

## Department of Land Use Exploratory Plan Report

To: Jim Lober – Apex Engineering, Inc.

Application Number - 2008-0275-S  
Name of Project - Barley Mill Plaza  
Description - Proposed 2,940,000 sq. ft. mixed use development  
Type of Plan - Major Land Development Plan  
Date - June 19, 2008

Project Review Team -  
Planner Antoni Sekowski at 395-5414 or [asekowski@nccde.org](mailto:asekowski@nccde.org)  
Engineer Stacy McNatt, P.E. at 395-5415 [smcnatt@nccde.org](mailto:smcnatt@nccde.org)  
Historic Christine Quinn at 395-5521 or [cquinn@nccde.org](mailto:cquinn@nccde.org)  
Transportation John Janowski at 395-5426 or [jpjanowski@nccde.org](mailto:jpjanowski@nccde.org)  
Special Services Robert Magnotti at 395-5722 or [rmagnotti@nccde.org](mailto:rmagnotti@nccde.org)

Hearings: Planning Board Public Hearing, July 1, 2008  
RPATAC  
Board of Adjustment

### Status of Review -

General Compliance for the Public Hearing - The Department will issue an additional review report after the Public Hearing that will find the plan acceptable to proceed to preliminary after you address all comments and/or studies or unacceptable, submit a revised exploratory plan to address all comments and/or studies.

### Planning:

Plan Submittal Complete: May 27, 2008  
Plan Review Complete by Planning: June 10, 2008  
Number of Days to Complete Review: 10

1. The applicant must demonstrate compliance with Section 40.03.318 of the NCCC for the proposed mixed use development. Plan notes must clearly reflect the proposed Gross Floor Area (GFA) for all uses shown on this plan. Residential units must comprise a minimum of 25% or a maximum of 50% of the total gross floor area on the site. Demonstrate compliance with the required residential outdoor areas. Additionally, demonstrate that a minimum of 67% of the nonresidential gross floor

area consists of office uses. Finally, please note that single use (stand-alone or pad site) restaurants are not permitted in a mixed use development. The plan must be revised accordingly;

2. The provided cover letter indicates that a rezoning is no longer proposed as part of this project. Please remove all references to a rezoning from the plan details and notes. As you are aware, the site capacity calculations and open space requirements must be met exclusive of the S zoned parcel. The applicant has indicated that they intend to utilize the density bonus as outlined in the redevelopment ordinance. As part of the review process, the applicant will need to demonstrate compliance with Section 40.25.410 of the NCCC;
3. Please note that there are several locations where additional buildings and or paving is proposed within the Riparian Buffer Area (RBA). Please revise the plan to remove proposed RBA encroachments. Please note that if the applicant intends to pursue this additional RBA disturbance, a RPATAC recommendation and Board of Adjustment approval would be required;
4. The applicant must clearly label all streams and locate the top of stream banks in order to verify the accuracy of the RBA delineation. As you are aware, a nondelineated floodstudy will be required for this project;
5. Revise the plan to include a limits of disturbance;
6. Note that Table 40.08.130.B (as submitted) must be revised. The following comments relate directly to issues associated with the proposed percentage(s) of improvement:
  - a) Renderings were not submitted for the existing or proposed structures, so it is impossible to evaluate the improvement. Regardless, the judgment of architectural improvement is highly subjective; therefore, the 100% credit (as proposed) may need to be reduced. Provide a rationale with the revised plan submittal. Additional, more quantitative, improvements should be explored.
  - b) In accordance with Section 08.130,B,6,e of the NCCC, improvements toward further code compliance shall be made with emphasis on improved landscaping and buffers particularly around parking lots;
  - c) In accordance with Section 08.130,B,6,e of the NCCC, the applicant should investigate RBA restoration and reforestation;
  - d) As you are aware, many of the existing building are already multistory. The applicant may not obtain full credit for proposing multistory structures;
  - e) It appears that the applicant may propose a proportional improvement for improving the street paving setbacks;

- f) The current proposed credit for bufferyard widths is incorrect. It appears that the plan currently meets the width requirements. The applicant may investigate if planting deficiencies exist;
  - g) Please note that the Engineering Section will need to verify compliance with the proposed percentage of improvements for stormwater management;
  - h) Please provide details of the proposed circulation improvements;
  - i) Please note that the current total percentage of improvements does not achieve the minimum 400% requirement. Additional areas of improvement must be explored. Please provide a revised Table 40.08.130 for review. Once finalized, the Record Plan must contain notes outlining the proposed improvements to the site. The plan should indicate that it is being proposed as a redevelopment plan;
7. The provided Gross Floor Area (GFA) note should clearly reflect the existing GFA, GFA to be removed, and proposed GFA. Please be advised that the proposed GFA is not the net increase. It shall reflect everything being constructed with this plan. Additionally, please note that garages count toward GFA. Revise the plan to provide the total GFA of the garages on the plan. Plan review fees are based on proposed GFA. In accordance with Section 40.05.050K the floor area of parking structures are excluded from site capacity calculations;
  8. The proposed parking rationale does not appear to identify all of the uses proposed by this project. Parking should be based on the individual uses. The applicant should consider utilizing the shared use parking Table 22.616;
  9. The proposed dead end parking facility located at the daycare center has been found unacceptable. Please note that this type of use should accommodate full circulation without backing. Additionally, demonstrate compliance with Section 40.03.309 of the NCCC for the proposed use;
  10. The plan must be revised to provide adequate loading areas for all buildings. Loading bays and dumpsters must be adequately screened;
  11. Show the location of handicapped parking and depressed curbing for access;
  12. On sheet 2 of the plan, provide a sidewalk connection on the southerly side of the garages toward the fitness center. On sheet 2 of the plan, block out several parking spaces with a pedestrian crosswalk, at the mid-way point in the 33 space aisles (between the fitness center and retail building). An additional crosswalk should be provided at the mid-way point of the 32 space aisles north of this location (sheet 5). The long parking rows adjoining right-of-ways should be broke up with additional landscape islands. One sheet 3 of the plan, provide additional landscape island breaks

in the long parking aisles. On sheet 5 of the plan, Clearly designate pedestrian crosswalks between parking spaces at regular intervals along the retail frontage;

13. Please note that a detailed phasing plan will need to be provided for this project. The plan will need to demonstrate that the requirements of Section 40.03.318 of the NCCC for mixed use development will be provided as each phase of project proceeds. Additionally, the applicant must demonstrate adequate parking will be provided with each phase of the project;
14. Please note that the Record Plan version should not contain existing improvements or topography;
15. Provide detailed floor plans of the proposed parking garages;
16. Please identify if any specimen trees exist on this parcel;
17. Please note that new areas of paving can not encroach into the required 20 foot bufferyard adjoining the northerly property line. Remove the minimum bufferyard setback note from the plan notes. The note is not accurate;

**Engineering:**

1. Date Received by Engineering Section: May, 27 2008  
Date Completed by Engineering Section: June 18, 2008
2. The design intent of the proposed plan shall adhere to Section 40.22.210 of the UDC by utilizing Green Technology Stormwater Best Management Practices to address stormwater conveyance and stormwater management objectives. Stormwater runoff management should be maintained through surface water dispersion, volume reduction and discharge at multiple points. The Engineering Section will expect that the applicant will provide justification for the location of the BMP's with respect to layout and resources.
  - a. In accordance with Section 10.3.4.4 of the Delaware Sediment and Stormwater Regulations, demonstrate successful management of any increase in stormwater runoff volume from the pre- development land use conditions. Successful management of increased stormwater volume shall include but not limited to; recharge, infiltration, and re-use, where soils and site conditions are applicable. For any increase in volume that cannot be recharged, infiltrated, or re-used, volume management may be achieved by modifying the release rate for the increase in volume so as not to increase the flood elevation for all storms up to and including the 100-year return period.

- b. Investigate the ability of passive infiltration or infiltration practices in areas that have good infiltration potential pursuant to Section 40.22.210 of the UDC. In accordance with the Engineering Exploratory Checklist, Item I, field testing should be performed and submitted to New Castle County to demonstrate feasibility of any proposed Green Technology Best Management Practices with regard to the infiltration capacity in the soil and location of the seasonal high groundwater elevation.
    - c. All stormwater practices shall drain to a point of adequate discharge in accordance with NCC Drainage Code Section 12.04.001. Provide an assessment of the receiving conveyance systems according to this code section to document the nature and extent of impact. At a minimum provide a stability and capacity assessment of the downstream channel for the design storm events to determine the adequacy of the existing channel to accommodate stormwater flows at present. This in concert with engineering information that demonstrates control of peak flow rates and runoff volume management will be reviewed to assess compliance with this objective. Examine the implementation of a stream restoration to address these issues.
3. As states in the narrative provided, a Non- Delineated Floodplain is required pursuant to Section 40.10.312.B of the UDC. The subdivision or development of land within and adjacent to a Non-delineated Floodplain shall include the submission of a flood study from the applicant to establish the limits of flooding from the one hundred (100) year storm event using one of the following methodologies as designated by the Department.
4. Provide supportive documentation the channel on the eastern side of the site the flows under the Dorjul Apartments in not considered a Non-delineated Floodplain pursuant to the definitions in Article 33 of the UDC.
5. As alluded to in paragraph I of the Narrative, a stormwater quantity variance will be requested. The Department may not support a variance from Section 3.2.2 of the Delaware Sediment and Stormwater Regulations. Further information with adequate justification and rationale will be required prior to review of a variance request.
6. The Department is aware of a proposed design within the existing channel to manage downstream flooding issues within Dorjul Apartments. Investigate the full impact the proposed design will have on this application.
7. Provide non-erosive conveyance at all outfalls for all design flows. Section 40.10.300 of the UDC permits stormwater outfall into a Riparian Buffer Area provided that the discharge velocity from the terminal end of the pipe of the associated energy dissipation practice does not exceed 2 fps for the 2-year frequency storm event.

8. Provide the date and source topographic information within the Site Data as required by Item D of the Exploratory Checklist.

**Historic:**

The historic preservation section has reviewed the exploratory major land development plan for Barley Mill Plaza (application 20080275). Though most of the structures on the site are fewer than fifty years old, the site may be considered historically significant in the near future. Further, Building 34 was constructed ca. 1950. The submitted plan indicates that this structure will be retained.

The application has been conditionally approved by the Historic Preservation Section. Prior to the release of any demolition permits, the applicant should submit a site plan showing current (as of April 7, 2008) conditions to the Historic Preservation Section. Staff will document the site with Cultural Resource Survey forms and photographs.

**Transportation:**

A Traffic Operational Analysis was scoped May 27. It will examine various intersections, including Route 48 with the eastern site access. As discussed during the April 15 Pre-Exploratory meeting, right-of-way there is limited. The Plan can relieve that access and facilitate local travel, by providing for future vehicular cross-access with the nearby shopping center.

Two DART bus routes now pass through the site. As discussed, the Plan should enable continued bus access. The site is zoned Office Regional (OR), and the Plan should provide onsite bus stop facilities per County Code Section 40.02.224. The nearby existing Route 48 bus stop may also need improvement.

As also discussed, per Section 40.21.162 the Plan should also provide sidewalks to connect the proposed buildings, with extensions to the four site accesses. The New Castle County Greenway Plan at <http://www.wilmapco.org/nccpathways> shows existing pathway along Route 141/Centre Road, while considerable development lies to the east near Route 48. So the Plan should provide a connecting paved pathway along the frontage, between the northern Centre Road access and the western Route 48 access.

The Plan should also provide bike parking. I have sent a copy to DART, and the Applicant or others can call me at (302) 395-5427 with any questions or concerns.

## **Standard Approvals and Comments before Recordation**

1. Please note that approval from DelDOT will be required;
2. Please note that approval from the Office of the State Fire Marshal will be required;
3. Please note that a Landscape Plan and Lighting Plan must be reviewed and approved prior to plan recordation;
4. Provide certification from the water supplier in accordance with Section 40.05.310 of the NCCC;
5. Provide street names and/or postal addresses in accordance with U.S. Postal Service policy. Submit a copy of the plan to the Department of Police (Communications) for review of street names. Additionally, submit a copy of the plan to the Department of Land Use, Mapping Section for review of postal addresses. Written approval from those agencies, referencing the latest plan revision date, must be received prior to record plan approval;
6. Performance Surety must be provided in accordance with Chapter 40, Division 31.800 of the NCCC and current Department of Land Use policy. Initiate the Land Development Improvement Agreement by submitting the Land Development Improvement Agreement Information Sheet based either on the Formula Method or the Cost estimate Method, to this office. The LDIA must be recorded prior to plan recordation;
7. Submit a copy of the maintenance declaration and a copy of the plan to the Law Department and to this department for review and approval. When approved and recorded, reference its instrument number on the plan.
8. Submit the executed and notarized maintenance organization compliance and disclosure affidavit required by Section 40.27.140H of the County Code.
9. The owner/developer must provide certification to the Department of Land Use from the Secretary of the Department of Education that the school district(s) serving the site has adequate capacity of the proposed development.
10. Add the following note to the plan:

Prior to issuance of any certificate of occupancy for any lot or unit shown on this plan, the owner/developer shall provide a certification from the Secretary of the Department of Education that the Voluntary School Assessment for that lot or unit has been paid.

11. Please note that Table 40.31.390 of the NCCC outlines time limits for expiration of plan;

CC: Steve Lewis  
Michael J. Bennett  
file