if it would be an issue. Are you contemplating these awnings? Responding to Mr. Salkin, Mr. Byler stated that there are no awnings proposed for the building that he is aware of.

Mr. Scrafford stated that the only issue that he sees is the recordation and with that comes a notice that states immediately a plan for, in the event that the building does not occur in a reasonable time after demolition, a plan for stabilization of the site. This is a hard issue to deal with as you have a year to build. If you demolish it and it takes a year before you start building before you decide if you are or are not going to build, then it is another x number of months before we get a plan so we are looking at another two years before the site is stabilized. Are you fairly committed that you will build shortly after demolition? Responding to Mr. Scrafford, Mr. Mast stated that yes as

ninety-five (95) percent of the money has already been raised to make this happen. He has to be turning dirt by June 1, 2011. Their plan is to start rolling along with the new plans by either January or February.

Mr. Scrafford questioned if they would need anything on the Site Stabilization Concept Plan or a letter stating they will level the site and make it look pretty? Responding to Mr. Scrafford, Mrs. Townshend stated that if there is a certain condition that you want in place for a lag in time of demolition and construction or that it be suitably landscaped, we can ensure that landscaping is put in place. The lot will have to be stabilized.

Mrs. Townshend stated in the submission for the Planning Commission packet we have a Demolition Plan that shows that once the buildings are demolished, that there would be a vinyl perimeter fence that would be placed and be attractive along Loockerman Street and Governors Avenue so that you would not have those same types of issues we have had at the Collegian site.

Mr. Mast stated that they would be placing a construction fence up that will go out as far as we can push it up to the roadway. The sidewalk will be closed during construction because the building is full of glass.

Mr. McDaniel stated with regards to 5(a) the brick pavers, there are some awful looking ones around Dover now. You would not have any examples of those as I am sure you have not thought that far ahead? Responding to Mr. McDaniel, Mr. Mast stated that it is his understanding that they are just going to match what is already there. The whole front has brick pavers.
Mrs. Melson-Williams stated that this was part of the Loockerman Streetscape project that was done several years ago.

Mr. Salkin questioned Staff with regards to 3(e) in the Staff Report, has this been addressed or is it still open for discussion? Responding to Mr. Salkin, Mrs. Melson-Williams stated that we have not talked about 3(e) other than we did talk about brick in more places along the Governors Avenue façade where those two openings are.

Mr. Salkin stated that what he would like to get at before we get to any decision is to make sure we are all clear on which of these items that you have recommended have either been accepted or have not been accepted and why. We have done this for Items #4 and #5; however, have not done it for Item #3.

Mrs. Melson-Williams stated that you may want to look at Item #3(c) to see if you are satisfied with what has been presented.

Mr. Byler questioned what Staff meant by brick on the upper floors? Responding to Mr. Byler, Mrs. Melson-Williams stated that this was the discussion that was started last week about could the corner be more brick than just the first floor or could brick appear other places on the building. Your presentation gave some indication that brick on those upper areas had construction weight issues.

Responding to Mrs. Melson-Williams, Mr. Byler stated that they replaced the brick with Dry-vit columns.

Mr. Mast stated that when you get into bricking places likes this, we are adding substantial cost. Responding to Mr. Mast, Mr. Salkin stated that he understood that; however, at the last meeting we and Staff recommended increased brick and increased Dry-vit as an alternative to vinyl siding. He wants to be clear on what they are presenting. The increased brick, other than a little bit on the first floor level, is all in the corner. The increased Dry-vit is one column and no reduction of vinyl siding and the addition of dozen of vinyl shutters.

Mr. Byler stated that they did add the Dry-vit columns along the corner elevation and the partial northeast elevation where we had another material previously. Responding to Mr. Byler, Mr. Salkin stated that they have been responsive to the recommendations on the corner. Outside of that corner, we have gotten one more column of Dry-vit, no reduction of vinyl, and more vinyl material in the form of shutters, is this accurate? Responding to Mr. Byler, Mr. Mast stated that they have also added a lot of glass.

Mr. Byler further stated that one of the things that they would address regarding the massing is they added the metal roof canopies at the top of the deck. Responding to Mr. Byler, Mr. Salkin stated that he sees the changes in the massing and appreciates the changes.

Mr. Salkin stated one other question regarding materials, the columns on the porticos or the balconies, what is the material of those the architectural features that were added? Responding to Mr. Salkin, Mr. Byler stated that they are aluminum/steel columns wrapped with vinyl around them.

Mr. Jackson stated that the aluminum "visual" column is totally separate than the steel support columns, it does not touch the support column.

Mrs. Melson-Williams stated that staff would ask the applicant if there has been progress made for recordation to document and record the Bayard property. Responding to Mrs. Melson-Williams, Mr. Mast stated that the company of 1:16 Technologies have been in there this week and will be back again on Monday and Tuesday. Over the next two to three weeks this company should be completed with their findings and at some time in the near future, bring forward to this Commission what was found.

Mr. McDaniel questioned where those findings would go? Responding to Mr. McDaniel, Mrs. Melson-Williams stated that Staff would keep a record of the documentation here and would probably also forward information to the State Historic Preservation Office so that the cultural resource survey files could be updated to include that information so that others could have access to it for research purposes.

Mrs. Melson-Williams stated that a public hearing would not be required as the public hearing was held at last month's meeting and closed at that hearing. There is no public comment unless you would make a motion to open for public comment.

Mr. Salkin moved to open a public hearing, seconded by Mr. McDaniel and the motion carried 4-0 with Mr. Fisher absent.

Mr. Frank Zaback – Property Owner of 218, 220, 222 & 224 W. Loockerman Street – Stated that he would reiterate what he has stated before in that if you approve this project, are we doing it for the right reasons as he has noticed a lot of expeditious work on this project. Staff and members of the Commission have mentioned regarding the quantity of vinyl on the building; however, he will reiterate what he stated at the last meeting and having said that, this quote unquote Historic District Commission has allowed vinyl siding up and down Loockerman Street before and he is sad to see it. He will leave his comments limited at this and state that he is disappointed to see so much vinyl siding on the building.

Mr. Scrafford closed the public hearing after seeing no one else wishing to speak.

Mr. McDaniel moved to approve HI-10-08 Bayard Plaza located on West Loockerman Street with the various comments from this meeting to be included both from Staff and the applicant and that they will be incorporated into the final designs, seconded by Mr. Jackson and following discussion the motion was carried 3-1 with Mr. Salkin opposed.

Mr. Salkin questioned if Staff was clear on what they were voting on? He feels that all of the discussion today has been very clear about what was asked and what the response is and he accepts all of this. Does Staff have what they need or do we need to state our motion to clarify any points? Responding to Mr. Salkin, Mrs. Melson-Williams stated that it would be helpful if you at least reference the conversation today and if you want to make reference to any of the numbering in the Staff Report and any that you would wish to exclude or add that would be a path forward.

Mr. Salkin further stated that he feels that the applicant has responded to a lot of questions and concerns that we had and that the general appearance of the building has improved. He would go back to Item #3(a) which could be clearer in our Guidelines "the use of vinyl siding is not a recommend practice." He feels that it is wrong for us to continue to allow it and except in unusual circumstances, he feels that it is wrong to have this much. In spite of all the good efforts of the applicants, which have been the most responsive applicants we have had before us in the time he has been on the Commission, he feels that they have not been adequately responsive on the issue of vinyl siding and now related vinyl materials which are even more extensive than what we saw at last month's meeting. For this reason, although he appreciates the good work, he cannot support this project.

Mr. Jackson stated that it would seem as though we are pushing every project that we do Downtown up the hill past all of the recommendations and the Guidelines as if the Guidelines mean nothing. He would suggest that we either change the Guidelines or that we recognize that with the onset of the Guidelines, unless they provide the money to do other than vinyl siding, that we either recognize that or change them so that we are not acting counter to the recommendations all of the time.

Mr. Scrafford stated that he is an advocate of altering the Loockerman Street criteria and that is what we are in the process of doing. He drives from the Duncan Center to City Hall and he can count at least a dozen buildings that have some form of vinyl or aluminum siding on them. There are two on the corner of Governors Avenue across the street from each other that have vinyl from the sidewalk to the roof. He finds it unsupportable when he can see it everywhere. His position would be the same to get vinyl siding out of the Guidelines because it is a building material that he

feels is getting ready to overwhelm us as long as we continue to approve it. It stands in the way of what we need to do on Loockerman Street at this particular point in time.

Mr. Salkin stated that this would support the frustration that he has had for a long time and I guess I have just had a different view which is, just because we have compromised in the past and because this particular applicant and others say it costs too much, is not a reason for us to give up. He feels that they need to have clearer and higher standards and anyone that comes before us should know well in advance what we mean and plan their projects accordingly. He knows enough about construction and business to know that this project could be built with better quality building materials. He understands that it would be an increased cost and that it would somehow need to be reflected in the rent or the profit of the builder. We as a Commission should be clear and firm and have applicants coming before us who understand well in advance.

Mrs. Melson-Williams stated that you have just made a recommendation of the Architectural Review Certification. Staff will put together some type of report that reflects the action that was just taken. This will be forwarded to the Planning Commission along with their (the applicants) updated revised architecture.

OTHER BUSINESS

Mrs. Melson-Williams stated that she received an announcement from the Delaware Preservation Fund which is affiliated with Preservation Delaware. They are accepting small grant applications for certain projects that qualify. If you know of someone who may be of benefit to making an application for this please pass this information on.

Mr. Jackson questioned if there were any other programs available for Downtown? Mrs. Melson-Williams stated that the Downtown Dover Partnership has a Façade Improvement Grant Program that has monies available that has a matching type scenario. The property at 408 S. State Street that came before you for approval of replacing a metal roof with wood has made application to that Façade Grant Program and they will be placing wood on the front face of the building.

Mrs. Townshend stated that money sought from that program would not address getting this project from vinyl as there is not enough funding in that program for that type of request.

Mrs. Melson-Williams further stated that funding wise there are tax credit programs through the City, County, and State for preservation; however, not so much for new construction in the district.

Mrs. Townshend stated that the incentives that are available are valuable such as impact fee waivers, building permit fee waivers, and tax abatement; however, they get figured in when they are doing the math to see if the project will work.

Mr. Scrafford stated that it becomes tiresome waiving everything in order to get something built and he feels that this is what we are trying to address.

Mr. Salkin stated that we have to stop making compromises just so that we can get things built on Loockerman Street; for the whole community that is a cop out. We should be able to get Loockerman Street redeveloped by good people like these folks with higher standards and expectations they could add $50,000 to the cost of materials and still make a lot of money on it. We did not even ask how much more it would cost to do this to see if it would have been

reasonable.

Mr. McDaniel stated that one of the things that we never had a chance to talk about that is not under anyone's purview is that he hopes that this is not an instant slum building. He has been told that it will not be. It is not the $250,000 condominiums he would like to see built there.

Mr. Scrafford stated he thinks you would find that there are people from Dover Air Force Base who would qualify to live there.

Mr. Salkin stated that we did not challenge this applicant at all; we simply told them that we wanted less vinyl and all the different changes. They did not come back with very many of those at all and then we told them to come back in two weeks and we would approve it. He does not believe that we challenged them. He wants to be very cautious that we do not drive business out of Downtown Dover; however, they needed to be challenged and feels that this is an area where we could do better.

Mr. McDaniel moved to adjourn the meeting, seconded by Mr. Jackson and the motion was unanimously carried 4-0 with Mr. Fisher absent.

Meeting adjourned at 4:39 PM

Sincerely,

Diane Metsch
Secretary

ARCHITECTURAL REVIEW REPORT
Recommendation Report of the Dover Historic District Commission
Meeting of July 21, 2011

Application:	Acme Site Redevelopment Master Plan
Location:	West side of South Governors Avenue over to South New Street, north of West Loockerman Street
Tax Parcel:	ED-05-077.09-01-44.00-000
Owner:	Downtown Dover Partnership (previously known as Downtown Dover Development Corporation)
Present Zoning:	C-2 - Central Commercial District Zone H - Historic District Zone
Present Use:	Commercial building with a retail tenant and a day care center tenant with a parking lot
Proposed Use:	Retail/Apartment Building #1: 11,874 SF commercial/retail space and 27 apartments Apartment Building #2: 24 apartments with ground level parking in building
File Number:	HI-11-04

Project Description:
The Historic District Commission conducted a public hearing and took action to make a recommendation to the City of Dover Planning Commission for an Architectural Review Certificate for the Acme Site Redevelopment Master Plan project. This application consists of a phased project that is to include a retail/apartment building and second apartment building with the demolition of the existing mid-to-late twentieth century commercial building. The project also includes the associated parking, streetscape improvements, landscaping, and stormwater management facilities. The project area consists of one parcel of land totaling 1.7653 acres ± and zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property site spans the block between South Governors Avenue and South New Street located north of, but not adjacent to, West Loockerman Street. The owner of record is the Downtown Dover Partnership. The property address is 120 South Governors Avenue. Tax Parcel: ED-05-077.09-01-44.00-000.

RECOMMENDATION OF THE HISTORIC DISTRICT COMMISSION:
The application was considered at the July 21, 2011 meeting of the Historic District Commission. The following members were present: Chairman Dick Scrafford, Mr. Terry Jackson, Mr. Chaz

Salkin, and Mr. George Fisher (Commission member Mr. Joe McDaniel was recused from participating the application review as he is a Board Member of the Downtown Dover Partnership, the property owner). The application was represented by Mr. Gregg Moore, President of the Downtown Dover Partnership; Mr. Bill Neaton, Executive Director of the Downtown Dover Partnership; and Mrs. Arden Bardol, Becker Morgan Group, Inc. Public testimony was received from Mr. Gregg Moore, President of the Downtown Dover Partnership.

Action Taken by Historic District Commission: The motion to recommend approval passed 4-0 of the members present. **The Historic District Commission recommends approval of the Architectural Review Certificate for application HI-11-04 Acme Site Redevelopment Master Plan thus endorsing the concept of the plan presented (at the meeting) finding that this will not be detrimental to the neighborhood on New Street and that Building #2 is compatible with the neighborhood. And to include all other Staff comments and recommendations with the exception of comment Item #4(c) as the Historic District Commission finds that the massing and roof line of Building #2 has been satisfactorily addressed by the applicant in their presentation to the Commission.**

The following are the comments and recommendation for this application regarding project activities and Architectural Review Certification as adopted by the Historic District Commission.

1. **Recommends approval of the Architectural Review Certificate for the demolition of the existing commercial building on the property finding that the building is not significant as it is a modern intrusion into the historic area.**
    a. **As the building has a Cultural Resource Survey record (K-396.203) from the survey completed associated with the National Register nomination for the Victorian Dover Historic District, the appropriate survey forms should be completed to record its demolition (when it occurs).**
    b. **The building footprint will need to be appropriately stabilized if project site construction is not progressing at the time of its demolition.**

2. **Recommends conditional approval of the Architectural Review Certificate for the construction of the Retail/Apartment Building #1 finding the overall building to be of a contemporary design yet compatible with the buildings of this block of the Historic District which includes larger multi-story commercial buildings, the Dover Fire Department building (across Governors Avenue), and existing parking lots.**

3. **These conditions are recommended to improve Retail/Apartment Building #1 project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. The following are recommended conditions:**
    a. **The actual height measurements of the building should be confirmed to ensure compliance with the height (in feet) limitations for the zoning district.**
    b. **Signage identifying the commercial tenants and the apartment building main entry should be integrated into/attached the building.**
    c. **Confirm materials and design of the balcony railing system as a black metal system compliant with the requirements of the Building Code.**
    d. **Confirm the materials for the awnings and their compliance with the clear height provisions.**

e. Any revisions or changes in the identified materials or refinement of the building design may be subject to further review by the Historic District Commission.

4. Recommends conditional approval of the Architectural Review Certificate for the Apartment Building #2 as the Historic District Commission finds it to be compatible with the nearby residential neighborhood on South New Street.

a. The applicant's presentation provided information on the proposed building heights to assess its compatibility with nearby residential dwellings and other nearby buildings.
b. The Commission found that building design addresses the pedestrian level scale with the choices of materials and detailing of the first floor and additional information on the roof system satisfied the concerns regarding the overall massing of the building.
c. Comment deleted by Historic District Commission action.
d. See also the statements in Comment #5.

5. These conditions are recommended to improve the Apartment Building #2 project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. The following are recommended conditions:

a. This is a four story building with the first floor occupied by the ground level parking area then floors 2-4 as apartments.
b. Recommend consideration of alternative designs of the building roof form to divide into smaller areas (multiple ridgelines) or other opportunities to provide space for mechanical equipment areas.
c. Recommend consideration of additional design changes to present a building of small parts such as setbacks of upper two floors, greater stepping of the building front façade wall planes, etc.
d. Recommend the use of architectural shingles for the main roof surface.
e. Signage identifying the apartment building main entry should be integrated into the building. It currently appears to be located as a projecting sign over the gable roof of the entry which may be difficult to see.
f. Confirm materials and design of the balcony railing system as a black metal system compliant with the requirements of the Building Code.
g. Any revisions or changes in the identified materials or refinement of the building design may be subject to further review by the Historic District Commission.

6. The following items should be clarified regarding the Building #1 and Building #2 design in order to confirm compliance.

a. Clarify the type of system proposed for gutters and downspouts.
b. Clarify the size of the balcony areas to ensure they are sized for usable space.
c. Clarify the installation format of the Hardie-board siding i.e. exposure width, etc.
d. The applicant should be aware of the implications regarding the type of construction for the building.
e. With the building design, the height of the finished floor elevation in relation to the sidewalk and parking lot must be considered in order to achieve accessibility into the building. If additional building elements are required to achieve accessibility, they may require further review by the Historic District Commission.

7. **Some of the site improvements/amenities were not specifically described with the application information. Please provide information for consideration and discussion.**
    a. **Light fixtures/poles utilized along the streetscape should continue style of the lighting used in the Downtown Loockerman Street areas. A taller two-light style fixture may be more appropriate within the parking lot areas.**
    b. **Identify the materials for the open space areas including surface pavement, benches or other seating, bicycle parking rack, etc.**
    c. **Identify the design and materials of the fence including pillars along South New Street. The materials selected must be appropriate for use within the Historic District. Staff recommends the use of a black metal picket style fencing with a maximum height of four feet.**
    d. **Identify areas where the sidewalks or portions of the sidewalks will be constructed of brick or a grass landscape strip will be implemented. The use of brick paving materials for sidewalk construction is a key feature found throughout the Historic District area.**
        i. **The grass strip should be implemented in the areas of South New Street were the existing curb cut will be removed.**
        ii. **The City's standards for sidewalk format must be met.**
    e. **Any unused curb cuts along the two street frontages must be removed.**

8. **Since the gazebo originally proposed for the area north of Building #2 is to be removed from the plan, Commission recommends consideration of a design for a pergola attached to the north wall of building which could provide a shaded area in proximity of the open space/recreation area.**

9. **For building construction, the requirements of the building code or fire code must be complied with. Consult with the Chief Building Inspector and Office of the Fire Marshal for these requirements. The resolution of these items can impact the site design or building exterior finishes or design in some instances.**

10. **The proposed landscaping including tree plantings should be completed with species appropriate to the site conditions of an urban area. Consultation with the City's arborist regarding the tree species selected is recommended especially regarding any new street trees.**

11. **The applicant should be aware of the potential for historic archaeological resources which may include previous building locations, wells, privies, etc. on these properties. The State Division of Historical & Cultural Affairs can provide technical assistance when dealing with archaeological resources including previous studies at the subject location.**

12. **In the event, that major changes and revisions to the building design and materials or site plan occur in the finalization of the site plan and/or construction drawings contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Historic District Commission.**

13. **This site development plan for this project is also subject to the application and review process for Site Development Plan or Site Development Master Plan (Article 10 §2 of the *Zoning Ordinance*) before the Planning Commission. Note: Additional technical items for compliance with the *Zoning Ordinance* and other regulations may be identified during the**

Site Plan Process. Review comments pertaining specifically to the Site Plan set will be issued at that time.

14. **The applicant shall be aware that Building Permits and Demolition Permits are required to proceed with any demolition or construction activities on the property. The permit applications must comply with the approvals granted through the Architectural Review Certification process.**

15. **The applicant shall be aware that a Sign Permit is required to proceed with the placement of signage on the property.**

This Recommendation is forwarded to the Planning Commission for the final action on the revised Architectural Review Certification.

The following information was considered by the Historic District Commission in marking their recommendation including the initial recommendations made by Planning Staff in regards to the application. Discussion at the Historic District Commission meeting also included a presentation of the project;, designation of parking areas; the marketing and phasing of the project; additional information on the building height, materials, and detail;, scale of buildings to adjacent neighborhood areas; the size and massing of Building #2;the potential for adding green space; and materials selected.

Property Information:
The subject site consists a twentieth century commercial building currently divided into two tenant spaces: a retail tenant and a day care center facility. A portion of the existing parking is managed by the Downtown Dover Partnership as a permit parking lot.
The property is located within the boundaries of the National Register of Historic Places listed Victorian Dover Historic District (K-396) but the existing commercial building is considered a non-contributing building. The description of the building from the district nomination describes it as a one story masonry food chain establishment circa 1970. Historically, this block of Downtown was part of an area known as the Comegy's Lots laid out in the 1850s with development occurring 1859-1885. The *1868 Beers Map* shows the subject site primarily vacant with one building owned by L. Geiser and a school building. By 1885, a series of residential dwelling fronting on both Governors Avenue and New Street are in existence. The subject site is just north of the original building location of the Robbins Hose Fire Company building. The *1887 Map of Dover* published by W.B. Roe continues to show a public school in the southern portion of the site with dwellings to the north. Review of the *Sanborn Fire Insurance Map Series* from 1885 – 1944 with updates also documents the history of buildings on the subject site. The 1885 Map shows a two story school building and a Sunday School & Meeting House building with a series of two story residential dwellings with accessory buildings (garages, sheds). By 1897 the school building is replaced by a Methodist Protestant Church building with the residential dwellings remaining. These uses for the subject site continue through the early twentieth century. By mid-twentieth century, the church building is replaced by a one story cinderblock store building adjacent to Governors Avenue. In the late 1960s, the subject site is redeveloped with the existing masonry commercial building setback in the middle of the block; its construction appears to have eliminated approximately nine residential dwellings.

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

PROJECT PROPOSAL (Drawings dated 6/14/2011):

This proposal involves the construction of two buildings each addressing one of the street frontages of the subject site. The project has the potential to be developed in phases. The existing multi-tenant commercial building will be demolished.

The first building is the Retail/Apartment Building #1 fronting on South Governors Avenue. This is four story masonry building. The building overall has three main sections: first section giving the appearance of one building; section two as the main entry to the apartment building is setback and utilizes an alternative material pattern and taller roof line; and then the third section which mimics the commercial first floor of section one but has an alternative design of the upper floors which step back and provide a difference format to the balcony placements for the apartment units.

The east/front façade of the commercial retail on the first floor consists of display windows in a glass storefront window system with the glass entry doors for each tenant space. A series of awnings are placed on the building to shade each space. The upper floors, where the apartments are to be located, have grouped sets of windows and balcony areas. The balconies on the top floor are shaded by awnings. On the north and south elevations of Building #1, the first floor storefront windows are continued for part of the side. There are single windows in the stair tower elements as well. These elevations are also divided by changes in the exterior finish and selected detail elements. The west elevation of Building #1 faces the interior of the block and is designed in a similar fashion as the east/front façade. On the first floor smaller awnings shade rear entries to the commercial units and the upper floors continue the window and balcony systems.

The predominant exterior finish materials for the building are brick, a stucco treatment, and Hardie-board (a fiber-cement product). Variation in the wall detailing is provided through the use of multiple brick colors, use of different materials for different sections of the building, and multiple colors of Hardie-board. Brick detailing and changes in the veneer mark the foundation/base on the building and the transitions between the floors with banding. A multi-part cornice line indicates the transition to the flat roof. The storefront window openings appear to use clear glass. At the apartment level, the windows are matched to transom windows above and are divided light windows set in groupings of three to five windows.

The second building is the Apartment Building #2 fronting on South New Street. It is also considered a four story building (not three story as labeled on the plan drawings). The first floor or ground level is a parking garage of twenty-three spaces. Then there are three floors of apartment units. The first floor of Building #2 is clad in brick with decorative grillwork in the window-like openings which allow light and air into the parking level. On the west elevation (façade facing South New Street) the main entry is centered under a covered area with a gable front roof. Also on this façade are two sets of false garage doors in a double carriage style door design .The upper floors are clad in Hardie-board laid in a horizontal pattern with some banding

details. The windows are paired in sets of two with matching transoms above. The balconies are accessed by sets of double doors and a located in the four bays of the building which step out towards South New Street. Overall, Building #2 is topped with a large turned gable roof with a single ridge running the length of the building. Four smaller gable roof topping the balcony bays punctuate the large roof at its eaveline. Standing seam metal roofing is utilized for these smaller roof structures. The north and south elevations on the sides of this building continue the exterior finish pattern of brick on the first floor with Hardie-board above but with single windows. The rear elevation facing the interior of the parcel uses the same exterior finish pattern; however, the window and balcony pattern is slightly different. For this elevation, the projecting bays include windows only and the balconies are located in the plane of the main building wall. Again a gable roofed entry is centered on the elevation and is flanked by the larger parking garage entry openings (two-way traffic).

The project also includes site improvements ranging from parking lot reconfiguration to landscaping. The mid-block space between the two buildings is designed to serve as the parking lot for the buildings and includes several islands planted with trees. The parking area is accessible from both South Governors Avenue and South New Street. There are two areas of landscaping and hardscape which serve as recreation areas for the apartments. The area near South New Street includes a fence parallel to the street. The gazebo shown in this submission has been removed from the project due to lack of compliance with setback requirements for such structures as associated with recreation areas. The location of mechanical equipment to serve the buildings is not shown on the plans/drawings.

See attached concept site plan drawing and series of color renderings of each proposed building, detailed information on building forms, locations, and material choices.

Review of DESIGN STANDARDS AND GUIDELINES

The subject project site is located in the Dover Historic District Zone within the Loockerman historic context. The Loockerman historic context is described on pages 2-7 through 2-8 . Location within the Dover Historic District Zone requires proposals for demolition, new construction, additions, and certain renovation or rehabilitation activities to existing buildings to receive an Architectural Review Certificate.

As stated in the *Design Standards and Guidelines for the City of Dover Historic District Zone,* an Architectural Review Certificate will be granted "if it is found that the architectural style, general design, height, bulk and setbacks, arrangement location and materials affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district." In accordance with Article 10 §3.2, the Historic District Commission will provide a recommendation to the Planning Commission regarding the project's compliance with the architectural review standards.

This proposal must be reviewed for conformity with the design criteria guidelines found in Chapter 4: New Construction, Additions, Demolition and Relocation. For the demolition of the existing mid-late twentieth century building on the site, the review considerations are those

associated with "Demolition." For the new retail/ apartment building and the apartment building, the applicable review considerations are those associated with "New Construction." Information on the proposed project and the review considerations is given below.

Demolition

The *Design Standards and Guidelines* gives guidance to the Historic District Commission by listing specific criteria to be evaluated when considering applications for the demolition of buildings (or portions of buildings) in the historic district. (Chapter 4: pages 4-10 to 4-12) These guidelines are summarized below (see *Design Standards and Guidelines* for the complete text).

1. Determine the financial implications of maintaining a property versus demolition.

2. Regardless of economic issues the relative significance of the individual buildings slated for demolition should be evaluated.

3. In development related applications the City should review the schematic plans for the new structures to weigh the virtues of the new structure versus what exists.

4. Determine the extent of adequate recordation of a property the applicant would be required to complete if demolition were approved.

5. Lots left vacant by demolition should be treated in a manner that is sympathetic to the historic context.

New Construction

The *Design Standards and Guidelines* for New Construction (Chapter 4: pages 4-1 through 4-8) provide the design criteria and development guidelines. The guidelines specify the following individual considerations for new construction to be considered in the review by the Historic District Commission (and Planning Commission) of the project for Architectural Review Certification:

- Style
- Scale *(building to reflect dominant cornice and roof height of adjacent buildings)*
- Elevation of the First Floor
- Floor-to-Floor heights
- Bays, windows and doors *(size, relationship, spacing of)*
- Absolute Size *(compare overall size of new building)*
- Massing *(relationship of solid-to-void)*
- Orientation *(location of primary façade)*
- Proportions *(comparison of height to width of building and elements)*
- Materials
- Forms *(shape of building and roof to be complementary)*
- Siting *(location of building on lot and in relation to street)*
- High density/ large-scale construction

The proposed project must also be reviewed for compliance with the standards established by the *Zoning Ordinance*. The standards include items such as setbacks from property lines, lot

coverage, height, etc. This proposal for Building #1 and Building #2 appears to conform to the bulk requirements of the C-2 Zoning District including setbacks, building height, floor area ratio, and lot coverage. The *City of Dover Zoning Ordinance* authorizes the Historic District Commission to waive certain bulk standards when issuing its recommendation to the Planning Commission for an Architectural Review Certificate if necessary to achieve architectural compatibility in the Historic District.

STAFF COMMENTS AND RECOMMENDATIONS

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

1. Staff recommends approval of the Architectural Review Certificate for the demolition of the existing commercial building on the property finding that the building is not significant as it is a modern intrusion into the historic area.
    a. As the building has a Cultural Resource Survey record (K-396.203) from the survey completed associated with the National Register nomination for the Victorian Dover Historic District, the appropriate survey forms should be completed to record its demolition (when it occurs).
    b. The building footprint will need to be appropriately stabilized if project site construction is not progressing at the time of its demolition.

2. Staff recommends conditional approval of the Architectural Review Certificate for the construction of the Retail/Apartment Building #1 finding the overall building to be of a contemporary design yet compatible with the buildings of this block of the Historic District which includes larger multi-story commercial buildings, the Dover Fire Department building (across Governors Avenue), and existing parking lots.

3. These conditions are recommended by Staff to improve Retail/Apartment Building #1 project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. The following are recommended conditions:
    a. The actual height measurements of the building should be confirmed to ensure compliance with the height (in feet) limitations for the zoning district.
    b. Signage identifying the commercial tenants and the apartment building main entry should be integrated into/attached the building.
    c. Confirm materials and design of the balcony railing system as a black metal system compliant with the requirements of the Building Code.
    d. Confirm the materials for the awnings and their compliance with the clear height provisions.
    e. Any revisions or changes in the identified materials or refinement of the building design may be subject to further review by the Historic District Commission.

4. Staff recommends that action on the Architectural Review Certificate for the construction of the Apartment Building #2 be deferred to allow additional information and an alternative design to be submitted. This multi-unit residential building with its contemporary design must strive to be compatible with the nearby single family detached

dwellings and duplex dwellings of predominately two story buildings. The current design appears to be very large in overall form, scale, and proportion.

a. The submission does not provide information on the proposed building heights (eave, ridge, mean) or streetscape views to assess its compatibility with nearby residential dwellings and other nearby buildings.
b. While the building design attempts to address the pedestrian level scale with the choices of materials and detailing of the first floor, the overall massing of the building is a concern. The main roof design appears to add significant additional height to the building which may only cover a large attic space.
c. The building has a very suburban design feel and not one that is responsive to the neighborhood around it other than its placement close to the street.
d. See also the statements in Comment #5.

5. These conditions are recommended by Staff to improve and achieve the Apartment Building #2 project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. The following are recommended conditions:
    a. This is a four story building with the first floor occupied by the ground level parking area then floors 2-4 as apartments.
    b. Recommend an alternative design of the building roof form to divide into smaller areas (multiple ridgelines) to look more residential than commercial. This could also provide an opportunity for mechanical equipment areas.
    c. Recommend additional design changes to present a building of small parts such as setbacks of upper two floors, greater stepping of the building front façade wall planes, etc.
    d. Recommend the use of architectural shingles for the main roof surface.
    e. Signage identifying the apartment building main entry should be integrated into the building. It currently appears to be located as a projecting sign over the gable roof of the entry which may be difficult to see.
    f. Confirm materials and design of the balcony railing system as a black metal system compliant with the requirements of the Building Code.
    g. Any revisions or changes in the identified materials or refinement of the building design may be subject to further review by the Historic District Commission.

6. The following items should be clarified regarding the Building #1 and Building #2 design in order to confirm compliance.
    a. Clarify the type of system proposed for gutters and downspouts.
    b. Clarify the size of the balcony areas to ensure they are sized for usable space.
    c. Clarify the installation format of the Hardie-board siding i.e. exposure width, etc.
    d. The applicant should be aware of the implications regarding the type of construction for the building.
    e. With the building design, the height of the finished floor elevation in relation to the sidewalk and parking lot must be considered in order to achieve accessibility into the building. If additional building elements are required to achieve accessibility, they may require further review by the Historic District Commission.

7. Some of the site improvements/amenities were not specifically described with the application information. Please provide information for consideration and discussion.
    a. Light fixtures/poles utilized along the streetscape should continue style of the lighting used in the Downtown Loockerman Street areas. A taller two-light style fixture may be more appropriate within the parking lot areas.
    b. Identify the materials for the open space areas including surface pavement, benches or other seating, bicycle parking rack, etc.
    c. Identify the design and materials of the fence including pillars along South New Street. The materials selected must be appropriate for use within the Historic District. Staff recommends the use of a black metal picket style fencing with a maximum height of four feet.
    d. Identify areas where the sidewalks or portions of the sidewalks will be constructed of brick or a grass landscape strip will be implemented. The use of brick paving materials for sidewalk construction is a key feature found throughout the Historic District area.
        i. The grass strip should be implemented in the areas of South New Street were the existing curb cut will be removed.
        ii. The City's standards for sidewalk format must be met.
    e. Any unused curb cuts along the two street frontages must be removed.

8. Since the gazebo originally proposed for the area north of Building #2 is to be removed from the plan, Staff recommends consideration of a design for a pergola attached to the north wall of building which could provide a shaded area in proximity of the open space/recreation area.

9. For building construction, the requirements of the building code or fire code must be complied with. Consult with the Chief Building Inspector and Office of the Fire Marshal for these requirements. The resolution of these items can impact the site design or building exterior finishes or design in some instances.

10. The proposed landscaping including tree plantings should be completed with species appropriate to the site conditions of an urban area. Consultation with the City's arborist regarding the tree species selected is recommended especially regarding any new street trees.

11. The applicant should be aware of the potential for historic archaeological resources which may include previous building locations, wells, privies, etc. on these properties. The State Division of Historical & Cultural Affairs can provide technical assistance when dealing with archaeological resources including previous studies at the subject location.

12. In the event, that major changes and revisions to the building design and materials or site plan occur in the finalization of the site plan and/or construction drawings contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Historic District Commission.

13. This site development plan for this project is also subject to the application and review process for Site Development Plan or Site Development Master Plan (Article 10 §2 of the *Zoning Ordinance*) before the Planning Commission. Note: Additional technical items for compliance with the *Zoning Ordinance* and other regulations may be identified during the Site Plan Process. Review comments pertaining specifically to the Site Plan set will be issued at that time.

14. The applicant shall be aware that Building Permits and Demolition Permits are required to proceed with any demolition or construction activities on the property. The permit applications must comply with the approvals granted through the Architectural Review Certification process.

15. The applicant shall be aware that a Sign Permit is required to proceed with the placement of signage on the property.

Historic District Commission Action on July 21, 2011

The Historic District Commission considered the proposal and provided a recommendation to the Planning Commission in regards to the Architectural Review Certification for the project site development master plan. The recommendation should reflect consideration of the *Design Standards and Guidelines.* The specific conditions of the recommendation are noted in the Report under the heading "Recommendation of the Historic District Commission."

City of Dover

ARCHITECTURAL REVIEW REPORT
Request for Waiver – Side Yard Setback
For Consideration by the Dover Historic District Commission
Meeting of August 18, 2011

Application:	Acme Site Redevelopment Master Plan, Lands of Downtown Dover Partnership at 120 South Governors Avenue, HI-11-04 and S-11-11
Location:	120 South Governors Avenue West side of South Governors Avenue over to South New Street, north of West Loockerman Street
Tax Parcel:	ED-05-077.09-01-44.00-000
Present Zoning:	C-2 - Central Commercial District Zone H - Historic District Zone

Current Request for Review

The ongoing review process for the redevelopment of the property at 120 South Governors Avenue included the filing a Site Development Master Plan application for review by the Planning Commission. As part of review process, the Planning Staff reviews the proposed project submission for compliance with the bulk standards established by the *Zoning Ordinance*. The standards include items such as setbacks from property lines, floor area ratio, height, number of stories, etc. During this plan review process, Staff discovered that the proposed placement of Building #1 (the Retail/Apartment Building fronting on South Governors Avenue) does not conform to the side yard setback requirement of the C-2 Zoning District and requires action on a waiver as a part of the Architectural Review Certificate. (Note: The previous plan graphics reviewed with HI-11-04 did not include this level of detail as to determine the actual setbacks.)

The *City of Dover Zoning Ordinance*, Article 3 §21.2 authorizes the Historic District Commission to waive certain bulk standards when issuing its recommendation to the Planning Commission for an Architectural Review Certificate. A written waiver request for the encroachment into the side yard setback for the Governors Avenue Retail/Apartment Building #1 has been submitted for consideration. See attached waiver request. The waiver was not reviewed by the Historic District Commission for the project at their July 2011 meeting during review of this project. With the initial application to the Historic District Commission, the applicant did not seek any waivers of the bulk standards.

The Historic District Commission is to review the waiver request for the reduction of the minimum side yard setback and then make a recommendation on the waiver which is associated with the Architectural Review Certification for the project. The Recommendation will be forwarded to the Planning Commission for the final action on the Architectural Review Certification. The following information provides additional information on the project and request.

Project History and Architectural Review Certification Review Actions:
On July 21, 2011, the Historic District Commission conducted a public hearing and took action to make a recommendation on the Architectural Review Certificate for the Acme Site Redevelopment Master Plan to the City of Dover Planning Commission for an Architectural Review Certificate for the Acme Site Redevelopment Master Plan project. A copy of the *Architectural Review Recommendation Report* containing the Historic District Commission's recommendation as forwarded to the Planning Commission is attached. The original application is scheduled for review at the August 15, 2011 Planning Commission meeting.

The application consists of a phased project that is to include a retail/apartment building and second apartment building with the demolition of the existing mid-to-late twentieth century commercial building. The project also includes the associated parking, streetscape improvements, landscaping, and stormwater management facilities. The project area consists of one parcel of land totaling 1.7653 acres ± and zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property site spans the block between South Governors Avenue and South New Street located north of, but not adjacent to, West Loockerman Street. The owner of record is the Downtown Dover Partnership. The property address is 120 South Governors Avenue. Tax Parcel: ED-05-077.09-01-44.00-000.

Review of DESIGN STANDARDS AND GUIDELINES
Location within the Dover Historic District Zone requires proposals for demolition, new construction, additions, and certain renovation or rehabilitation activities to existing buildings to receive an Architectural Review Certificate. As stated in the *Design Standards and Guidelines for the City of Dover Historic District Zone*, an Architectural Review Certificate will be granted "if it is found that the architectural style, general design, height, bulk and setbacks, arrangement location and materials affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district." In accordance with Article 10 §3.2, the Historic District Commission will provide a recommendation to the Planning Commission regarding the project's compliance with the architectural review standards.

This proposal must be reviewed for conformity with the design criteria guidelines found in Chapter 4: New Construction, Additions, Demolition and Relocation. For the demolition of the existing mid-late twentieth century building on the site, the review considerations are those associated with "Demolition." For the new retail/ apartment building and the apartment building, the applicable review considerations are those associated with "New Construction" (Chapter 4: pages 4-1 through 4-8). One of the design criteria to be considered is "Siting" which deals with the location of the building on the lot and its relationship to the street.

As noted, the proposed project must also be reviewed for compliance with the standards established by the *Zoning Ordinance*. The *City of Dover Zoning Ordinance* authorizes the Historic District Commission to waive certain bulk standards when issuing its recommendation to the Planning Commission for an Architectural Review Certificate if necessary to achieve architectural compatibility in the Historic District. As proposed the placement of Building #1 requires consideration of a waiver of the bulk standards for the side yard setback requirement.

Waiver Request	Bulk Standard in C-2	Ordinance requirements	As shown on the plan (Requested)
	Side Yard setback	**None required, but 10 feet minimum if provided.**	**For Building #1 a setback of 7 feet from the southern property line shared with Lands of Morgan, LLC. The Building complies with the other side yard setbacks.**

STAFF COMMENTS AND RECOMMENDATIONS

The following are Staff comments and recommendations for this waiver request (Side Yard Setback) for the project.

1. Staff recommends approval of the waiver request pertaining to side yard setback that would allow it be reduced to seven (7) feet along the south property for the construction of the Retail/Apartment Building #1 and finding that the reduction of the side yard setback (to seven feet) to enable building egress and utility placement would not be detrimental to the fit of this building to the character of the surrounding neighborhood.

2. The recommendation (and action) on the waiver request will be incorporated into the Architectural Review Certification for the project.

3. It is noted that this is the only waiver request at this time for the project. If subdivision of the property is to occur, then the compliance of Subdivision Plan with the bulk standards i.e. lot requirements, setbacks, floor area ration, etc. must be confirmed.

4. The applicant shall be aware of the implications of this reduced setback as it relates to building and building elevation design under the provisions of the applicable building codes and fire codes. For building construction, the requirements of the building code or fire code must be complied with. Consult with the Chief Building Inspector and Office of the Fire Marshal for these requirements. The resolution of these items can impact the site design or building exterior finishes or design in some instances.

5. In the event, that major changes and revisions to the building placement, building design and materials, or site plan occur in the finalization of the site plan and/or construction drawings contact the Department of Planning and Community Development. These changes may require resubmittal for review by the Historic District Commission.

6. The applicant shall be aware that Building Permits and Demolition Permits are required to proceed with any demolition or construction activities on the property. The permit applications must comply with the approvals granted through the Architectural Review Certification process.

WAIVER REQUEST

ACME SITE / SITE DEVELOPMENT MASTER PLAN
10' MINIMUM SIDE YARD REQUIREMENT

REQUEST: We request a reduction of the 10' minimum side yard requirement to 7' from the south property line for the Governors Avenue mixed use building (Building #1) be approved by the Planning Commission.

EXTENT OF THE REQUEST: Per Article 4, Section 4.14, no side yard setback is required, however, if provided 10' minimum is required. We are requesting a reduction of the 10' minimum side yard setback to 7' from the southern property line for the Governors Avenue mixed use building (Building #1).

BASIS FOR REQUEST:

1. Article 4, Section 4.14 states that no side yard setback is required, however, if provided must be a minimum of 10'. The Governors Avenue mixed use building (Building #1) was not placed on the property line in order to provide pedestrian access to the parking lot located at the rear of the building. This sidewalk is also provided as there is an emergency exit located in the stair tower on the south west corner of the building. It was also necessary to extend a storm pipe along the southern property line in order to provide an adequate outfall of the stormwater management system located in the parking lot at the rear of the building. The building can not be moved any further to the north as a sidewalk is being provided along the north side of the building as well as the entrance to the site and a 10' landscape buffer along the northern property line, thus the request for the reduction.

Excerpt from ORDINANCE #2011-14 with PC Amendment #1 as adopted by City Council on August 8, 2011. (Application MI-11-06)

The Ordinance amended Appendix B - Zoning, Article 10 – Planning Commission by deleting it in its entirety and replacing it with new text. The section pertaining to the Historic District Commission is provided below.

ARTICLE 10. PLANNING COMMISSION

Section 3. Historic district commission and architectural review.

3.1 Historic district commission established.

3.11 Creation and purpose. There shall be a historic district commission for the purpose of assisting the planning commission and city planner in reviewing applications for architectural review certifications as specified in subsection 3.2; and for making recommendations for designation of historic district zones; and for establishing guidelines for the preservation and conservation of historic district zones; and for advising other officials and departments in the City of Dover in matters concerning historic preservation, and for reviewing all proposed National Register nominations in the City of Dover, and for acting as a liaison on behalf of the City of Dover to individuals and organizations concerned with historic preservation, and for carrying out programs of historic preservation education in the City of Dover.

3.12 Appointment. The commission shall consist of five members nominated by the mayor and approved by the city council, who are residents of the City of Dover and who have demonstrated special interest, experience, or knowledge in history, architecture, or historic preservation. Two of the members, to the extent available, shall be professional members representing the professions of architecture, history, archaeology, planning, historic preservation or related disciplines At least two members shall be residents of the district, and at least one shall represent the business within the district

3.13 Term. The members of the commission shall serve for three-year staggered terms. Vacancies shall be filled within 60 days in accordance with subsection 3.12 of this section.

3.14 Organization. The commission shall meet at least four times per year in a place that is advertised in advance and open to the public and shall keep minutes of its meetings that are available to the public. All review decisions shall be made in public. The commission shall establish bylaws for its general procedure, which shall include a section addressing conflicts of interest The commission shall produce an annual report of its activity that is kept on file for public review with the city planning office

3.2 Architectural review certification.

3.21 Effect of architectural review certificate. No building permit or certificate of occupancy may be issued for any structure in the historic district until an architectural review certificate is issued as required under article 3, section 21, subsection 21.3 for the historic district.

3 22 Architectural review certification by the city planner.

(A) An architectural review certificate for specific classes of building permits, including fences, signs, siding, window and door replacement, roofing, the addition or replacement of decorative features, minor demolition, residential additions, and other construction of a minor nature, may be issued by the city planner, after a review and

determination that the proposed construction is in general accordance with the standards set forth in subsection 3.25.

(B) The city planner may refer any permit application for demolition or construction in the historic district for consultation with commission.

(C) All decisions of the city planner pursuant to this subsection shall be documented on the building permit. When the city planner grants a conditional approval under this section, all conditions of approval shall be set forth in writing on the building permit. In the event of a denial, the reasons for such denial shall be documented in a written notice of decision which shall identify all elements of the application found to be contrary to the provisions or intent of this section.

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

3.23 Architectural review certification by the historic district commission

(A) The historic district commission shall issue architectural review certificates for the construction or demolition of single-family and two-family homes, and nonresidential structures or additions involving a gross floor area of 3,000 square feet or less, after review of the proposed construction and after a determination that the construction is in general accordance with the standards set forth in subsection 3.25 below.

(B) All applications to the historic district commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.

(C) All decisions of the historic district commission pursuant to this subsection shall be formalized in a written notice of decision. When the commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.

(D) An applicant may appeal the decision of the historic district commission to the planning commission, and such appeal shall be considered as an architectural review certification application to the planning commission and shall meet all of the requirements set forth in subsection 3.24 and subsection 3.26.

3.24 Architectural review certification by the planning commission

(A) The planning commission shall issue architectural review certificates referred or appealed to it, upon review of the recommendations of the historic district commission and upon a determination that the proposed construction is in accordance with the standards set forth in subsection 3.25.

(B) All applications to the planning commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.

(C) All decisions of the planning commission pursuant to this subsection shall be formalized in a written notice of decision. When the planning commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.

3.25 Architectural review standards.

(A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards

of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation

(B) The city planner, historic district commission or planning commission shall not consider normal maintenance and repair (see definitions, article 12), interior arrangement, or building features not subject to public view.

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

(A) Architectural preapplication meeting. Prior to action on any application for an architectural review certificate, the applicant shall meet in person with the city planner or his delegated representative The purpose of such conference shall be to discuss the proposed construction or other action requiring the certificate in order to determine what information is useful in the determination of conformity with the provisions and intent of the historic district regulation as expressed in this ordinance

(B) Application and fee. The application to the historic district commission for an architectural review certificate and related information shall be submitted to the city planner at least 30 days prior to the historic district commission meeting at which review is requested and shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.

(C) Public hearing. Prior to the review and action on an architectural review certification, the historic district commission shall hold a public hearing subject to the following public notification procedures:
  (1) The applicant shall advertise the public hearing newspaper of general circulation at least 15 days prior thereto
  (2) The applicant shall notify, by mail, all property owners within 200 feet of the extreme limits of the subject property as their names appear on the municipal tax record at least 15 days prior thereto.
  (3) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.
  (4) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating date of mailing for all letters on or before the meeting date.
  (5) Said notices shall state the date, time, and place of the hearings before the historic district commission, a brief description of the project and shall state that a copy of the application and plan is on file with the planning office for public review.
  (6) If the planning commission is reviewing a project in accordance with other sections of this article, then the public hearing notice on those applications must also give notice of architectural review certification

(D) Application information. The applicant shall provide such information and documents listed below which will satisfactorily illustrate the proposed action as indicated in the architectural preapplication meeting required in subsection 3 26(A):
  (1) All plan elements required in subsection 2.5.
  (2) Plans and specifications indicating existing and proposed development, including structures, architectural elevation drawings, trees and any other landscaping, existing and proposed, including the general design, location and orientation of structures in relation to curb line, right-of-way line and neighboring buildings, colors, and materials to be used on exterior surfaces, detailed plans for any signs, photographs of the existing site and neighboring buildings, and such other

information as will enable the historic district commission or planning commission to determine conformity with the ordinance.

(E) City planner report. For each application to the planning commission the city planner shall issue a report to the planning commission including comments from other agencies detailing how the application conforms to the requirements of the zoning ordinance and other provision of city and state codes This report shall not be deemed to represent a comprehensive list of all city and state code requirements. The city planner shall transmit copies of the proposed site development plan and the city planner's report at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.

(F) Historic district commission action The historic district commission shall act to review and render a recommendation to approve any such application within 45 days of transmittal to the commission or within such additional time as may be consented to by the applicant. The recommendation of the historic district commission shall be forwarded to the planning commission and acted upon by the planning commission in conjunction with action on the associated site development plan. If a site development plan application is not filed in accordance with the provisions of subsection 2.4 of this article within one year of recommendation, the recommendation shall expire. The historic district commission may grant a one-year extension of its recommendation upon written request by the applicant Such request shall be made in writing to the planning office at least thirty days prior to the expiration of the historic district commission's recommendation.

(G) Substantial Amendments. Substantial amendments to an application or an architectural review certificate shall be acted upon in the same manner as the original plan.

(H) Expiration of architectural review certification issued by the historic district commission.
  (1) Architectural review certification approval shall expire on the last day of the 12th month after the date of approval if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the historic district commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the historic district commission
  (2) Request for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such request, the matter shall be considered at the next regularly scheduled meeting of the historic district commission.
  (3) In considering a request for an extension of approval, the historic district commission shall consider, but not be limited to, the following:
    (a) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.
    (b) Whether the applicant has made substantial progress toward obtaining final approvals.
    (c) Whether there have been any significant changes in the surrounding neighborhood
    (d) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.
  (4) Requests for extensions shall be submitted in writing to the planning office
  (5) Under no circumstances shall the historic district commission grant extensions beyond 24 months from the date of first approval.

3 3 Historic district amendments.

3 31 Historic district commission review required Any motion or petition to amend, supplement, or repeal a historic district by the city council in accordance with section 5, amendments, shall require a report by the historic district commission as set forth in article 3, subsection 21.4.

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

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

3 33 Review criteria for amendments or creation of new historic districts The historic district commission may recommend amendments to an existing historic district, recommend repeal of an existing historic district or recommend the creation of a new historic district upon considering the following criteria:

(A) Any criteria listed in subsection 3 32
(B) Distinctive character or homogeneity of architectural design or dates of construction throughout the area
(C) Identifiable by clear and distinctive boundaries
(D) Repetition of distinguishing architectural or land use characteristics throughout the area.

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

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

3 4 Demolition by neglect.

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

3.42 Responsibility of the historic district commission The historic district commission shall monitor the condition of historic properties and existing buildings in the historic district to determine if they are being demolished by neglect by failing to provide ordinary maintenance

and repair (see definitions, article 12) In the event that the commission determines a demolition by neglect is occurring, it shall carry out the following:

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

3 43 Responsibility of the city planner The city planner shall notify the historic district commission of buildings within the historic district that have been referred to him by the building inspector that meet the definition of dangerous buildings under the provisions of chapter 22 buildings and building regulations, article XI dangerous buildings, of the Code of Ordinances for the City of Dover. In such cases the commission shall determine if the building is being demolished by neglect. Before referring a property to the commission for consideration as demolition by neglect, the city planner shall give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before historic district commission at the time, date and location specified.

The Ordinance as adopted also set forth instructions pertaining to the eligibility of unexpired plans to receive extensions of approval. The statement is listed below:

That the amendments shall be affective upon adoption of this ordinance and that any unexpired conditional use permit, site development plan, or architectural review certificate approval shall be eligible for extension of approval by the approving body for a period of time not to exceed 36 months from the last day of the month during which initial approval was granted by that body.