



Department of Land Use

Department of Land Use Exploratory Plan Report

To: Thomas Prusak, P.E. – Landmark Engineering, Inc.

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
Engineer John Gysling at 395-5473 or jgysling@co.new-castle.de.us
Historic Christine Quinn at 395-5521 or cquinn@co.new-castle.de.us
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

Status of Review -

General Compliance for the Public Hearing - The Department will issue an additional review report after the Public Hearing that will find the plan acceptable to proceed to preliminary after you address all comments and/or studies or unacceptable, submit a revised exploratory plan to address all comments and/or studies.

Planning:

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. The USGS and NCC Soils Maps show an existing stream at the location of the main residential entrance to the property. Additionally, the provided wetlands report and delineation identify an area just west of the proposed site entrance as Waters of the U.S. The plan does not locate the stream or provide the required associated 100 foot Riparian Buffer Area (RBA). The location of the proposed townhouse lots 207-224 would be significantly affected by the required 100 foot RBA. Please provide an explanation for this omission. A proposed stream crossing may require a Subaqueous Lands Permit from DNREC. RPATAC and NCC Board of Adjustment approval may be required for the proposed resource disturbance;

3. The applicant will need to contact the Army Corps of Engineers (ACOE) to conduct a wetlands jurisdictional determination for this property. Depending on the outcome of the jurisdictional determination, the applicant may need to obtain approval from the ACOE or the NCC Board of Adjustment for proposed wetlands disturbance. A RPATAC recommendation would be required prior to a NCC Board of Adjustment review;
4. The exploratory plan must be revised to delineate the proposed limits of disturbance;
5. Please note that a nondelineated floodplain study will be required for this project. The plan must be revised to include the floodplain delineation and flood elevations. The floodplain delineation may contain a RBA delineation more restrictive than the current plan. Site design and site calculations may need to be revised. 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;
6. In accordance with Section 10.427 of the UDC, please demonstrate that the proposed resource crossings for utilities are the least disruptive. The proposed stream crossing (located on sheet 7) for sewer will require approval from DNREC and ACOE. Additionally, demonstrate that the proposed clearing associated with the proposed sewer on sheet 10 is not excessive;
7. The proposed zone 1 RBA disturbance for stormwater management on sheet 3 appears unacceptable. The proposed RBA disturbance east of lot 204 appears unacceptable. The proposed clearing in wetlands and zone 1 RBA between lots 30 and 31 appears unacceptable. The proposed clearing in the RBA for lot 145 appears unacceptable. The proposed zone 1 RBA disturbance for stormwater management located south of lot 82 appears unacceptable. Please demonstrate that the above-referenced disturbance is permitted in accordance with Table 10.210 of the UDC;
8. The 100 foot RBA for streams must be provided from the top of the stream bank for perennial streams;
9. The proposed parking rationale for the attached residential units has been found unacceptable. In accordance with Section 22.611 F of the UDC, garages may only count toward the required off street parking for detached dwelling housing types. Revise the plan to provide 2.25 parking spaces for each attached dwelling unit (twin, townhouse, weak-link townhouse). In accordance with Section 03.523 and Table 04.112 the entire parking space shall be located within the served property's lines and shall not encroach on public right of way. No parked vehicle shall overhang any sidewalk. A minimum 20 foot depth shall be provided;
10. Please note that village lot dwellings must be built to the front building restriction line. Since the front building restriction line is a 12 foot setback, a full parking space in front of the garage could not be accommodated as presently configured on this plan. The plan must be revised to provide two parking spaces within the served property's lines. A garage space may count as required parking. See Figure 04.111 for examples of acceptable village housing types and lot configurations. Examples include maintaining the dwelling at 12' and locating the garage portion a minimum of 20 foot into the property;
11. The plan does not utilize the various width and areas of village lots in accordance with Section 04.120 of the UDC. All three lot types shall be mixed on each block face or cul-de-sac having more than six units. Such variations provide variable home sizes for diversity in

housing cost and appearance. For example, currently lots 43-48 all provide the same lot width, area and house;

12. Provide a written request with justification for the proposed reduction of sidewalks. Sidewalks shall be provided on both sides of the residential entrance. A side path should be provided for the entire property frontage. Realign the proposed pedestrian trail leading to the shopping center to follow the existing farm lane, as indicated with notes;
13. The provided Phase I Bog Turtle Survey recommends conducting a Phase II survey for portions of the site. Contact DNREC to determine if a Phase II survey should be completed for this site;
14. The plan shows a stream symbol on the adjoining tax parcel 11-026.00-002. Please identify if an associated RBA should be provided.
15. Please verify compliance with Section 04.121 of the UDC for the proposed townhouse lots;
16. A Resubdivison Plan will be required for the proposed transfer of property to the Friendship Baptist Church. The current plan version should show the entire parcel and must include the property owner's signature. The plan should reference a transfer to a tax parcel number, not the property owner name. Additionally, provide the current and proposed acreage of the parcel. Finally, the plan proposes a sewer crossing on the Friendship Baptist Church parcel. The plan must delineate all resources on that parcel;
17. If the development is proposed to be phased, demonstrate compliance with 04.130 of the UDC;
18. Show all proposed drainage and sewer easements;
19. Update the proposed open space percentage in your note 32;

Commercial Development:

1. The proposed location of loading bays has been found unacceptable. In accordance with Section 03.510 of the UDC, loading bays shall be designed and located as to not impede fire lane access or the safe and efficient vehicular and pedestrian traffic. The plan must be revised to designate appropriate locations for loading bays;
2. The plan must be revised to delineate zones 1 and 2 of the RBA. The current RBA delineation is not accurate in several areas. Please note that the 100 foot RBA must be measured from the top of the stream bank. Additionally, there are several areas on the plan where the RBA delineation does not maintain a full 50 feet from wetlands;
3. The plan appears to propose clearing within zone 1 of the RBA for stormwater management facilities. Please note that disturbance associated with stormwater management is not a permitted use within zone 1. For proposed stormwater outfalls, demonstrate compliance with Section 10.300 of the UDC;
4. It does not appear feasible to construct the proposed parking facilities without disturbing the RBA. Portions of the westerly parking lot encroach into the RBA. The plan should provide a

realistic limits of disturbance and maintain all disturbance associated with parking facilities outside of the RBA;

5. A nondelineated floodplain study will be required. The plan must include the floodplain delineation and elevation. As you are aware, a floodplain contains an associated 50 foot RBA. The floodplain delineation and RBA may change the proposed configuration and site capacity for the proposed commercial site;
6. Revise the parking configuration to include an internal landscape island and sidewalk connection from the residential pedestrian trail to the building. Additionally, the entrance and exits should include sidewalk connections to the proposed side path;
7. Label the proposed surface of the pedestrian trail;
8. Demonstrate that the plan does not exceed the permitted amount of mature forests disturbance;
9. Revise the plan to designate the required handicapped parking spaces;
10. Label the required bicycle parking;

Engineering:

1. Reference is made to Planning comment #2. In addition to the RBA requirements for streams, RBA are also required for identifiable stream channels that drain greater than 10 acres. According to the drainage plan provided in the Exploratory submission, the drainage area exceeds 10 acres.
2. Reference is made to Planning comment #5. In addition to the non-delineated floodplain study in #1 above, a study is required for the stream that enters the site east of the proposed residential entrance. Also, a non-delineated floodplain study is required for any stream that meets the definition in Article 33 of the UDC. As acknowledged in the Exploratory submission, a non-delineated floodplain study in accordance with Section 10.312 B of the Unified Development Code is required for the Muddy Run which runs generally along the northern boundary of the site.
3. Every effort should be made to minimize disturbance, especially in protected resources in accordance with NCC Drainage Code Section 12.03.005. There are many instances where disturbance is proposed to accomplish positive grade at the outfall. See sheet 3 of 12, where mature forest is disturbed to grade outfall. For example, disturbance could be reduced by utilizing curb cuts instead of catch basins and pipe in some situations. In addition, every effort should be made to take advantage of natural drainageways. There are many instances where stormwater outfalls are proposed in locations that previously did not receive concentrated flow. For example, the outfall pipe between lots 58 and 59 could be shifted to the east and located at the 65 contour and the outfall pipe between lots 81 and 82 could be shifted to lots 83 and 84. Each of these shall be examined with the Department to review alternative designs.
4. As shown on the Exploratory plan, sufficient width is not available to accommodate drainage easements between lots 102 and 103. Size and show all drainage easements on the plan.
5. Clearing mature forest for the construction of bio-retention facilities on sheet 9 of 12 for the commercial development is not consistent with the protected resources standards in Article

10 and the Environment First initiatives in Article 22. Redesign stormwater management to reduce or eliminate disturbance to mature forest. In addition, the cutting and filling and creation of a 3:1 slope against the protected riparian buffer is not consistent with Section 12.03.005 of the New Castle County Drainage Code.

6. Determine the absence or presence of drainageways as defined in Article 33 of the UDC.

Transportation:

On December 21, a Traffic Impact Study (TIS) was scoped for this plan. The Plan shows a pedestrian path linking the proposed housing and shopping center, with ten-foot wide asphalt sidepath along Route 40 by the shopping center. We ask the Applicant to:

1. Give the shopping center a single Route 40 access that faces the new access to Springside Plaza, if recommended by DeIDOT. Then a traffic signal can serve both developments, if right-of-way is obtained in the wide Route 40 median.
2. Give the remaining lands an access easement to Glasgow Avenue via the existing Friendship Baptist Church driveway. That way, future development can access both Route 40 and the Avenue.
3. Extend the Route 40 sidepath along the western, residential part of the site per DeIDOT plan. Add an internal sidewalk connection from the sidepath to the shopping center, and bike parking there.

We have sent copies of the Plan to DeIDOT's Subdivision Manager and Route 40 consultant. The Applicant or others can call me at (302) 395-5427 with any questions or concerns.

Historic:

As you are aware, the plan was presented to the Historic Review Board in January, 2006. Please note that the historic review and recommendation will follow this report. Please contact Christine Quinn with any questions.

Mapping:

Property addresses can not be assigned at this time due to no street names listed on the plan;

Requirements prior to Preliminary Plan Approval

1. Prior to the submittal of a Preliminary Plan, the TIS must be reviewed and found acceptable by DeIDOT and the Department of Land Use;
2. The Preliminary Plan should provide interior property line descriptions;
3. The Preliminary Plan should show complete building restriction lines;

Standard Approvals and Comments before Recordation

1. Please note that approval from DeIDOT will be required. Landscaping within the proposed median will be subject to DeIDOT approval;

2. Please note that approval from the Office of the State Fire Marshal will be required. Show proposed fire hydrants on the plan;
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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