



Department of Land Use

Department of Land Use Revised Exploratory Plan Report

To: Thomas Prusak, P.E. – Landmark Engineering, Inc.  
Date - October 3, 2006  
Application Number - 2005-1045-S  
Name of Project - La Grange  
Type of Plan - Major Residential Subdivision/Rezoning and Land  
Development Plan  
Date of 1<sup>st</sup> Review - January 30, 2006

Project Review Team -  
Planner Antoni Sekowski at 395-5414 or [asekowski@co.new-castle.de.us](mailto:asekowski@co.new-castle.de.us)  
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**Status of Review - Unacceptable** – Please address the following items with a revised Exploratory Plan:

**Planning:**

Plan Submittal Complete: September 18, 2006  
Review Complete by Planning: October 2, 2006  
Days to Complete Review: 10

1. The proposed rezoning from S to CR and CR to S may be considered inappropriate at this time. At the joint Department and Planning Board Public Hearing for the Preliminary Plan, 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 County Code;
2. Please provide a summary of your findings and conclusion concerning the status of the watercourse located at the main entrance to the site. The summary should reference County Code definitions. Additionally, please provide an explanation for the starting location of the intermittent stream and associated 100 foot RBA. Currently, it appears that there are several areas where the RBA should be expanded to maintain 100 feet from the stream;
3. The proposed sewer and associated disturbance on the Friendship Baptist parcel is located in an area of protected slopes. Please note that the applicant may need to obtain a Special Use Permit from the New Castle County Board of Adjustment. A RPATAC review and recommendation may be required;

4. As you are aware, the plan proposes disturbance to the RBA for the main entrance to the subdivision. If the applicant intends to propose essential access, please provide an Environmental Impact Assessment Report (EIA) for review at the Exploratory stage of the project. Please verify if the tree clearing associated with the wetlands crossing will require an ACOE permit. Please note that the ephemeral crossing will require subaqueous approval from DNREC prior to Record Plan approval;
5. Please note that the plan must be revised to contain a LOD. Additionally, please note that stormwater management features are not permitted uses in zone 1 of the RBA. The plan must delineate the extent of the stormwater management features. Please note that Section 10.300 of the NCCC references stormwater outfalls;
6. It is unacceptable to provide a forestry lane in the RBA and Floodplain. Please verify that the ACOE and DNREC are acceptable to the proposed directional borings under the wetlands;
7. As you are aware, a nondelineated floodplain study will be required for this project. The Record Plan will need to contain flood elevations. The applicant will need to demonstrate that the first floor (including basement) of all structures will be located, at minimum 18 inches above the flood elevation. The floodplain delineation on sheet 9 appears to inaccurately end in the middle of the stream;
8. In accordance with Section 40.05.421 of the NCCC, the calculations shall be rounded down to a whole dwelling unit. The current residential acreage only permits 231 units;
9. Please revise the plan to provide additional sidewalks in the following locations. Sidewalks shall be provided on both sides of the residential entrance up to East General Grey Court. Provide sidewalks at the ends of all cul-de-sacs. Provide a continuous sidewalk on the northerly side of LaGrange Parkway between North General Knyphausen Court and North Aikens Tavern Court. Once a revised plan has been provided, a partial sidewalk waiver will be considered for review;
10. Please note that the proposed pedestrian bridge crossing will require approval from the owner of the adjoining tax parcel. It appears that it terminates on tax parcel 11-021.00-028;
11. Verify that no disturbance is proposed to the small wetland area located behind lot 80. Provide the square footage of the wetland located south of lot 129. The proposed disturbance to the wetlands located on sheet 5, W/L 66.9 is unacceptable. The proposed disturbance to the wetlands located on the southerly side of lot 16 is unacceptable.
12. Please note that the RBA disturbance located behind lots 99-103 is unacceptable. The proposed RBA disturbance (tree clearing) should not extend beyond the proposed sewer easement on the east side of lot 19. The proposed RBA disturbance behind lots 7-10 is unacceptable. The RBA disturbance behind lot 8 is unacceptable.
13. Where feasible, the pedestrian trail should overlap with the forestry lane to limit disturbance and impervious surfaces. The proposed forestry lane (sewer vehicular access) should not be located on proposed residential lots (48 and 49). Additionally, the proposed clearing for the pedestrian trail, located on the north side of lot 9, appears excessive. Demonstrate that the least amount of mature forests and RBA are being disturbed for the pedestrian trail;

14. Provide details of the proposed 10 foot forestry lane, 10 foot paved forestry lane and 6 foot pedestrian pathway;
15. Provide a note on the plan which indicates that attached dwelling units must provide two parking spaces (excluding the garage) at a minimum depth of 18 feet entirely within the individual lots property lines. Currently, several of the townhouse lots (92, 112, and 116) do not meet this requirement. Revise the location of the dwellings accordingly. Additionally, Twenty-one (21) off street parking spaces must be provided for the standard townhouses. Finally, the additional off street parking spaces must be provided for all attached units;
16. Provide a wetlands report for tax parcel 11-021.00-003. Provide the individual acreage of both tax parcels on the plan. Demonstrate property ownership and provide a revised SLD-1 Application;
17. Remove references to land being conveyed to the Friendship Baptist property with this plan. A construction easement must be obtained from the property owner prior to plan recordation;

**Commercial Development:**

1. It has been noted that the proposed sewer crossing the wetlands will be completed with directional boring. Please verify that DNREC and the ACOE are acceptable to this proposal;
2. The plan must contain an accurate LOD;
3. Remove sewer note details from the plan;
4. Once the final location and size of the proposed stormwater facilities have been determined, the Department of Land Use will consider the proposed partial curbing waiver. Please note that it may be more appropriate to provide depressed curbing or curb cuts in place of a curbing waiver;
5. The plan needs to arrange notes and the sheet layout to provide better detail of the extensive crossings and work being performed at the stream crossings (currently sheets 7 and 8). Please indicate if the pedestrian trail will require wetlands disturbance;
6. As previously noted, stormwater management features are not permitted uses within zone 1 of the RBA. Revise the plan maintain stormwater management features outside of zone 1;
7. The plan must be revised to provide sidewalks from the side path along all entrances internal to the site;
8. Revise the plan to provide a 15 foot building restriction line. Label the 25 foot paving setback;
9. Remove construction details from the plan;
10. Provide adjoining floodplain elevations on the plan;

**Engineering:**

Plan Submittal Complete: September 18, 2006

Review Complete by Engineering: October 2, 2006

Days to Complete Review: 10

1. Please confirm at the Preliminary Plan stage that the proposed bio-swales are of sufficient length to remove 80% of total suspended solids per the Delaware Sediment and Stormwater Regulations. The limits of the stormwater facility (bio-swale or filter strip) must be outside of zone 1 in accordance with Table 10.210. You may propose grading in zone 1 to provide gravity outfall to the protected resource per 40.10.300 of the UDC.
2. Assess the necessity for the proposed bio-swale behind lots 75-80. It may be treating only rear yards and roofs of town home units. This design change would also preserve the small area of wetland.
3. Demonstrate how the vegetative filter strip on sheet 9 of 13 will function. In particular evaluate the need for a level spreader and the manner in which flow will carry down the constructed fill slope.
4. Provide a narrative discussing the potential for implementation of Green Technology Best Management Practices for managing the quality, quantity and volume of post-developed stormwater runoff including the results of a desk top investigation and a list of the field testing that will be required to demonstrate feasibility of the design.
5. It is assumed that no waiver will be requested from the Delaware Sediment and Stormwater Regulations.
6. It is assumed that no off-site easements are required to convey runoff from the site to a point of outfall of adequate conveyance for post-developed stormwater runoff.
7. Panel 230 and the County's website show Zone A of the Muddy Run to be on the subject property. In accordance with 40.10.310, you must submit a hydrologic and hydraulic analysis pursuant to FEMA standards to establish the base flood elevations.

**Historic:**

The Historic Preservation Section has reviewed the revised exploratory Major Land Development plan for LaGrange (application 20051045). The Historic Review Board (HRB) reviewed the initial exploratory plan at their January 2006 hearing and February 2006 business meeting. Because the property is historically zoned, design review of all submitted plans rests with the HRB. The applicant is obliged to comply with the decisions of the HRB in regard to this property.

The applicant has provided extensive archaeological information about the property, and the applicant will be required to either completely avoid or fully mitigate any known archaeological sites in the course of construction. Therefore, all construction plans and landscaping plans will be reviewed by the Historic Preservation Section and the HRB.

The HRB determined in February 2006 that the appropriate open space buffer around the structures of LaGrange extends beyond the 500' circle shown on the submitted plan. The

open space buffer appropriate for these resources extends to the property lines on the south, east, and northeast sides and to the treeline on the west and northwest sides. The open space buffer shown on the revised exploratory plan is incorrect.

Finally, the Record Plan will not be approved without the addition of a numbered note to state that the LaGrange manor house and outbuildings are to be preserved and that the proposed parcel to contain them and adjacent "Field C" shall not to be further subdivided.

#### **Requirements prior to Preliminary Plan Approval**

1. Prior to the submittal of a Preliminary Plan, the TIS must be reviewed and found acceptable by DelDOT and the Department of Land Use. It has been noted that a TIS waiver is being investigated;
2. The Preliminary Plan should provide interior property line descriptions. The preliminary plan should include individual lot acreage;
3. The Preliminary Plan should show complete building restriction lines;
4. The plan must contain a note indicating which townhouse lots must be end units;
5. Provide a proposed monuments count;

#### **Standard Approvals and Comments before Recordation**

1. Please note that approval from DelDOT will be required. Landscaping within the proposed median will be subject to DelDOT approval;
2. Please note that approval from the Office of the State Fire Marshal will be required;
3. Designate Natural Resource Open Space and Community Area Open Space in accordance with Section 20.225.B.9 of the UDC;
4. Provide certification from the water supplier in accordance with Section 05.310 of the UDC;
5. Provide monuments in accordance with Section 20.520 of the UDC;
6. A Landscape Plan, Open Space Management Plan and Natural Resource Area Manage Plan will need to be submitted and approved. Please note that the WRPA must be reforested in accordance with Section 10.384 of the UDC. Please address the special residential landscaping requirements of Section 23.121. Additionally, any proposed pump stations must contain adequate vegetative screening. Finally, the RBA must be classified and reforested in accordance with Section 10.331 of the UDC;
7. Performance Surety must be provided in accordance with Chapter 40, Division 31.800 of the UDC 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;

8. 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 for the proposed development. Additionally, please add the following note to the plan. "Prior to the 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.";
9. 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;
10. Please contact the Department of Special Services to determine the appropriate amount for your maintenance escrow note 40. Additionally, contact John Gysling to determine the appropriate amount for your residential stormwater management facility maintenance fund note 41;
11. Submit the executed and notarized maintenance organization compliance and disclosure affidavit required by Chapter 40, Section 27.140.H of the County Code;
12. Submit a copy of the required maintenance declaration and a copy of the plan to the Division of Law and this department for review and approval. Please note that the maintenance declaration must be recorded prior to plan recordation;
13. Add an impact fee note to the plan;
14. Please note that Table 31.390 of the UDC outlines time limits for expiration of plan;

CC: Steve Nichols – L Grange Communities, LLC  
David M. Culver  
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