

STAFF ANALYSIS for the HISTORIC REVIEW BOARD

Application: 2005-1045
Type: Major Subdivision Plan with Rezoning
Project Name: LaGrange
Date: 3 April 2007

DESCRIPTION

Location: North side of US 40, west of Route 896
Tax Parcels: 11-026.00-039 and 11-021.00-003
Councilperson: Tackett
Applicant: Steven J. Nichols
Owner: same

BACKGROUND

The Major Subdivision Plan with Rezoning application for LaGrange was first received by the Department of Land Use on December 12, 2005. The project proposes to subdivide the property to create a 232 lot open space planned development, rezone 3.83 acres of Commercial Regional land to Suburban and to rezone 11.68 acres of Suburban land to Commercial Regional (CR), create a 1.74 acre parcel to be conveyed to the Friendship Baptist Church, and create a 50 acre parcel to be retained by the owner. The subject parcels received a Historic Zoning Overlay in 1982. As a property with a Historic Zoning Overlay, the Historic Review Board (HRB) has the responsibility to review and approve all historic permits. The Historic Preservation Section was familiar with the historic resources on the property and referred the Exploratory Plan to the Historic Review Board on December 12, 2005.

At the February 7, 2006 Business Meeting of the HRB, the Board reached consensus to allow the plan to proceed with 10 conditions that must be met at the appropriate development stage. Of those ten, the applicant and/or the Department have completed four. Four are pending, and two are outstanding.

The applicant has stated his intention to transfer a portion of the property at the northeast corner to Friendship Baptist Church, which is located adjacent to the subject property. The area to be transferred contains known archaeological resources and will be subject to the same review process as any other historically zoned property, if any land-disturbing activity or construction is proposed.

ANALYSIS

The Ten Items of Consensus

Several of the 10 items are tasks that are part of the overall final record plan review and, as such, may not be fully completed until the time of recordation. The applicant appears to have satisfactorily addressed items 2, 3, 5 and 7.

The HRB defined the required open space buffer around the structures of LaGrange farmstead to include the agricultural field to the immediate west of the structures, up to the existing treeline, and extending to the property line on the north, east, and south of the farm complex structures (item #1). The applicant has not submitted a plan to date that accurately depicts the open space buffer. The HRB further required that a numbered note be placed on the Record Plan, stating that the feeder canal and defensive earthworks are to remain undisturbed with additional open space buffering (item #6). This note has not yet appeared on the Preliminary Plan.

The applicant is required to submit a preservation plan for LaGrange manor house and outbuildings (#4). Such plan has not been submitted to the Department to date. A numbered note is required on the Record Plan stating that LaGrange manor house and outbuildings are to be preserved and that the proposed parcel to contain these structures and the adjacent "Field C" is not to be further subdivided (#8). This note is not present on the submitted Preliminary Plan.

The HRB requires that the applicant integrate remnants of the historic roadbed into a walking trail as a linear park or greenway (#10). This item is pending because the existence of remnants of the road has not been agreed upon.

Finally, the HRB required that the requested land use history be completed and submitted to the HRB (#9). This document has not yet been received by the Department.

Rezoning Request

At their February 7, 2006 business meeting, the HRB found that, at that time, the rezoning request was inappropriate. The HRB requested that the applicant, at a future meeting, address the plan's conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The applicant did not address this item at the March 20, 2007 hearing in which the rezoning was discussed.

If the land subject to the rezoning remains Suburban, in addition to residences, the uses permitted in the current S (Suburban) zoning district include: churches and other places of worship, schools, fire stations, and other permitted uses. Among these other permitted uses this area could be developed with regional institutions such as libraries, museums, cultural or arts centers, community centers, and cemeteries; nursing homes and group homes; dormitories; and public service facilities such as a police station, rescue unit, national security uses, etc.

Subdivision Plan

The layout of lots, roads, open space, and related infrastructure shown on the Preliminary Plan dated September 30, 2006 appears to avoid all but two of the identified and investigated archaeological sites (7NC-D-249 and 7NC-D-253). The applicant's consulting archaeologist concluded that neither site retains sufficient integrity of preservation or significance to be considered eligible for listing in the National Register of Historic Places.

U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties:

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of the property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

STAFF RECOMMENDATION

Because this plan requests a rezoning and is subject to the provision of Article 31 of the *New Castle County Code*, which includes a joint Department and Planning Board Hearing and Department recommendation, the Historic Preservation Section does not offer any recommendation on the rezoning itself.

The staff does recommend that the HRB issue a recommendation on the rezoning. The staff reminds the HRB that they may issue, for the record, any conditions that they believe would enhance the plan if New Castle County Council approves a rezoning for the site.

The historic preservation section recommends that the Historic Review Board

1. **find that the applicant has satisfactorily completed items 2, 3, 5, and 7 of the ten consensus items, which brings the plan into conformance with**

Secretary of the Interior's Standard 8 ("Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.");

2. **remind the applicant that completion of items 1, 4, 6, 8, 9, and 10 is required prior to recordation of the plan; and**
3. **remind the applicant that conformance to the Secretary of the Interior's Standards will be required for approval of architectural plans, landscape plans, other land use plans, and the preservation plan for LaGrange structures.**

HRB RECOMMENDATION

At the April 3, 2007 business meeting, the HRB unanimously passed the following motion.

The Historic Review Board's responsibility is to protect properties that have been accorded a Historic Zoning Overlay, the highest level of protection accorded by New Castle County. In that regard, the Historic Review Board recommends against the rezoning of the 11.68 acre parcel from Suburban (S) to Commercial Regional (CR) due to the rezoning's potential adverse impact on the entire historically protected property. In particular, the Historic Review Board is concerned about impacts upon the manor house, which is the major component in the larger cultural landscape.

However, if rezoning is permitted, the HRB insists:

1. That the entire treeline between the rezoned area and the agricultural field to the immediate west of LaGrange farm complex be preserved and enhanced with vegetative materials to provide an opacity of 1.0 in order to protect the viewshed of the manor house during all seasons of the year.
2. That the commercial area will have a village design compatible with the Aikens Tavern National Register Historic District to the east. Such a design will include the following elements:
 - a. The retail structures will be broken up so that no more than two units in any one building have shared walls, to avoid the appearance of a strip mall.
 - b. Parking shall be arranged away from Route 40 and broken into smaller areas, separated by landscaping such as berming and plantings to create a park-like feeling.
 - c. Buildings shall have differing facades.
 - d. Buildings shall have pitched roofs only (no flat roofs).
 - e. Buildings shall be no taller than one story.
 - f. Downlighting only will be permitted.
 - g. Signage shall be compatible with the historic character of the area.

Staff Note:

During their discussion of the proposed rezonings, the HRB stated that they had no objection to the downzoning of the 3.83 acre parcel at the southwest corner of the property from CR to S.