



Department of Land Use

Department of Land Use Revised Preliminary Plan Report

To: Thomas Prusak, P.E. – Landmark Engineering, Inc.
Date - August 8, 2007
Application Number - 2005-1045-S
Name of Project - La Grange
Type of Plan - Major Residential Subdivision/Rezoning and Land Development Plan
Date of 1st Review - January 30, 2006

Project Review Team -

Planner Antoni Sekowski at 395-5414 or asekowski@co.new-castle.de.us *AS*
Engineer John Gysling, P.E. at 395-5473 or jgysling@co.new-castle.de.us *JG*
Historic Christine Quinn at 395-5521 or cquinn@co.new-castle.de.us *CQ*
Transportation John Janowski at 395-5426 or jjanowski@co.new-castle.de.us
Special Services Robert Magnotti at 395-5722 or rmagnotti@co.new-castle.de.us *RM*

Status of Review – **Unacceptable** – Please address the following comments with a revised Preliminary Plan submittal:

Planning:

Plan Submittal Complete: July 13, 2007
Review Complete by Planning: August 1, 2007
Days to Complete Review: 13

1. As you are aware, the New Castle County Planning Board and Department of Land Use have issued a joint recommendation to conditionally approve the above rezoning application. The Planning Board voted at their May 1, 2007 Business Meeting. As previously noted, the Preliminary Plan must be revised in accordance with the HRB recommendation and the Department of Land Use Rezoning Recommendation Report. The recently provided revised Preliminary Plan does not adequately address the conditions outlined in the report. The plan may not proceed to County Council until a revised Preliminary Plan has been found acceptable by the Department of Land Use, as per Section 40.31.113 F 1 of the NCCC;
2. The proposed disturbance to wetlands on the revised Preliminary Plan has been found unacceptable. The forestry lane on sheet 7 (detail sheet 11) is not a permitted use within wetlands. If the applicant intends to maintain the proposed wetlands disturbance, an Army Corps of Engineers (ACOE) jurisdictional determination will

be required. If the wetlands are determined to be regulated by the ACOE, appropriate wetlands disturbance permits will be required. If the wetlands are non-jurisdictional, a RPATAC recommendation and Board of Adjustment approval will be required for the proposed disturbance. Please note that the plan may not advance until this is resolved. Please note that sheet 7 and the detail sheet 11 must be revised to remove or relocate sewer details labels from resources. The current plan version is difficult to interpret. Additionally, the same area must contain an accurate limits of disturbance;

3. As previously noted, please contact DNREC to determine if a subaqueous permit will be required for the proposed ephemeral crossing;
4. Please forward the DNREC findings concerning the revised Bog Turtle Report to this office;
5. It has been noted that it is the applicants intent to record application 2006-0877 prior to the recordation of this plan;
6. The plan will need to be revised to remove the proposed row dedication (condemnation) and proposed improvements from tax parcel 11-026.00-050. As you are aware the proposed changes to the referenced tax parcel are not proposed as a part of this plan;
7. Your note 48 should additionally state that the developer and/or its assigns shall furnish a copy of the Record Plan depicting the street interconnection to every homeowner in the subdivision;
8. Please note that your request for a partial sidewalk waiver has been found acceptable by the Department of Land Use;
9. Please contact DART concerning the proposed request for a bus stop at the location of La Grange Pkwy. and West General Grey Court;
10. Once the final location and size of the proposed stormwater facilities have been determined on the commercial site, 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;
11. The proposed bike racks should be provided on a hard surface;
12. Please update your parking rationale per the revised GFA on the commercial site;

Transportation:

Change "UDC Concurrence" to New Castle County Code Conformancy".

A) addresses the proposed entrance opposite Perch Creek on US 40. Typically we would want an agreement with DelDOT to document the improvement, however this is the proposed entrance to the residential part and DelDOT has specific entrance approvals to cover it. Please verify if DelDOT wants an agreement tied to building permits.

B) addresses the proposed entrance to the commercial part. Change building permits to Certificate of Occupancy (CO). Verify if DelDOT is acceptable to the statement that "DelDOT will work with the owner/developer in completing a friendly condemnation for that portion of the property necessary to construct the crossover, so that a separate subdivision plan is not required. Once again this involves a new entrance and if DelDOT wants an agreement we can tie it to CO's.

C) addresses the construction of a pedestrian signal at the US 40/Peoples Plaza Entrance phased to 100 building permits. State this as an agreement between the developer and DelDOT prior to the 1st building permit.

D) requires a cross access easement with the adjacent Deer Park Plaza "prior to the issuance the 51st % of the building SF". We want the easement no matter what, even if it is a floating note. The note continues "the owner will make a good faith effort to construct a vehicular crossing between the two commercial properties. If construction of the vehicular crossing has not begun by January 1, 2010, then the owner/developer will make a \$50,000 contribution to DelDOT for road improvements along US 40 in the vicinity of the project". Verify that DelDOT is in agreement with this statement.

Due to the difficulty of tracking a percentage of commercial square footage in our system, change "51% of the building footage" to CO's for specific phased buildings (an equivalent square footage) This case applies to items: D, G, I.

G) requires bus shelter and markings prior to 51st % of building SF. Developer need to defines "and will work with DART to *bring regular bus service* to the site".

I) requires a good faith effort to work with Springside Office and Peoples Plaza to provide a vehicular connection and if not constructed by January 1, 2010 owner/developer will make a contribution of no greater than \$500,000 to DelDOT road improvements in the US 40 vicinity of the project. Please confirm with DelDOT if it is necessary to additionally tie this requirement to a percentage of building square footage, given the date for the financial contribution.

The following two issues are not mentioned and should be noted on the plan:

Like item E, an easement between the 48+ acre parcel and the Friendship Baptist Church to provide future vehicular access to Glasgow Avenue is required. Again, this plan as well as the Church plan (application 20060877 S) are currently in the review process.

Another requirement must state that DelDOT reserves the right to require the applicant to improve or contribute funds to improve the intersection of US 40 Glasgow Avenue. This was a condition of the TIS waiver and is stated on page 2 of our letter of January 31, 2007 and DelDOT's letter of January 23, 2007.

Engineering:

1. The July 12, 2007 letter did not provide responses to Engineering comments #10 and #12 or provide a full response to comment #11.
2. In response to your response to comment #3, we thank you for the effort to photo document the outfalls and impacts to resources. At this time, it is our opinion that additional grading may need to be proposed to reduce and eliminate negative impacts to resources to accomplish positive fall and adequate capacity within the conveyance system. We propose investigating the outfalls again prior to development of the construction drawings.
3. The maintenance and presence of wetlands within the open space must be addressed on the open space management plan. They may be considered sources of mosquitoes or other nuisances to the future residents and a management plan must be designed to address issues.
4. We note the Subsurface Exploration report by GTA dated February 20, 2007 does not provide the results of the infiltration testing in table form although the information is provided on the Preliminary Plan. The infiltration information should be in the report.

Historic:

The Historic Preservation Section has reviewed the revised Preliminary Major Land Development with rezoning plan for LaGrange (application 20051045). The Historic Review Board (HRB) reviewed the rezoning which is part of this Major Land Development Plan at their March 20, 2007 hearing and April 3, 2007 business meeting.

The "historic property" includes the areas to be rezoned, the area to be developed with residences and the 48+ acre parcel on which the LaGrange manor house is located. The HRB unanimously passed a motion at their April 3, 2007 business meeting, stating in part that they are "concerned about the impacts upon the manor house, which is the major component in the larger cultural landscape." The applicant is obliged to comply with the decisions of the HRB in regard to this property.

The applicant's response to the Subdivision Planner's March 8, 2007 letter stated that the applicant will not comply with the requirements of the HRB and the Planning Board's decision in regard to this historic property. Regardless of the applicant's contention that required items related to the 48± acre parcel do not apply to application 20051045, the HRB is charged with the review and preservation of the entire Historic Zoning Overlay District. Therefore, the revised Preliminary Major Land Development plan cannot be approved without the applicant's completion of items required by the HRB and the Planning Board.

Standard Approvals and Comments before Recordation

1. Revise the plan to include interior property line descriptions. Additionally, the plan must include individual lot acreage;
2. The Record Plan should show complete building restriction lines;
3. Remove topography, soils and houses from the Record Plan version;
4. Remove construction plan details from the Record Plan;
5. The plan must contain a note indicating which townhouse lots must be end units;
6. Provide a proposed monuments count;
7. Prior to plan recordation, all traffic mitigation measures must be approved by the Department and must be recorded in the form of a declaration of restrictions. All deed restrictions shall be prepared by the applicant and approved by the Department of Law prior to final approval of the plan;
8. Please note that approval from DeIDOT will be required. Landscaping within the proposed median will be subject to DeIDOT approval;
9. Please note that approval from the Office of the State Fire Marshal will be required;
10. Designate Natural Resource Open Space and Community Area Open Space in accordance with Section 40.20.225.B.9 of the NCCC;
11. Provide certification from the water supplier in accordance with Section 40.05.310 of the NCCC;
12. Provide monuments in accordance with Section 40.20.520 of the NCCC;
13. 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 40.10.384 of the NCCC. Please

address the special residential landscaping requirements of Section 40.23.121. Additionally, any proposed pump stations must contain adequate vegetative screening. Finally, the RBA must be classified and reforested in accordance with Section 40.10.331 of the NCCC;

14. 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.";
15. 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;
16. 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;
17. Submit the executed and notarized maintenance organization compliance and disclosure affidavit required by Chapter 40, Section 27.140.H of the County Code;
18. 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;
19. Note that a complete record plan submission must be made within twelve (12) months of the date of the May 1, 2007 Planning Board Business meeting, or the plan will expire.

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