



Department of Land Use

**Department of Land Use Revised Preliminary Plan Report**

To: Thomas Prusak, P.E. – Landmark Engineering, Inc.  
Date - October 26, 2007  
Application Number - 2005-1045-S  
Name of Project - La Grange  
Type of Plan - Major Residential Subdivision  
Date of 1<sup>st</sup> Review - January 30, 2006

Project Review Team -

Planner Antoni Sekowski at 395-5414 or [asekowski@nccde.org](mailto:asekowski@nccde.org)  
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Status of Review – **Acceptable** – Please address the following comments with a complete Record Plan submittal:

**Planning/Engineering**

Plan Submittal Complete: October 3, 2007  
Review Complete by Planning: October 25, 2007  
Days to Complete Review: 15

1. The current Preliminary Plans appear to have removed the proposed rezonings and commercial development from this project. Prior to the submittal of a Record Plan, please provide a formal written request to withdraw the rezoning component from this application;
2. As you are aware, a Land Development Improvement Agreement (LDIA) has been recorded for a 54,400 sq. ft. commercial development and 232 residential units. Please note that the recently revised plan will require a new LDIA which reflects the current proposal. Please initiate that LDIA by submitting an LDIA information sheet to this office for review;
3. Sheet 7 of the plan references an inset located on sheet 11. Please note that the inset is located on sheet 10. Additional details on the limits of disturbance must still be provided for this area. It appears that a manhole is proposed over the stream culvert.

Any disturbance to the stream may require ACOE and DNREC approval. The proposed directional borings should start outside of the protected areas;

4. Please note that lots 49-62 will require an on lot bufferyard (10 foot 0.1 opacity). Please verify that the lots meet the minimum lot size exclusive of the bufferyard. Additionally, in accordance with Section 40.04.302 of the NCCC, the rear building restriction line for lots 49-62 should be provided from the outer limits of the bufferyard;
5. Provide a note on the plan which indicates that no building permits will be issued until the Historic Review Board has reviewed and approved the exterior residential designs;
6. Provide the following note on the plan. "Prior to the dedication of the 60 foot cross access easement located on tax parcel 11-021.00-006 for a public right-of-way, the applicant will need to obtain the approval from the owner of tax parcel 11-026.00-040 to impose a street yard setback on that parcel." Additionally, reference the existing recorded cross access easement instrument numbers on the Record Plan;
7. Revise the building locations to provide an appropriate parking setback for proposed lots 45, 53, 56 59 and 62;
8. Reference February 2006 for the revised date of the WRPA maps.

**Transportation:**

The revised preliminary plan no longer proposes a commercial component to this zoning; therefore Note 43 cannot propose traffic mitigation measures based on something that is no longer part of the plan.

I suggest the applicant modify the note to address the residential component only. That can be accomplished by dropping any reference to traffic mitigation for the commercial component; however there may still be an impact to the transportation network beyond the mitigation required for the residential part of the plan. Mitigation for the residential part (current plan) only addresses the proposed 4th leg of the intersection of US 13/Perch Creek Drive. DeIDOT may require additional mitigation.

**Historic:**

The Historic Preservation Section has reviewed the revised Preliminary Major Land Development plan for LaGrange (application 20051045). The plan proposes a residential development consisting of 227 units and eliminates the previously proposed rezoning of two parcels. The plan also proposed to create a 1.74± acre parcel to be transferred to Friendship Baptist Church and to combine a contiguous tax parcel with TP 11-026.00-039.

The Historic Review Board has approved the residential development. The applicant has provided adequate information about archaeological resources that were found in the area of the parcel to be transferred to Friendship Baptist Church. Therefore, the Historic Preservation Section has approved the Preliminary plan as submitted on October 3, 2007.

The Historic Preservation Section reminds the applicant that no building permits will be issued until the Historic Review Board has reviewed and approved exterior residential designs.

### **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 DelDOT will be required. Landscaping within the proposed median will be subject to DelDOT 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 39. Additionally, contact John Gysling to determine the appropriate amount for your residential stormwater management facility maintenance fund note 40. Your note 40 should reference Section 27.230 of the NCCC;
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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