

Delaware business: Deal finally forged on Stoltz projects



Written by

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3:17 AM, Feb. 26, 2011

It looks like developer Keith Stoltz will get his mall after all.

Citizens for Responsible Growth, a community group, has reached an agreement with Stoltz Real Estate Partners on scaled-down versions of development projects at Barley Mill Plaza and Greenville Center.

The deal centers around imposing four-story height restrictions at Barley Mill Plaza. However, Stoltz Real Estate Partners will still get to increase the density of the current office park, formerly owned by DuPont, by 60 percent.

And while the agreement requires New Castle County Council approval, it clearly has the potential to break a political logjam that has held up the project for three years.

Stoltz spokesman Tom Gailey said the new Barley Mill plan will be filed with the county under the redevelopment provision of the

Unified Development Code within 30 days, which will allow Stoltz to bypass a more stringent traffic analysis by the Delaware Department of Transportation.

The leaders of CRG, once defiant and plotting a multimillion-dollar legal battle against Stoltz and the county, seemed resigned Friday to the fact that Stoltz couldn't be stopped from altering the landscape of Wilmington's most affluent suburbs.

"We did the best that we could," said Patty Hobbs, a du Pont heiress who founded CRG three years ago to rally Delaware's elite to battle Stoltz.

Just six months ago, Hobbs struck a different tone.

"If this goes through, it's just going to destroy the entire state," she said at the time.

The agreement essentially fine-tunes the smaller plans that were brokered by Chris

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Coons last September, when he was county executive. Before Coons facilitated the compromise, Stoltz had plans to build a mixed-use complex at Barley Mill that was as big as the King of Prussia Mall in Pennsylvania and planned a 12-story high-rise at the Greenville Center shopping center that would have stuck out along Kennett Pike like the Rollins Building does on Concord Pike.

Since 2008, residents have been concerned that the density of the Stoltz projects would turn Del. 141 into a quagmire at the intersection of Lancaster Pike, back up traffic into Hockessin and Wilmington and create worse bottlenecks than already exist on the Tyler McConnell Bridge. They were adamant about retaining the unspoiled beauty of historic Kennett Pike, which they insisted would have been marred by a 180-foot tower in Greenville Center.

In the end, Greenville was largely spared from additional development. The plan for a 12-story residential tower in the space of the existing Wells Fargo building was scrapped. Instead, that structure will be replaced with a two-story building for commercial and office space. There also will be a new, 4,000-square-foot building at the corner of Buck Road and Kennett Pike.

The CRG agreement left some residents underwhelmed — particularly those in the Westover Hills Woods community, the closest neighborhood to the Barley Mill Plaza, which now will likely become a 1.6

million-square-foot commercial and office complex. The original Stoltz plan called for a 2.8 million-square-foot complex of offices, restaurants, shops and residential condominiums.

Tom Dewson, who lives near Greenville Center, said Stoltz had a perfect strategy. And he dejectedly believes the 450,000 square feet of proposed commercial space in the Barley Mill Plaza agreed to by CRG will "fundamentally deteriorate our community."

"I think [Stoltz] started with a huge phantom proposal they never intended to build, negotiated concessions and ended up right where they wanted to be in the first place," Dewson said. "What the public ends up with is a garish, overbuilt strip mall, gridlock on our roads and tens of millions of infrastructure costs that we will end up paying."

CRG leaders noted that for two years, Stoltz representatives paid little attention to their grievances or alternative plans for the

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sites, which were paid for by donations from citizens. After The News Journal wrote a series of investigative reports on the proposed developments, Keith Stoltz himself came to the bargaining table, and things moved toward a resolution, said John Danzeisen, a CRG leader.

Danzeisen and the group's president, Bob Valihura, a former lawmaker, said they had to do the work that local politicians wouldn't — navigating a complicated land-use system often unfriendly to average citizens.

"There are some folks who have expressed some disappointment," Valihura said. "But no one expressed the kind of outrage that we have to fight to the death."

Added Danzeisen, who isn't a fan of the shopping center: "If we could waive a wand and make all of this go away, we would. But we can't."

Valihura insisted that the CRG deal didn't quash the tower in Greenville Center for the sake of the shopping center at Barley Mill, as some residents suspect.

"That notion is totally untrue," Valihura said.

Patty Hurd, a Westover Hills Woods resident, isn't sure. Hurd complains that the negotiations with Stoltz were done in secret, and that plans for the two developments should not have been bundled together.

"This is not the direction we wanted to go

in," she added.

Top three concerns addressed

Traffic, the size of the project and the height of the buildings were the community's top three concerns, Danzeisen said. The agreement includes height restrictions that went beyond the September compromise but doesn't make the project smaller or include a traffic-improvement agreement.

The most substantial change in the Greenville Center plan is the removal of the high-rise. At Barley Mill, the agreement will cap the total square footage of new buildings at 1.6 million. No building can be more than four stories tall. No building would be more than 75,000 square feet, with the exception of one 90,000-square-foot pad that would be for a possible Wegmans grocery store, one part of the plan the community actually likes.

Stoltz has agreed that there would be no

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gas stations, no 24-hour stores and no fast-food establishments at Barley Mill. There are also lighting, soundproofing and landscaping provisions to make the complex less like a typical mall and more like the upscale Brinton Lakes shopping center in Glen Mills, Pa.

The agreement includes a 4-acre stormwater containment pond designed to address fears that the construction of the Barley Mill complex would create flooding problems for Elsmere, which is downstream along Chestnut Run Creek from the site.

Elsmere Councilman John Jaremchuk said he's glad the agreement includes the containment pond.

"We have flooding now, and we have serious concerns about the construction plans," Jaremchuk said. "All I can say is I'm cautiously optimistic that what's in the plan would mitigate the problem."

Dick Calabro of the Westover Hills Civic Association said the idea that the September compromise was the starting point for the talks doomed the agreement.

"I'm not convinced that's where they had to start," Calabro said. "None of this should go forward until a regional traffic study is conducted by the state."

Agreement far from perfect

Richard Beck, part of the CRG negotiating team, conceded that the agreement isn't

perfect. He said the point of the talks wasn't to mitigate traffic but to narrow the types of stores that could go into the new complex.

Westover Hills Woods residents vowed to continue fighting, insisting that increased traffic will harm the quality of the area. But Beck said fighting carries the risk that Stoltz could revert back to its original larger plans.

"We reached an agreement with the hand we had been dealt," Beck said. "To risk going back to square one by rejecting the preliminary compromise that had been reached doesn't seem like a reasonable decision to us."

Keith Stoltz, the CEO of Stoltz partners, would not comment for this story. But Stoltz did release a statement: "I am pleased that we now have community support for our projects... and look forward to moving ahead with our significant investments in New Castle County."

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The compromise brokered by Coons in September came after publicity about the projects and whether the development code was being gamed by developers to get projects through with less scrutiny. Stoltz representative Gailey denied that the news stories prompted Keith Stoltz to bargain with CRG.

"Keith was actually involved with the project from the get-go," he said. "He was involved, he stayed involved, and at the end, he thought it was important to bring the projects to a close."

Saul Ewing attorney Pam Scott was a chief negotiator as well. Scott is County Executive Paul Clark's wife. She announced last week she would be resigning from the firm at the end of March. Clark would not comment for this story, he said, because he issued an executive order after succeeding Coons in November that excludes him from participating in any Saul Ewing-related county business. Scott didn't return messages Friday.

Danzeisen said deed restrictions in the agreement are iron-clad and cannot be changed by the county council. County Solicitor Wendy Danner agreed. She said the agreement is a simple community-benefit agreement, a common part of many so developers can get community support for governments to approve their projects.

Councilman Bob Weiner, however, said this contract is "the mother of all community-benefit agreements," because of the scope of the project and the important concessions to residents it contains.

Dewson, the Greenville resident, said it's a shame that the government didn't do a better job at placing controls on the Stoltz projects and left the job for residents to fight.

"We have a totally dysfunctional state transportation department and a county government clearly tilted toward development," Dewson said. "The state and local government have failed to protect the public interest."

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Highlights of the compromise



Greenville Center site

ORIGINAL PLAN: A 12-story residential/commercial building.
COMPROMISE: A new two-story building will be built instead of the higher towers previously proposed.

ORIGINAL PLAN: Proposed post office or bank.
COMPROMISE: A 4,000-square-foot building.
 • Future heights of all buildings will be capped.

COMPROMISE: Building housing U.S. Post Office will be slightly expanded.

Barley Mill site

Even though the footprint of the site will remain the same, Stoltz revised its plan for a 2.8 million-square-foot to a 3.65 million-square-foot project.
COMPROMISE: Stoltz will construct a containment pond to alleviate possible flooding in Elmore.



West side
COMPROMISE: One-story retail buildings similar to original plans. The size of the retail stores will be restricted.

Parking garages to provide buffer for residential areas.

East side
ORIGINAL PLAN: Started with eight-story towers, then shortened to four-story towers.
COMPROMISE: No towers will be built. Parking garages and office buildings will be no higher than four stories.
 • Garages will be built back between residential areas and office buildings for privacy reasons.

Source: Stoltz Real Estate Partners
 The News Journal/DAN GABROW

Patty Hobbs founded Citizens for Responsible Growth three years ago.



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Bob Valihura, CRG president, said the land-use system proved tricky.



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John Danzeisen, a CRG leader, is still not happy with the center.

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