



Department of Land Use  
**Department of Land Use Exploratory Sketch Plan Review Report**

Date – September 25, 2007  
Application Number – 2007-0439 (S)  
Project Title – **The Shops at Brandywine Valley**  
Consulting Engineer – Stephen G. Davies, Apex Engineering, Inc.  
Legal Property Owners – Elkie E. McGinley, Woodlawn Trustees, Inc.  
Description – Proposal to construct a 199,950 square foot shopping center on 43.5594 acres and to rezone 41.44 acres from Suburban (S) to Commercial Regional (CR)  
Type and Stage of Plan – Exp. Sketch Major Land Development Plan / Rezoning  
Prior Review – May 23, 2007 Pre-Exploratory Sketch Conference  
Project Review Team – Planner, Steven Faux at 395-5437 *Steve Faux*  
Engineer, Eric Laramore at 395-5447 *Eric Laramore*  
Historic Preservation, Christine Quinn at 395-5521 *Christine Quinn*  
Transportation, John Janowski at 395-5426 *John Janowski*  
Special Services, David Thurman at 395-5752  
Status of Review – General Compliance for the Public Hearing – The Department of Land Use will issue a follow-up review report after the October 2, 2007 Planning Board public hearing that will instruct the applicant to either submit a revised Exploratory Sketch Plan addressing the various review comments or to submit the Preliminary Plan.  
Timeframe – Pursuant to Section 40.31.390 of the NCCC, the Preliminary Plan must be submitted within one year from the date of this Review Report (by September 25, 2008) or the application will be expired. The Exploratory Sketch Plan, however, must be approved prior the Preliminary Plan submission.  
Public Hearings: October 2, 2007 Planning Board public hearing; pending  
**Planning comments:**  
Date of plan receipt: August 17, 2007  
Date submission was completed: September 13, 2007  
Date reviewed: September 25, 2007  
Days in review: 8 days

1. The proposed rezoning from Suburban (S) to Commercial Regional (CR) may be considered inappropriate at this time. At the joint Department and Planning Board Hearing at the preliminary plan stage, the applicant should be prepared to address the plan's conformance with the Comprehensive Development Plan, impact upon the surrounding area and infrastructure, compatibility of land use intensity and scale of proposed development, character of the neighborhood, zoning, and use of nearby properties and the suitability of the property for the proposed use. Rezoning applications follow the procedure in Section 40.31.113 of the New Castle County Code.
2. A Traffic Impact Study is currently being conducted by the applicant's Traffic consultant but has not yet been completed or reviewed. This will occur prior to the review of the Preliminary Plan. Although the conclusions of the study are not fully known at this time, the applicant has acknowledged the known "level of service" deficiency of the Naamans Road / Concord Pike intersection and proposes substantial modifications to the intersection. In order to increase the amount of green light time for the north and southbound Concord Pike traffic, the plan calls for the removal of the left turn movements from southbound Concord Pike to eastbound Naamans Road and the removal of the left turn lane from northbound Concord Pike to westbound Beaver Valley Road. The Department has serious concerns about the wisdom of these changes from the standpoints of safety, convenience, and efficiency. It is the Department's expectation that the removal of the left turn lanes will cause adverse effects elsewhere throughout the project's area of influence and should be very carefully analyzed by DelDot prior to allowing such a change.
3. Beaver Valley Road and Ramsey Road are both designated as "Scenic Road Corridors" in the "Brandywine Valley Scenic River and Highway Study", a copy of the pertinent section of the map from the Study is attached hereto. Section 40.04.240 of the NCCC requires all Major Subdivision and Land Development Plans abutting such designated scenic corridors to be designed with a landscaped "scenic corridor" a minimum of 100 feet wide (50 feet wide if it were already wooded land). Therefore, the plan must be revised to include a 100 foot wide swath of open land abutting the right-of-way lines of those two roads.
4. The proposed 62,350 square foot building ("Whole Foods" store) has its loading and dumpster area oriented toward the intersection of Naamans Road and Concord Pike. Although that arrangement is not in violation of any zoning regulation, the Department believes a more innovative design should be explored which hides such accessory service features rather than orienting them to such a high profile intersection.
5. The general concept of separating the site into four quadrants, each separated from the others by new dedicated public streets, renders the design very unfriendly to pedestrians. The internal roads have been intentionally designed to accommodate cut-through traffic in addition to providing access to The Shops at

Brandywine Valley. The inability for shoppers to walk safely from one quadrant to another warrants a rethinking of the entire site layout. Except for the sidewalks directly abutting each of the buildings, there are no sidewalks or pedestrian amenities provided within the parking lots or anywhere throughout the site. In general, pedestrian circulation on the site must be substantially improved.

6. The wetlands depicted on the plan are associated with a stream called "Hurricane Run" and its tributaries. These watercourses are also depicted on various mapping sources and are regulated as "nondelineated floodplains" in accordance with Division 40.10.300 of the NCCC. The plan is required to include a delineation of the floodplains as calculated by the developer's engineer and approved by the Department of Land Use. Although the plan does not indicate the necessary filling of wetlands or impacts to the floodplains, the proposed east/west internal street and a stormwater management area cross them and will require either approval from the Corps of Engineers and/or a variance for relief of the resource protection requirements of the County Code. It is suggested that the design be modified to avoid the impacts to the wetlands and floodplain. DNREC should also be consulted to determine whether or not a "Subaqueous Lands Permit" will be required for the stream crossing.
7. The plan does not indicate the uses of each of the individual buildings. Three of the four pad sites have a drive-thru lane and one has a grease trap labeled. In order to properly design the drive-thru facilities, it must be known how the ordering and transactions will occur. Show the first point of communication and show how the vehicle stacking requirements are met. Also, every separate building is at least 3,500 square feet and requires at least one loading bay. Four of the six buildings have no loading facilities indicated. A supplemental plan should be prepared and submitted showing the means by which delivery vehicles will be able to navigate through the parking lots, access the loading bays, then exit the site without interference from parking spaces. Several internal turning movements will be difficult for tractor trailers.
8. The internal streets are labeled "public right-of-way" although they are not acknowledged as such in the "area breakdown" in the table of note 11. Provide street names and indicate their acreage in the table with the breakdown of land coverages.
9. Note 10 refers to the provision of "Park & Ride" parking spaces included on the site. However, on the graphic plan view, there is no identification of which spaces are intended to be available for that use. The Department supports the idea of providing additional parking spaces for use by the public or a Park & Ride facility but much greater detail is necessary. Submit a plan to DART for their review and comment regarding the proposal. The provision of bus stops on the east side of the internal intersection circle may not function safely and requires further analysis. The Department believes it is important to have a realistic estimate of how many cars would likely utilize the Park & Ride in order to

determine whether or not the number of spaces provided will be adequate. It may also be appropriate to provide one or more bus shelters and have the bus stops and designated parking spaces on one side of the internal roadway with the busses circulating through the Park & Ride area rather than simply pulling over on the side of the road. The proposed design will cause bus riders to have to routinely walk across the busy street to and/or from their cars.

10. The number, locations, and stacking length of the various access drives into and out of each parking lot may be inadequate and require some level of analysis prior to approval. The sole access into the 115 space parking lot serving the 12,000 square foot building is required to be lengthened to at least 40 foot deep per Section 40.22.611 I. of the NCCC. The two access points on the street east of the internal circle will be difficult to make left turns into or out of given the inevitably large volume of traffic on that roadway.
11. The proposed additional right-of-way dedication for the western traffic circle at the bend in Ramsey Road will cause the reconfiguration of the two parcels west of the subject property on the north and south sides of that road. The existing and proposed configurations must be shown on subsequent plans and the acreage of the parcels and dedication should be indicated.
12. A very small portion of the site in the southwest corner is covered by the edge of the "Brandywine Creek Valley Critical Natural Area" and a stormwater management facility is proposed in that general area. Show the Critical Natural Area (CNA) on the plan and avoid impacting it. Submit a Critical Natural Area Report to the Department of Land Use and to DNREC's Office of Nature Preserves for review and approval.
13. The subsequent plan submission should be prepared at a scale of 1"= 50' in order to enable the public and the reviewing agencies to conduct a thorough review and fully understand the existing and proposed condition of the site. The scale of the plan submitted does not enable us to verify the accuracy of the Riparian Buffer Area delineation or properly decipher all of the various lines on the plan. On the larger scale drawing, also show the internal landscaped islands having curved perimeters instead of being rectangular.

**Engineering comments:**

The Engineering Section has reviewed the exploratory submission and finds the plan acceptable to advance to the next level of review. A cover letter addressing each comment within this review letter must accompany any future submission of this application. The letter must describe the manner in which each comment was addressed. If the following items are not addressed as part of any future complete submission, the submission will be considered incomplete, automatically denied and returned.

1. Date Received by Engineering Section: 8/07/2007  
Date Completed by Engineering Section: 8/31/2007  
Number of Days in the Engineering Section: 18 Days
2. Provide the required assessment, in accordance with item J of the Exploratory Checklist, which addresses potential impacts to downstream properties and identifies any existing downstream constraints limiting conveyance of stormwater runoff from the site. This item was checked off but no assessment was provided.
3. Address the requirements of UDC Section 40.10.310.D regarding the existence of multiple non-delineated floodplains located on the parcel as identified by watercourses on sheet 3 of the NCC Soil Survey and a blue-line watercourse on the USGS Quadrangle for Wilmington North, NCC. Be advised, the existence of a non-delineated floodplain requires that an associated riparian buffer be placed around the floodplain. Furthermore, the encroachment through this watercourse for the purpose of creating an access road to Ramsey Road requires the submission of an Environmental Impact Assessment Report in accordance with UDC 40.10.210. Additional permitting from the Army Corps of Engineers or DNREC's Subaqueous Lands Division or both may be required for disturbance of this resource.
4. Please explain how the wetlands and nondelineated floodplain are proposed to be crossed both physically and legally. Are they to be filled in accordance with a permit from the Corps of Engineers? Is the provision of Essential Access proposed to be pursued?
5. The Engineering Section suggests examining this application for alternative runoff volume control practices such as green roof management and/or stormwater harvesting for landscape irrigation and non-potable water usage.
6. Verify that the existing pond is capable of managing the stormwater runoff proposed by this application while remaining in compliance with the applicable regulations. Be advised, the existing facility shall be required to be in compliance with current safety regulations governed for stormwater ponds in accordance with Section 10.3.6 of the Delaware Sediment and Stormwater Regulations. In order to obtain exploratory approval, a written assessment of the facility shall be required listing all deficiencies with the facility and the proposed remedy to bring those deficiencies into compliance.
7. Address the following concerns raised by the superseded recorded plan:
  - a. The previous record plan shows delineated wetlands in the same location as this plan has proposed stormwater facilities. Identify what type of facility you propose in this location and address the concerns of feasibility in regard to the constructability of stormwater management facility in hydric soils, high groundwater table and outside permitting issues.

- b. Clarify the intent of the existing 15 foot wide drainage easement established by the previous record plan as it pertains to this application.
  - c. The previous record plan indicates that the prior use utilized on-site wastewater. Provide a note on the plan addressing the requirements of abandoning or removing the existing septic in accordance with the requirements enforced by DNREC.
8. Revise all proposed sanitary lateral alignments so as not to encroach or interfere with the proposed stormwater facilities.
9. This application shall be required to obtain approved sanitary sewer plans from the NCC Department of Special Services prior to recordation. Provide a written acknowledgement of approval or a copy of the approved plan from the Department of Special Services prior to recordation of this application.
10. Provide a copy of the Notice of Intent for Stormwater Discharge approval upon receipt from DNREC, prior to recordation.
11. Be advised, additional comments may be issued on this application due to future plan changes, additional or new information or based upon the level of exactness of the information submitted.

**Historic comments:**

The historic preservation section has reviewed the exploratory Major Land Development plan for "the Shops at Brandywine Valley" (application 20070439). The ca. 1895 Eight Square School stands at the northwest corner of the project area. This resource has been determined eligible for listing in the National Register of Historic Places. Therefore, it is considered historically significant per Criterion A under Chapter 40.15.110 of the *New Castle County Code*. This application must be reviewed by the Historic Review Board (HRB).

The applicant should contact Christine Quinn in the Historic Preservation Section of the Department of Land Use with any questions and to schedule an appearance before the HRB.

**Transportation comments:**

A Traffic Impact Study (TIS) was scoped for this plan on February 22. The Plan proposes internal streets that will create a grid between Route 202/Concord Pike, Route 92/Beaver Valley Road, Route 92/Ramsey Road, and Rocky Run Parkway. Per the TIS scope the Plan proposes to use some of those streets for a right-turn loop, to replace the existing southbound left turn movement from Route 202 to Route 92/Naamans Road. The Plan also shows bus stop pull-off areas west of Route 202, and a walking trail through the southwestern part of the site.

Per County Code Section 40.21.162, the Plan should build sidewalk along the frontage on Route 202, with the sidewalk extending all the way around both proposed

blocks there. Those sidewalks should also extend to the western site border, along the south side of Beaver Valley Road and the north side of the parallel proposed street. Those sidewalks should connect with the buildings and the walking trail. As the Plan is refined, bike parking should be added.

**Land Use Mapping comments:**

According to the plan, the streets are going to be dedicated to public use. If the streets are to be dedicated, please have Apex contact Bill Streets for street name approval.

**Special Services comments:**

Sewer Capacity is available for the region, however there are significant off-site improvements required downstream of the development. We request the engineer meet with Special Services to discuss.

CC: Stephen G. Davies, Apex Engineering, Inc.  
Elkie E. McGinley, Woodlawn Trustees, Inc.  
Pamela Scott, Saul Ewing, LLP  
Planning Board members  
Councilman Robert Weiner  
David M. Culver, Planning Manager