

Christopher A. Coons
County Executive



David M. Culver
General Manager

Department of Land Use

Department of Land Use Revised Exploratory Plan Report

To: Jim Lober – Apex Engineering, Inc.

Date - December 31, 2008
 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 - June 19, 2008

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

Status of Review –

Hearings: Planning Board Public TAC Hearing, February 3, 2009

General Compliance for the Public Hearing – In accordance with Section 40.31.112E of the County Code, the Exploratory Plan was reviewed at the July 1, 2008, Planning Board Public Hearing. As recently discussed, Section 40.08.130 of the County Code requires a TAC hearing at the Exploratory Plan stage for Major Redevelopment Plans without rezonings. The applicant has documented that plans have been distributed to TAC agencies. The Department of Land Use has made a written request for TAC comments for the Exploratory Plan Report. The Department will issue an additional review report after the Public Hearing that will find the plan acceptable to proceed to record after you address all comments and/or studies or unacceptable, submit a revised exploratory plan to address all comments and/or studies.

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. 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) It appears that the existing site may not contain the required amount of loading bays. The applicant should consider calculating the existing nonconforming situation and propose credit for providing full compliance;
 - b) It appears that final site aggregate improvements will exceed 800%. 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;
3. As outlined in Section 40.03.309 of the County Code, parking facilities for the Daycare Center shall function independently and physically separate from the general parking and circulation pattern of the other stores and businesses. It has been noted that additional design details of the parking garage will be provided at the Record Stage of the project to demonstrate compliance with this requirement;
4. In an effort to demonstrate compliance with Section 40.04.110C for proposed building height, provide dimensions from buildings to the northerly property line;
5. In accordance with Section 40.22.610 of the County Code, provide a written request with justification for the reduction of loading bay dimensions for the proposed office buildings. Additionally, the three retail buildings, located on the southerly side of sheet two will each require an additional loading bay. The plan should be revised accordingly;
6. A detailed phasing plan will need to be provided for this project at the Record Stage. 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;
7. Please note that the Record Plan version should not contain existing improvements or topography;
8. Provide detailed floor plans of the proposed parking garages at the Record Stage;
9. ~~Show proposed trash receptacles and screening on the Record Plan;~~
10. Proposed buildings should not be bisected by plan sheets. Plan notes should not overlap plan details. Additionally, plan sheets should not overlap. Where feasible, ~~buildings and parking should be allocated by potential phases for each sheet;~~

Engineering:

The Engineering Section within the Department of Land Use has reviewed the revised Exploratory Plan submission. Understand prior to the submission of the Record Plan the Engineering Section will expect the following items to be included to be considered a complete submission. A detailed cover letter must be provided describing how each comment was addressed:

1. As outlined in your response letter dated November 25, 2008 soil tests will be performed throughout the site to locate the best conditions for maximizing the infiltration potential. Based upon the information gathered and recommendations provided by the Geotechnical Engineer performing the soil tests, to determine the infiltration and seasonal high groundwater table as required in Section 40.22.210 of the UDC, the location of the GTBMP's may cause modifications to the current site layout and/ or additional testing. The Soils Exhibit provided does not reflect the current layout and additional testing locations shall be evaluated by a Geotechnical Engineer.
2. Infiltration is one method to achieve compliance with Section 10.3.4.4 of the Delaware Sediment and Stormwater Regulations to demonstrate successful management of any increase in stormwater runoff volume from the pre-development land use conditions. Another option which is favorable in commercial applications is re-use of stormwater runoff.
3. 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. Where ponds are the proposed method of control the developer shall submit an analysis that demonstrates no impact (significant increase in velocity and/or in flood elevation or duration of flooding) from the stormwater flow downstream in the watershed for the 100 year frequency storm event. The analysis shall include hydrological and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development, on receiving dams, highways, structure, and natural points of constricted stream flows past which timing effects would be negligible. (New Castle County Drainage Code Section 12.04.001.F4)
4. Provide a copy of the Non-delineated Floodplain Study for review. The Engineering Section recommends evaluating the completed flood study for the downstream property performed by Landmark Engineering to verify the flooding elevation and information is consistent.
5. ~~The proposed application of pervious pavement is not suited in high traffic areas and needs sufficient maintenance to be successful. Additionally, if infiltration is not achieved pursuant to state regulations as part of the pervious pavement design~~

then water quality treatment is required to meet code. The Engineering Section recommends a meeting to discuss the locations of the pervious pavement system prior to a Record Plan submission.

6. 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.

Standard Approvals and Comments before Recordation

1. Please note that approval from DeIDOT 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



**DELAWARE HEALTH
AND SOCIAL SERVICES**

DIVISION OF PUBLIC HEALTH

OFFICE OF DRINKING WATER
PHONE: (302) 741-8630
FAX: (302) 741-8631

December 3, 2008

Mr. James H. Lober
Apex Engineering Incorporated
27 West Market Street
Newport, DE 19804

RECEIVED

DEC 08 2008

DEPT. OF LAND USE

Re: Application No. 2008-0275 (S) – Preliminary Plan Submission for Barley Mill Plaza

Dear Mr. Lober:

The Office of Drinking Water received the preliminary plan for Barley Mill Plaza. The preliminary application indicates that the City of Wilmington will supply water.

This project requires the owner to obtain an Approval to Construct and an Approval to Operate from ODW when constructing a new water system or altering an existing water system.

In order to obtain an Approval to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by ODW prior to construction. Please refer to *Construction Plans and Specifications Submittal and Review Guidelines* prepared by ODW for further details.

It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction. Prior to the owner receiving an Approval to Operate for this project, ODW requires one set of as-built drawings, including profile markups, for all plans approved for construction. An Approval to Operate will be issued after all applicable requirements are met.

Please contact Doug Lodge, P.E., or me at (302) 741-8586 for further information.

Sincerely,

William J. Milken

William J. Milken
Engineer III
Office of Drinking Water