



Department of Land Use

Department of Land Use Record Plan Report

To: Jim Lober – Apex Engineering, Inc.  
Date - January 20, 2010  
Application Number - 2008-0275-S  
Name of Project - Barley Mill Plaza  
Description - Proposed 2,846,000 sq. ft. mixed use development  
Type of Plan - Major Land Development Plan  
Date of 1<sup>st</sup> Review - June 19, 2008

Project Review Team -

Planner Antoni Sekowski at 395-5414 or [asekowski@nccde.org](mailto:asekowski@nccde.org) *ATS*  
Engineer Stacy McNatt, P.E. at 395-5415 [smcnatt@nccde.org](mailto:smcnatt@nccde.org)  
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Special Services Robert Magnotti at 395-5722 or [rmagnotti@nccde.org](mailto:rmagnotti@nccde.org)

**Status of Review** – In accordance with Section 40.31.114 of the County Code, the following concerns relate to Chapter compliance and must be addressed prior to plan recordation:

**Planning:**

1. As you are aware, a nondelineated floodstudy will be required for this project. This study may result in an RBA which is more extensive than what is currently shown on the plan;
2. Verify that the proposed easterly entrance from Lancaster Pike does not encroach into the required paving setback;
3. The plan should be revised to maintain the sidewalk connection with tax parcel 07-032.40-029;
4. It has been noted that the final version of Table 40.08.130.B may be revised once transportation improvements are determined;
5. It has been noted that parking facilities for the daycare center will function independently and physically separate from the general parking and circulation pattern of the other stores and businesses, in accordance with Section 40.03.309 of the

County Code. Additional design details of the parking garage will need to be provided prior to record approval of the project to demonstrate compliance with this requirement. Floor details of all proposed parking garages will be required to be shown on the Record Plan;

6. Provide a sidewalk connection between the 15,000 sq. ft. restaurant building and 47,515 retail building, located on sheet 2 of the plan;
7. The applicant has not adequately demonstrated compliance with Section 40.04.110C of the County Code for the proposed height of buildings. The applicant will need to identify if there are single-family detached or single-family attached dwellings within one hundred (100) feet of the parcel property lines. Additionally, the applicant will need to provide proposed building heights for every building on the Record Plan and where appropriate provide dimensions to property lines;
8. Revise the plan to provide an additional loading bay for the westerly 8 story office building located on sheet 3. Additionally, it appears that an additional loading bay will need to be provided to service the 37,500 sq. ft. and 7,927 sq. ft. retail building on sheet 2. Finally, the current configuration of the three loading bays, located at the 47,515 sq. ft. building on sheet 2 does not appear fully accessible. Once these issues are addressed the Department will consider your written request for the reduction of some loading bay dimensions;
9. A detailed phasing plan will need to be provided for this project prior to record approval. 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. It has been noted that the applicant will have further discussions with the Department concerning the phasing of this project;
10. As previously noted, proposed buildings should not be bisected by plan sheets. Plan notes should not overlap plan details. Additionally, plan sheets should not overlap, unless match lines are provided. Where feasible, buildings and parking should be allocated by potential phases for each sheet. As you are aware, the Record Plan will be utilized for the issuance of building permits and certificates of occupancy. It is understood that additional plan sheets will be necessary to accomplish this requirement;
11. The current stormwater management / flood mitigation proposal reflected on sheet 4 maintains the limits of disturbance outside of all protected resources. Please note that if it is determined in the future that resource encroachments will be necessary all approvals must be obtained prior to plan recordation. Approvals may include, but depending on the scope of work are not limited to RPATAC, Board of Adjustment, DNREC and the ACOE;

12. The plan does not appear to include the GFA for the garage portion of the 2 story, 54,000 sq. ft. retail building located on sheet 5 of the plan;
13. The applicant may want to consider revising your parking calculations and associated shared use table to account for a percentage of the offices as a medical use. As you are aware, medical offices require a minimum of 4.5 parking spaces per 1,000 sq. ft. of GFA. It appears that a portion of the existing offices could accommodate the medical use without the need for additional parking;
14. The plan will need to demonstrate compliance with Section 40.22.616.E5 of the County Code for the proposed multiple use parking reduction. It appears that this could be addressed with the use of parking decks;
15. Provide the correct parking counts for parking aisles containing handicapped parking spaces. Note that project phase lines may warrant changes to the location of handicapped parking spaces and access;
16. Label all easements proposed to be extinguished by this plan;
17. Proposed details of the pedestrian precinct will be required on the landscape plan for this project;
18. Note No. 26 references porous pavement. Additional information will be required to document compliance with Section 40.22.611.A of the NCCC;
19. The provided LDIA information sheet does not reference the correct total proposed nonresidential GFA. Provide a revised LDIA information sheet with the correct total GFA to this office at your earliest convenience;
20. As noted in the Department's letter dated March 11, 2009, please address the public comments that were presented at the exploratory hearing in regard to Section 40.01.015 of the County Code and how the plan relates to the character of the community;

**Engineering:**

Provide a complete Record and Construction Plan submittal to the Engineering Section within the Department of Land Use for review and comment. Engineering review comments, dated December 31, 2008 will need to be addressed as part of the submittal. A detailed cover letter must be provided describing how each comment was addressed.

**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 Land Use, Mapping Section for review of postal addresses. Written approval, 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  
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