

March 3, 2009

To Members of Department of Land Use and Planning Board:

Good evening and thank you for having this public hearing to allow Stoltz Real Estate Partners to present their major land development plan and to allow the public to make comments and ask questions. This statement is submitted by William H. Rowe, a resident of Greenville Manor which shares a common boundary with the Stoltz property known as Greenville Center.

Unified Development Code

Section 40.01.015 of the UDC states in part: “The Unified Development Code is intended to protect the interests of both the current and future New Castle County residents and neighbors from the potential adverse impacts of land uses. At the same time, the Code is intended to respect landowners’ rights to the beneficial use of their property.” Section A of this section states that the UDC will preserve lifestyles of an area, visual aspects, image, and historical/cultural areas by ten (10) provisions which include:

- “Prohibiting uses, buildings or structures that are incompatible with the character of the established zoning districts and providing suitable transitions between different community character areas to minimize the amount of incompatible land use and adverse impacts on property value;
- Facilitating the creation of a convenient, attractive, functional and harmonious community;
- Providing protection from noise, glare, odor, or vibration through buffers and other regulations;
- Securing adequate natural light, clean air, privacy, convenient and safe access to property, and a safe environment;
- Protecting against undue concentration of population and overcrowding of land and/or buildings by regulating and limiting the height, bulk, and scale of buildings.”

Paragraph (J) of Section 40.03.318 Mixed Use, defines mixed use as “One (1) or more buildings on a lot planned, designed and managed as an integrated development comprised of residential and nonresidential uses oriented to a pedestrian precinct and intended to provide convenient shopping, employment and residential opportunities while reducing vehicular trip generation.” I believe the intent of Mixed Use is to create a village type community where residents work and are able to shop, and not to add a 12 story tower to a strip mall in a residential area.

In reviewing Apex Engineering Inc. drawing # 00104012PLOTEXP3, I believe Stoltz has technically met all the setback and height requirements of the UDC for a Commercial Regional (CR) zoned property. However, I believe the scope of this project violates the intent of the Mixed Use Section since the applicant is adding a residential section to what is an already fully developed commercially zoned strip mall. The Mixed Use section of the UDC is not functioning in the best interests of the people in New Castle County.

Therefore, consideration should be given to temporally removing Mixed Use and eventually rewriting it in the UDC.

Section 40.08.130.B.1 addresses nonconforming structures and situations. Existing nonconformities should be brought into compliance before any further development is permitted. For example, section 40.03.500 states the requirements for loading and unloading docks, and section 40.03.527 addresses bicycle parking. Presently and in the proposed plan loading docks and bicycle parking do not meet these requirements.

The proposal includes a 180 ft. tower which would negatively dominate the skyline. Greenville Center is located in the center of Greenville in close proximity to major Brandywine Valley museums including; The Hagley, Winterthur, Longwood Gardens, and other cultural, historic, and tourists sites. These facilities have an important economic affect in generating dollars from national and international visitors. Paraphrasing Henry Francis DuPont as custodians of these treasures we should keep these views forever. This is not just for ethics, but for the economic value. Adding a twelve (12) story (180ft.) tower to this site would adversely impact property values and will only increase glare and decrease privacy for the residents in Greenville Manor and our neighbors.

A 180 ft. tower certainly will not be an attractive addition to Route 52 (Kennett Pike) which is designated as a Scenic By-way, the gateway to the above mentioned cultural and historic destinations. It is my understanding that scenic by-ways are expected to have a 100 ft. setback requirement. Further more, Greenville is a Transect zone T4 area which does not permit 12 story buildings. The proposed buildings along route 52 (Kennett Pike) do not meet these guidelines.

Please note, Powder Mill Square is zoned Commercial Neighborhood (CN) which limits building heights to 35 ft. Greenville Center, as well as Greenville Crossing I and Greenville Crossing II were also zoned Commercial Regional (CR). Having a CR zoned property (Greenville Center) boarding on Neighborhood Conservation (NC15) property (Greenville Manor) certainly does not provide for suitable transition between different community character areas. How this was allowed to happen in the past is unclear, but certainly it would be unconscionable to have a 180 ft. tower in what should be a CN zoned property.

Loading and unloading docks are required per 40.03.500. The proposed plan is removing the loading dock from the U. S. Postal Service building. This would be a disaster since large postal trucks make deliveries and pickups multiple times each day. Please note the only other commercial building that presently has a loading dock is building "E". Traffic is frequently stopped at the northeast corner of this building, by multiple vehicles attempting to make deliveries. At times traffic is backed up all the way to the Buck Road entrance. Many Greenville residents including my wife and myself frequent the post office, bank, investment firm, restaurants, and stores. We have not found it to be pedestrian friendly as currently designed and in my view the new design would make this situation worse.

As noted by other Greenville residents, the community worked with Stoltz when they wanted to remove the fountain and other beautifully treed green areas for additional parking when the new grocery store building was proposed. The parking area has now been expanded to the corner of Buck Road and Kennett Pike with minimum green area and almost no trees. Section 40.05.422 addresses minimum landscape surface area. We all question if this proposal even meets the minimum requirements let alone exceeds them.

Greenville Center traffic flow is already at a dangerous level, especially in the area of the Buck Road ingress/egress area. Further more, the existing facility is not handicap friendly. Today handicap vans are discharging passengers in unsafe heavy traffic areas.

Any expansion of Greenville Center should be consistent with current standards on pedestrian friendly urban design, which Stoltz claims to support but is not evident in the proposed plan. The Citizens for Responsible Growth in New Castle County are seeking smart development and are prepared, together with national experts to work with the Stoltz organization towards improving the proposed plans. The Greenville Center is a fully developed, congested shopping center which if expanded as proposed would have an adverse impact not only on the local homeowners, but Greenville and the northern New Castle County area.

Thank you.

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