

**The Civic League for New Castle County
Council of Civic Organizations of Brandywine Hundred
The Kennett Pike Association, Inc.
P.O. Box 3592
Greenville, DE 19807**

October 1, 2008

The Honorable Paul G. Clark
Council President
New Castle County Council
City/County Building
800 North French Street, 8th Floor
Wilmington, DE 19801

Re: Northern New Castle County Development Onslaught

Dear County Council President Clark:

The September 12, 2008, letter to you from Keith Stoltz purports to rebut “misleading and inaccurate statements” from our respective organizations. Regrettably, this letter continues a pattern of misinformation that cannot be ignored.

1. The Stoltz Organization Has Not Worked Closely With The Community.

The claim that the Stoltz Organization (“Stoltz” for short) has “tried to work very closely” with each of our organizations is false. The only basis upon which Stoltz would attend a the first meeting sponsored by The Kennett Pike Association (and then only for the purpose of presenting its plans, not “working closely” with the community), was if the KPA would (a) bar attendance by Councilman Weiner, whose district includes two of the proposed projects, (b) bar attendance by certain State Representatives, and (c) limit attendance to a few community leaders. Councilman Weiner and the barred Representatives graciously agreed not to be in attendance until after Stoltz made its presentation and departed from the meeting, so that the KPA and invited community leaders would at least be able to hear first hand what Stoltz was proposing.

When the KPA subsequently scheduled a meeting that was open to the public and invited Stoltz to attend, Stoltz claimed that it had a conflict. The conflict turned out to be a meeting that had subsequently been scheduled by Councilman Tansy. Over two hundred people attended the well publicized KPA sponsored meeting. About ten attended the meeting at which Stoltz chose to appear. This is not the way for a developer to work closely with the community.

Stoltz has again been invited to attend a public hearing scheduled by the KPA on October 2, 2008. No response has been received to this invitation. Stoltz has made no effort to contact any of our organizations to begin "working closely with" the community in connection with Barley Mill Plaza, Greenville Center, or 20 Montchanin Road. The establishment by Stoltz of project-specific websites that merely present and praise its plans for two projects can hardly be characterized as "working with the community."

Only after the Land Use Department rejected Stoltz's initial plan for The Shops at Brandywine did Stoltz begin making an effort to work with the Council of Civic Organizations for Brandywine Hundred ("CCOBH") to address a horrendous highway intersection design and take into account the community's desire for a medical facility. CCOBH has welcomed that contact and has responded positively. However, to this date Stoltz has still not sought any input from the community with respect to Barley Mill Plaza, Greenville Place or 20 Montchanin Road. This leads us to surmise that Stoltz will begin working with the community on these projects only if and when it sees there is no alternative.

Stoltz claims credit for its attendance at public hearings scheduled by the County at which Stoltz "presented its plans and listened to comments from residents and elected officials." Such attendance was compelled by ordinance and does not constitute "working closely" with the community. Stoltz's professed "great respect" for New Castle County Council and the residents of the County is belied by its refusal to participate in meetings attended by Councilman Weiner, by its determination to break the deed restrictions imposed on the former Columbia Gas headquarters decades ago to protect the community, and by its plans to construct high rise buildings and garages up against and over-shadowing single family detached homes in adjoining communities -- something we are confident Keith Stoltz would never do to himself or to his friends and family.

2. Stoltz's Proposals Distort And Destroy The Comprehensive Plan's Vision.

Like most codes and ordinances, the UDC and Comprehensive Development Plan contain provisions which can serve laudable goals, but which in the wrong hands can also be perverted to create abominations. Regrettably, Stoltz has seized on a combination of mixed-use and redevelopment provisions to put forth proposals that any normal, impartial on-looker would characterize as destructive of the surrounding community.

a) Barley Mill Plaza. At over 2,800,000 square feet, this project will rival the total square footage of the combined King of Prussia Malls. To accommodate so much space, Stoltz now proposes, according to its website, 11 buildings of up to 8 stories in height and 6 parking garages of 5 and 6 levels towering over the single family detached homes in Westover Hills, West Haven and West Park. While the unofficial website drawings are less extreme than the plans filed by Stoltz with New Castle County, which

show many more buildings, some up to 11 stories in height, neither the website drawing nor the plans filed with the County can fairly be said to depict what County Executive Coons or County Council envisioned when enacting the recent update to the Comprehensive Land Development Plan. The construction of a project of this size at this location would make a mockery of the Comprehensive Plan.

i) Twisting the Redevelopment and Mixed-Use Ordinances. Taking advantage of the redevelopment ordinance, which was enacted so that dilapidated buildings could be economically salvaged despite non-compliance with the UDC, Stoltz seeks bonus densities and relaxation of other UDC requirements because it will be demolishing all the existing and still serviceable low rise office buildings at Barley Mill Plaza, many of which remain occupied by DuPont. And relying on a combination of the mixed use ordinance and OR zoning, Stoltz proposes a strip shopping center facing Route 141 with the typical “out-front” parking lot, although in a real mixed-use development the retail shops would be located at the center of the development to create a walkable community serving on-site residential and office uses, thereby keeping traffic from leaving the development rather than drawing more traffic to it. The intended laudable effect of these ordinances is being twisted to justify a development that is “redevelopment” and “mixed-use” in name only. The resulting development will not look like anything the County can be proud of.

ii) Resulting Regional Traffic Draw. There can be no question that the proposed massive increase in office space, multi-plex movie theatre, hotel-conference center and front facing strip-shopping center will all draw regional traffic to the site – not primarily serve local residents living on and near the site. Moreover, once the 2,800,000 square feet of space is on an approved plan, the community anticipates that the developer will be returning to the County for rezoning and/or variances to decrease the amount of office and residential and increase the amount of retail because the glut of office space and unsold homes cannot possibly justify building, at any time in the near future, even more offices and residences at this site. The same “bait and switch” happened at Brandywine Town Center, after the project got approved amid grandiose promises of benefit for the community. Even though Stoltz will not presently admit it, the amount of retail as presently shown on the plan for Barley Mill Plaza is just “for starters” and is destined to become much greater than is presently shown.

iii) Flooding. Even the much smaller and gentler office campus presently existing at Barley Mill Plaza has generated massive flooding for the residential areas downstream of this property as far as Elsmere. The amount of impervious surface required by Stoltz’s the King of Prussia Mall sized plans would vastly increase the likelihood of destructive storm water run-off. As demonstrated over and over again by approved development throughout the County, compliance on paper with the County’s

drainage code may satisfy the criteria for plan approval, but it is not a protection against real life flooding of adjacent properties.

b) Greenville Center. Here again, Stoltz combines the redevelopment ordinance and mixed-use ordinance with CR zoning to justify building a twelve story condominium and adding a seven story garage on the site of an existing serviceable two story office building that Stoltz proposes to demolish while constructing additional office space on the site of the existing post office and moving the post office to the most prominent and open corner of the property. All of this will only draw more traffic to the site, not create a walkable community serving existing or new residents (perhaps as few as twelve new residences will be constructed in the high-rise condominium). The project is "redevelopment" and "mixed use" in name only. The jarring twelve story tower and seven story garage cannot have been what County Executive Coons or County Council proudly envisioned in enacting the recent update to the Comprehensive Development Plan.

c) 20 Montchanin Road. Stoltz states that comments made by the community about the 20 Montchanin project are "also misleading" without stating in what way. The issue is not, as intimated in Keith Stoltz' letter, whether the current zoning classification permits additional square footage. The issue is not whether the proposed location of the new building on the edge of the Montchanin Road 40 foot right-of-way technically meets the County's setback requirements. Rather, the issue is that Stoltz can only proceed as planned by breaking the existing, recorded deed restrictions that were created years ago for the community's protection in order to accommodate rezoning the land in a residential area for Columbia's office use. These deed restrictions are expressly enforceable by the Hagley Foundation and by The Kennett Pike Association. However, Stoltz seeks to amend them without either party's consent and over the community's objections. *There has been absolutely no dialog with the community on this project* other than Stoltz presenting its plan and providing a copy of its deed restriction amendment request. The plan proposed by Stoltz not only violates the existing deed restrictions as to size and height, and destroys the landscaped berms and set-backs created by Columbia Gas to screen its corporate headquarters and blend in with the community, but if approved it will also destroy the effect of the landscaping along Route 141 that the community agreed during the Tyler McConnell Bridge hearing should be installed to protect this gateway to the Brandywine Valley.

4. Traffic Impacts. We certainly agree that the men and women of the Land Use Department and DelDOT are well-motivated professionals who will do their job to the best of their ability. However, seeing traffic counts being taken on Saturdays in August while school is not yet resumed and many people are away on vacation does not inspire confidence as to the reliability of the data that our land use and traffic professionals will be given to work with. Contrary to its claim of working closely with the community, only

a regional traffic study and development capacity assessment, as called for by our organizations and by area legislators in communication with DelDOT, can gauge the combined impact of the four Stoltz proposals. Since none of them is a "committed" project for traffic studies conducted by any of the others, we anticipate that their effect on one another will not be taken into account without a Regional Traffic Study and will result in even more failed intersections, traffic jams on the Tyler McConnell bridge, and overburdening of country roads as traffic seeks alternative ways to flow. The statement in Keith Stoltz's letter that "we have had initial discussions with the community on traffic" is flatly false except for The Shops At Brandywine; and even in that regard, Stoltz's unwillingness to discuss traffic was recently and emphatically reinforced by a letter from Pam Scott, Esquire to Charles Landry, President of CCOBH, dated September 23, 2008. Stoltz simply refuses to discuss the community's traffic concerns, saying the results of its studies are not in – as if Stoltz would have filed plans for five projects on the same day without having a clue as to the volume of traffic that such projects were likely to generate.

5. The Future of Northern New Castle County. Some developers do not file plans without first having made extensive and genuine efforts to engage the community in discussions and exchanges that can lead to accommodation of concerns and support from area residents. Obviously, the Stoltz organization has chosen to follow a very different path. Thus far it has largely disdained interfacing with the community. We understand that growth can be beneficial – no one confronting the dismal state of Delaware's economy would wish to halt all further development. However, we also realize, and are urging the County and State to take into account, that only a limited amount of traffic capacity remains available to accommodate the sort of major employers with high-paying jobs that New Castle County should be striving to attract. If this limited traffic capacity is squandered on just more retail development with low-paying, often temporary employment opportunities, and on more movie theatres and hotels, and on more mid-rise to high-rise office buildings competing with the same type of space offered in down-town Wilmington, the future of our community will not be well served, as claimed by Stoltz. The future of our community as an attractive place in which to live, work and do business will be dramatically impaired.

It is for that reason that our organizations are in the process of gathering together a team of former, now retired corporate executives as well as others to assist the County and State in looking for and attracting employers for whom Barley Mill Plaza could provide an ideal office campus setting. It is for that reason CCOBH has tried to assist Stoltz in attracting the Christiana Medical Center to The Shops at Brandywine. And it is for that reason the Civic League and The Kennett Pike Association will be prepared, if and when Stoltz reaches out to the community, to engage in an exchange of ideas designed to address the community's concerns – not just get around them.

The Honorable Paul G. Clark

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cc: The Honorable Christopher A. Coons, New Castle County Executive
The Honorable John J. Cartier, Council Member, New Castle County Council
The Honorable William Tansey, Council Member, New Castle County Council
The Honorable Robert S. Weiner, Council Member, New Castle County Council
The Honorable Joseph Reda, Council Member, New Castle County Council
The Honorable Penrose Hollins, Council Member, New Castle County Council
The Honorable Stephanie McClellan, Council Member,
New Castle County Council
The Honorable William Powers, Council Member, New Castle County Council
The Honorable George Smiley, Council Member, New Castle County Council
The Honorable Timothy Sheldon, Council Member, New Castle County Council
The Honorable Jea P. Street, Council Member, New Castle County Council
The Honorable David Tackett, Council Member, New Castle County Council
The Honorable Bill Bell, Council Member, New Castle County Council
The Honorable Carolann P. Wicks, Secretary of Transportation
Mr. George Haggerty, Manager, Land Use Department
Mr. James Smith, Manager, Land Use Department
Mr. Keith Stoltz, Chief Executive Officer
Pamela J. Scott, Esquire