

Department of Land Use Preliminary Plan Report

To: Andrew Hayes – Fore Site Associates

Date - October 22, 2009

Application Number – 2009-0201-S

Name of Project - Columbia Place at Garden of Eden Road

Description - Proposed 150 unit age restricted condominium community
Redevelopment Plan and Rezoning

Type of Plan - Major Land Development Plan/Rezoning

Date of 1st Review - June 23, 2009

Project Review Team -

Planner Antoni Sekowski at 395-5414 or asekowski@nccde.org

Engineer Eric Laramore at 395-5447 or elaramore@nccde.org

Historic Christine Quinn at 395-5521 or cquinn@nccde.org

Transportation John Janowski at 395-5426 or jjanowski@nccde.org

Special Services Robert Magnotti at 395-5722 or rmagnotti@nccde.org

Public Hearings:

Planning Board Public Hearing – **November 3, 2009**

County Council

Status of Review - General Compliance for the Public Hearing - The Department will issue an additional review report after the Public Hearing.

Planning:

1. 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/Redevelopment applications follow the procedure in Articles 40.08.130B6 and 40.31.113 of the County Code;
2. In accordance with Division 40.07.600 of the County Code, the applicant shall only be eligible to propose one infill development bonus for this project. It appears that the Redevelopment bonus will result in 149 permitted dwelling units. The additional

dwelling unit created by the transit oriented infill bonus will need to be removed from the plan;

3. Note that Table 40.08.130.B (as submitted) must be revised. The following comments relate directly to issues associated with the proposed percentage(s) of improvement:
 - a) The applicant will need to remove all proposed credit for bicycle parking. The existing facility is currently compliant with the code;
 - b) The applicant will need to verify the current percentage of curbing. It appears that curbing may be more extensive than what is currently reflected in your table;
 - c) If the applicant intends to apply for a setback variance for the proposed building, the credit for improving a noncompliant setback will need to be eliminated from the table;
 - d) The applicant should propose a credit for providing a sidewalk along the frontage of Garden of Eden Road. Note that direct sidewalk access to the condominium buildings will need to be provided;
 - e) The applicant should propose a credit for access management;
 - f) Once the landscape plan is complete, the applicant should propose a credit for landscaping improvements;
4. The applicant must demonstrate that the northerly (street) and westerly bufferyards will be able to accommodate the required plantings. Note that both bufferyards require, at minimum, a 0.3 (15 foot wide) opacity bufferyard. The location of the proposed stormwater pond and associated access easement does not appear to accommodate this planting requirement. Additionally, other proposed stormwater features appear to preclude this planting requirement. The plan will need to be revised to accommodate this requirement;
5. The proposed stacked parking spaces, located within the garages, have been found unacceptable. The plan will need to be revised to provide typical parking space dimensions, access and aisles in accordance with Section 40.22.612 of the County Code. Additionally, the dead end parking has been found unacceptable. The plan will need to be revised to provide full circulation within access aisles without the need for backing a vehicle;
6. As you are aware, Section 40.20.225 requires 1.5 acres of useable open space. Provide an exhibit which demonstrates compliance with this requirement. Please note that areas immediately surrounding the single family detached units can not count toward this acreage requirement. Areas must be highly visible and accessible;
7. As previously noted, the plan will need to be revised to provide a divided entrance in accordance with Section 40.21.130 of the County Code. The applicant should consider reducing the sidewalk to a width of 5 feet to limit the disturbance within the adjoining tree drip line;

8. The provided addendum to the forest study references two >24" DBH White Ash trees as not being specimen quality. Note that the report provider must present the findings that led to their conclusion. Additionally, the report and plan does not appear to match with respect to the total number of specimen trees and their sizes. The applicant must identify the location of all specimen trees on site. Verify that the report and plan details match. Additionally, delineate the drip line of the specimen trees and demonstrate their protection. The plan must include protection notes and a limit of disturbance. Disturbance may require mitigation in accordance with 40.23.320 of the NCCC;
9. As previously noted, the proposed redevelopment density bonus shall be reviewed and evaluated pursuant to Section 40.25.410 (Design Review Standards) of the NCCC. This item will need to be addressed with a point by point response at the Preliminary Plan stage for this project. The applicant has indicated that conceptual renderings would be forwarded under separate cover. To date, the Department is not in receipt of the supplemental information;
10. It has been noted that the project proposes to utilize Table 40.04.112 of the County Code for apartment bulk restrictions. Additionally, it has been noted that internally, the townhouse and detached structures have been designed to meet the bulk standards specific to those unit types, Note that the bulk restrictions notes will need to be updated accordingly. As you are aware, the proposed site configuration and internal building spacing is subject to the approval of the Office of the State Fire Marshal. Finally, provided a note on the plan which indicates that in accordance with Section 40.26.250 of the County Code, the plan proposes townhouse and detached apartment units without the 30 foot building spacing;
11. As discussed, your proposed 34 has been found unacceptable. As you are aware, Record Plans must remain in strict accordance with the plan that was relied upon by County Council at the Preliminary stage;
12. It has been noted that the applicant has applied for a variance to the height requirements in the ST zoning district;
13. Provide the correct parking count for the parking lot located on the northerly side of buildings 12 and 27;
14. Several of the townhouse units do not provide a full 20 feet from the back edge of sidewalk to the dwelling. The plan should include which indicates that two 9'X20' parking spaces must be provided beyond the edge of the proposed sidewalk for all attached and detached dwelling units;
15. Plan notes must reflect that this plan is being proposed pursuant to the age restricted development option, as outlined in Section 40.07.700 of the County Code;
16. Provide secure bicycle parking within the parking garages;

17. Extend the sidewalk to the roadway and provide a crosswalk between lots 17 and 18;
18. The sidewalk proposal to the adjoining southerly property line should not terminate into a parking space. A more appropriate connection should be investigated;
19. Provide a site acreage data breakdown note for open areas, buildings and pavement coverage;
20. The Record Plan will not need to contain an existing improvements overlay or topography;

Engineering:

The Engineering Section has reviewed the preliminary plan submission and finds acceptable to proceed to the public hearing. However, please note that a revised preliminary plan submission is required. A cover letter addressing each comment within this review letter must accompany any future submission of this application. The letter must describe the manner in which each comment was addressed. If the following items are not addressed as part of any future submission, the submission will be considered incomplete, automatically denied and returned.

1. Date Received by Engineering Section:10/02/09
Date Completed by Engineering Section:10/22/09
Number of Days in the Engineering Section: 12 days
2. Address item G.1 of the Department's Preliminary plan checklist and Section 10.1.3.4.1 of the Delaware Sediment and Stormwater Regulations (DSSR) by revising the pre-development hydrologic analysis to include the discharge and runoff volume rates at the site property lines. The overall watershed (drainage) analysis should remain, but for the purpose of establish the pre-development runoff discharge rates an analysis must be provided to the site discharge points.
3. In conjunction with the previous comment, the engineering section requests clarification on the setup for the pre-development watershed analysis. Examples of the additional information needed are an explanation of the modeling for the bypass areas (i.e. drainage area 'A'), the location of the reaches shown in the pre-development analysis, and the use of culvert hydraulic analysis to model the limitations of the existing off-site storm sewer network. The engineering section suggests a meeting to discuss this comment at your earliest convenience.
4. Address item H of the Department's Preliminary plan checklist by providing a hydraulic analysis (i.e. hydraulic grade line, water surface elevations, etc.) of the design storm event and 100 year storm event for the existing storm sewer system along the west property line. This analysis will serve as a means of compliance

- regarding the hydraulic function of the proposed storm sewer on this portion of the site during the future record/construction plan review.
5. As stated in the June 23rd, 2009 Department exploratory approval letter, the preliminary plan submission must verify compliance with Section 40.22.210.A of the UDC. The preliminary plan has yet to substantiate that the following requirements have been met to the maximum extent feasible:
 - a. UDC Section 40.22.210.A.1.a – ‘Stormwater dispersion, volume reduction, and the use of multiple discharge points.’ The preliminary design ultimately connects all of the street runoff and central development area with a single discharge to the proposed wet basin.
 - b. UDC Section 40.22.210.A.1.a.ii & A.i.c – ‘Maximize Filtration Potential’ & ‘Implement GTBMPS at the runoff source...’ The preliminary design fails to provide water quality GTBMPS at or near the source of the contributing runoff, essentially providing an ‘end of pipe’ stormwater design. Presumably, the preliminary design is based on the poor infiltration capacity of the existing soils found in the preliminary soil investigation. However, the lack of infiltration capacities does not preclude the requirement of implementing GTBMPS for water quality or permit the use of a wet pond as a stand alone water quality practice in the way it is being proposed.
 6. Provide a tabular breakdown of the existing and proposed lot coverage, specifically with respect to the impervious cover, including the type of impervious cover (parking lot, rooftop) in each of the conditions, and the change of impervious cover types by acreage. This information is required to determine the amount of water quality treatment required for this application in accordance with DNREC policy entitled ‘Water Quality Waivers’ dated January 31, 1995.
 7. In response to your analysis of the existing drainage conveyances (Items G.9 & H of the Department’s Preliminary plan checklist), the engineering section has the following comments:
 - a. Drainage area B – although the post-development condition proposes a significant reduction in drainage to this discharge point, the submission does not substantiate that an adequate conveyance exists to accept the runoff discharge. Is there a possibility to rehabilitate the drainage swale that was modified by the YMCA construction? If not, can the existing drainage pattern be maintained in the post-developed condition and how;
 - b. Drainage area C & D – please note, the hydraulic requirements for closed conveyance systems in NCC is one foot below the rim elevation of all inlets for the design storm event (typically the 10 year frequency event) and no greater than the rim elevation for the 25 year storm event. The preliminary analysis references the post development design based on maintaining the 100 year frequency storm event hydraulic grade line at one foot below the rim elevation in the proposed storm sewer. That

approach is extremely conservative and may only exacerbate the current design which is largely predicated on runoff detention; and

- c. The post-development drainage plan was not separated into the detailed drainage areas corresponding to the preliminary report. Provide a revised post-development drainage plan that corresponds to the preliminary report information.
8. The preliminary plan contains several potential conflicts between the drainage/stormwater design and the UDC bufferyard requirements. The conflicts found are:
 - a. Section 12.05.006.B.6 of the NCC Drainage Code sets the required access and maintenance easements for stormwater facilities, of which a 10' foot maintenance access must be provided around the entire proposed wet basin. This easement must be free and clear of all encumbrances including landscaping;
 - b. The bioswales along the north side of the site, adjacent to Garden of Eden Road, encroach into the minimum 15' foot bufferyard. Bioswales are not permitted to contain landscaping within their wetted perimeter. Potentially, this constraint may prevent the buffering requirement from being met; and
 - c. Section 12.03.003.A.7 & Section 12.04.001.C of the NCC Drainage Code require that a 20' foot easement be placed around all pipe systems in open space and that inlets draining less than 10 acres must have an easement placed around the inlet inundation caused by the 100 year storm event with no blockages placed within the easement. These requirements both conflict with the potential landscape plantings required in the bufferyard.
 9. The preliminary plan must address Section 12.04.001.C of the NCC Drainage Code requiring a 20' pipe easement be placed around all pipe systems in open space. The preliminary plan shows storm sewer alignments in open space where either the required easement width can not be achieved or that the alignment must be adjusted to achieve the required easement width. Revise the storm sewer design accordingly.
 10. The engineering section requests clarification of the September 8, 2009 soil report by Duffield Associates on the following issues:
 - a. The recommendation of providing an impermeable soil liner for the proposed wet basin. The report speaks to the soils in this area being subject to 'leakage', although these test pits do not have appeared to be tested for their infiltration potential. The explanation shall include a definitive statement if the soils within the wet basin are able to meet the minimum infiltration rate of 1.02" per hour, in which the choice of a wet basin must be reconsidered in light of the applicable regulations; and
 - b. The report does not provide reasoning why infiltration feasibility was only tested on the western third of the site. Item G.8 of the Preliminary plan checklist requires feasibility establishment of the existing soils to serve all

aspects of the stormwater regulations including runoff volume. The report provided does not clearly substantiate that infiltration is out of the question in the central and eastern portions of the site and this must be addressed in the report; either by engineering explanation or additional testing.

11. Provide an acknowledgement from the Department of Special Service for the bioswale shown along Garden of Eden Road which traverses the existing sanitary sewer easement.
12. As previously stated, stormwater practices necessary to provide attenuation (detention) of peak flows shall comply with Section 12.04.001.F of the NCC Drainage Code by analyzing the off-site, receiving conveyance to verify that adequate conveyance can be provided and that downstream properties or existing conveyances will not be adversely impacted. Provide the location of the of the analysis point(s) with the revised preliminary plan submission.
13. In accordance with Section 12.03.003.A.10 of the NCC Drainage Code, regarding the presence of poorly draining and/or hydric soils, provide a note on the plan listing all structures proposed by this application having basement restrictions due to groundwater problems.
14. Be advised, a \$750.00 dollar re-submission fee shall be charged to this application and required to be paid with the next submission in accordance with Appendix 2 of the UDC.
15. Be advised, additional comments may be issued on this application due to future plan changes, additional or new information or based upon the level of exactness of the information submitted.

Historic:

No known Historic issues.

Standard Approvals and Comments before Recordation

1. Approval from DelDOT will be required;
2. Approval from the Office of the State Fire Marshal will be required;
3. Provide certification from the water supplier in accordance with Section 40.05.310 of the NCCC;
4. Section 40.07.700 will need to be addressed prior to plan recordation;

5. Submit a copy of the plan to the Department of Land Use, Mapping Section for review of postal addresses. Written approval, referencing the latest plan revision date, must be received prior to record plan approval;
6. Performance Surety must be provided in accordance with Chapter 40, Division 31.800 of the NCCC 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;
7. Provide monuments in accordance with Section 40.20.520 of the NCCC;
8. A Landscape Plan, Open Space Management Plan will need to be submitted and approved;
9. All condominium declaration issues will need to be addressed prior to plan recordation;
10. A Lighting Plan must be approved prior to plan recordation;
11. Provide a Maintenance Escrow note and a Residential Stormwater Management Facility Maintenance Fund note in accordance with Section 40.27.220 and 40.27.230 of the NCCC. As you are aware, appropriate amounts must be determined prior to the recordation of this plan;
12. Submit the executed and notarized maintenance organization compliance and disclosure affidavit required by Chapter 40, Section 27.140.H of the NCCC;
13. 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;
14. Please note that Table 40.31.390 of the NCCC outlines time limits for expiration of plan.

CC: Kathy Craven
Jerome Heisler, Jr.
Michael J. Bennett
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