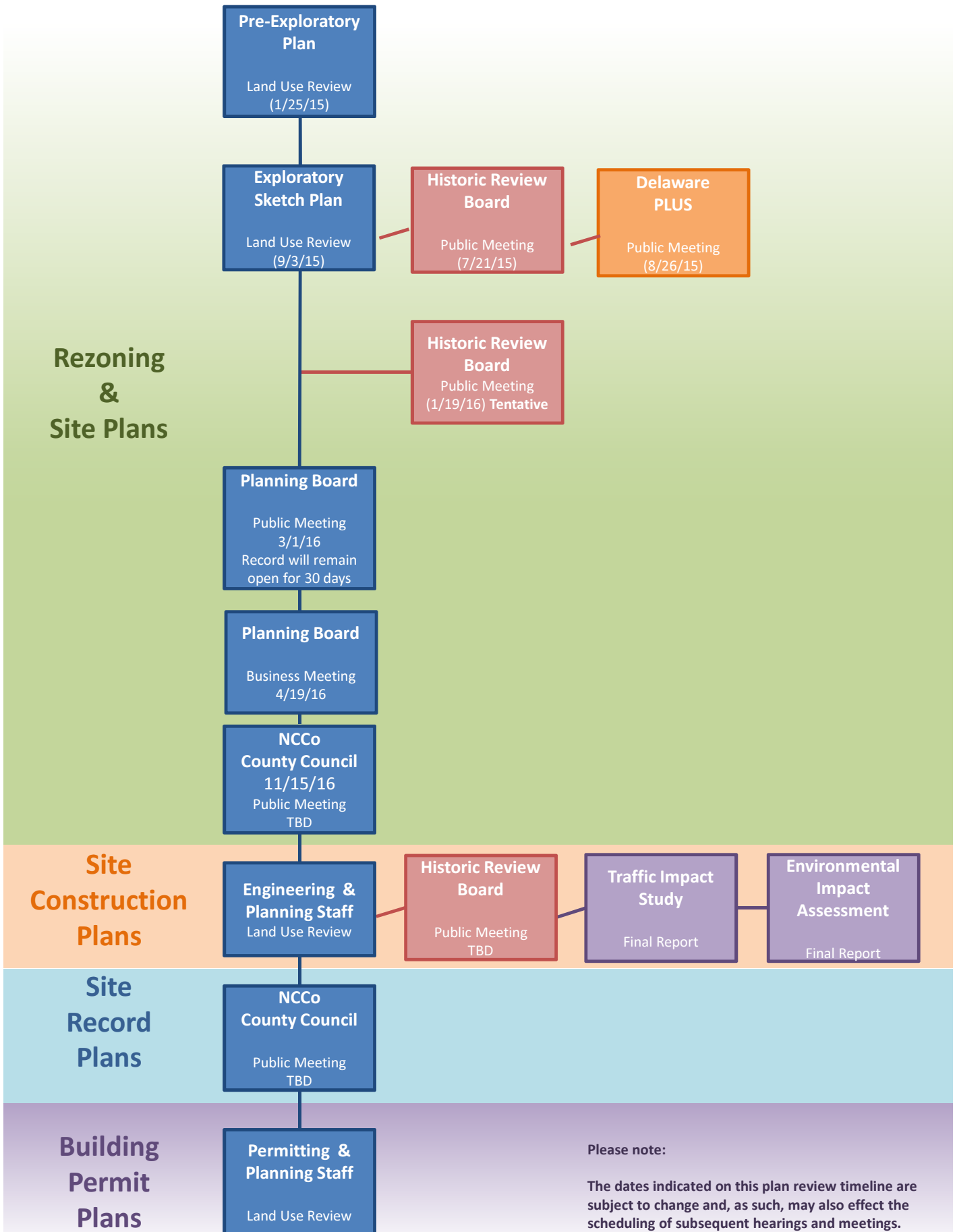


# La Grange Plaza

Major Plan & Rezoning  
Land Development Plan Review Process

Rev. 2/25/16





DEPARTMENT OF LAND USE

**RECOMMENDATION**

**Ordinance 15-090  
Application 2015-0045-S/Z**

**La Grange Plaza**

**July 19, 2016**

Location: Northwest corner Pulaski Highway (US 40) and La Grange Parkway

Councilperson: David Tackett, District 11

Rezoning: Rezone 1.41 acres from S (Suburban) and H (Historic Overlay) to CR (Commercial Regional) and H (Historic Overlay)

Applicant: Beacon La Grange LLC

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**ZONING & DEVELOPMENT PATTERN**

This 5.25 acre, corner property is located on the north side of Pulaski Highway (US 40) and the west side of La Grange Parkway, a road serving as the entrance and collector road for the La Grange residential subdivision. The parcel is split-zoned CR and S. Almost three-quarters of the parcel (3.84 acres) is zoned CR. The remaining quarter (1.41 acres) is the subject of the rezoning application together with the land development plan proposing construction of a restaurant and an office building. The entire 5.25 acre parcel is also located in a Historic Overlay zoning district that encompasses 238.5 acres.

The zoning and development pattern along the US 40 corridor includes both commercial and residential properties. A continuous band of CR zoning extends 1 ½ miles between SR 896 and Pleasant Valley Road on one or both sides of the highway and in the median. Commercial businesses range from relatively small parcels containing fast food restaurants, car repair, gas stations, and convenience stores to large parcels such as the 700,000 square foot Peoples Plaza shopping center and Kohl's department store. Residential zoning districts in the two mile stretch between SR 896 and the Maryland state line include NCth, NC6.5, NC10, NC21, and S to provide a diverse range of housing types. Running east to west along US 40 the residential neighborhoods include La Grange, Perch Creek, Frenchtown Woods, and Barrington. The St. Margaret of Scotland Church and school property is an institutional use in the S zoning district

and Springside Plaza is the only office (OR) zone in this area. Overall, this section of US 40 has a diverse mix of commercial, residential, institutional and office uses.

The properties surrounding the subject parcel include the La Grange residential subdivision to the east and north. As mentioned, the eastern boundary of this parcel fronts on La Grange Parkway, which is the entrance road to the residential community. The rear (north) property line adjoins the rear yards of twenty-one townhouses on Latrobe Drive. The western boundary adjoins a storage facility for recreational vehicles. On the opposite side of US 40 is Kohl's department store.

## **PRELIMINARY LAND USE SERVICE (PLUS) REVIEW**

The PLUS Report, dated September 23, 2015, contains a summary of State Code and permitting requirements as well as general comments from a number of State agencies.

The report also notes that the project is located in Investment Level 1 and 2 according to the *Strategies for State Policies and Spending*: "Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is already existing or readily available, and where future development or infill projects are expected and encouraged by State Policy. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near future. State investments will support growth in these areas."

## **BACKGROUND & ANALYSIS**

### *Why the parcel is split zoned CR and S*

Part of the existing commercial zoning on this parcel dates from the original zoning map adopted in 1954. That map created a band of commercial zoning 1,500 feet long and 200 feet deep on both sides of US 40. Subsequent rezonings have expanded that district, but the eastern edge of that original zone corresponds to the dividing line between the CR and the S zones on the parcel today. When the La Grange residential subdivision was proposed in 2005, DelDOT required La Grange Parkway to be located directly across from Perch Creek Drive so a four-way intersection could be created. This decision left the small remnant of S zoning on the west side of La Grange Parkway.

### *The Historic Overlay District*

The La Grange Historic Overlay zoning district was created in 1982.<sup>1</sup> At that time the entire 238.5 acres was one parcel under single ownership and functioned as a working farm. The Federal style farmhouse, built in 1815 for Dr. Samuel Black, had previously been listed in the National Register of Historic Places, a program administered by the U. S. Department of the

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<sup>1</sup> Ordinance No. 82-103 adopted by County Council 10/8/1982.

Interior. The entire acreage of the farm was included in the Historic Overlay partly in recognition of Dr. Black's use of the fields for experimentation in scientific farming methods that advanced the practice of agriculture in Delaware. In addition, the fields contain numerous prehistoric and historic archaeological resources including Paleo-Indian sites dating from 10,000 BC to 6,500 BC, trenches purported to be Revolutionary period earthworks associated with troop movements leading to the Battle of Cooch's Bridge, and the 1804/05 remnants of an uncompleted feeder canal that was intended to provide connections to the then-proposed Chesapeake and Delaware Canal.

The purpose of the Historic Overlay zone is to incorporate preservation of historic resources into the County's land planning and building permit processes. The Historic Review Board is charged with reviewing and approving plans and permits, including the exterior design for renovation of historic buildings as well as the design of new construction within Historic Overlay zones.<sup>2</sup>

### *Subdivision of the Farm*

With changes in ownership over time the Historic Overlay district has been subdivided into 5 pieces. The largest, the La Grange residential subdivision, is 191 acres and is being developed as an open space planned development with 227 dwelling units and 130 acres of open space.<sup>3</sup> During review of that plan the Historic Review Board's request for archaeological testing was undertaken by the developer so that significant resources could be avoided. In addition, the HRB established architectural design standards for the new dwelling units. Those standards call for a modern interpretation of Colonial style in reference to the time period for the historic Dr. Black House. That historic house is now situated on a 3.5-acre S-zoned parcel and is surrounded by a 45-acre S-zoned parcel that encompasses the remaining farm fields.<sup>4</sup> A 10-acre S-zoned parcel fronting on US 40, also still undeveloped, is located about halfway between Glasgow Avenue and La Grange Parkway.<sup>5</sup> The fifth piece is the parcel that is the subject of this rezoning application for La Grange Plaza.

### *The Proposed Land Development Plan*

The plan for La Grange Plaza proposes construction of a 10,270 sf, two-story medical office building and a 6,580 sf restaurant. The parking requirement for the restaurant is 60 spaces and 60 are provided. The parking requirement for the medical office is 49 spaces and 53 are provided, including 4 handicap spaces. The total number of parking spaces provided is 113, which is four more than required. Paving and buildings will cover 36% of the site, leaving 64% as open space including the stormwater management areas (9% of total site area).

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<sup>2</sup> Sections 40.15.010 (A) and (B) of the New Castle County Code.

<sup>3</sup> Record Resubdivision Plan for La Grange (Instrument No. 20141204-0054648.)

<sup>4</sup> Dr. Black House parcel: 11-026.00-169. Farm fields parcel: 11-026.00-171.

<sup>5</sup> Parcel 11-026.10-202.

Two factors impact the site design: 1) the requirements to preserve protected natural resources, and 2) DelDOT's distance requirements for the entrance locations. The 5.25 acre parcel contains an area of floodplain that must be buffered, mature forest and young forest areas that must be protected at rates of 50% and 20% respectively, and precautionary slopes that should be avoided. These resources prevent the northeast and southwest corners of the site from being developed. Two points of access are proposed: 1) "rights in/rights out" on US40, and 2) "rights out" (exit only) on La Grange Parkway. The distance of those points from the corner of US 40 and La Grange Parkway is determined by DelDOT according to its Development Coordination Manual.<sup>6</sup>

The restaurant will be located at the corner, set back 26 feet from US 40 and 60 feet from La Grange Parkway. The parking area will be located on its west side. Bordering it to the north is the exit drive to La Grange Parkway and further north is a stormwater area and the protected floodplain. The side facing La Grange Parkway proposes a small outdoor seating area and a stormwater area between it and the road.

The office building will be located near the midpoint of the parcel close to the rear of the site. A loading zone and a stormwater area are located between the building and the rear property line. This area of the site is adjacent to the rear yards of homes on Latrobe Drive and residents of that street have expressed their objections to the having a two story building behind their homes. The exploratory plan shows the office building 49 feet from the rear property line, but the footprint shown is for a one story building. Current discussions are in favor of a two story building, which will reduce the size of the footprint and offer the opportunity to move the building farther from the rear property line and to adjust the location of the loading zone and the trash enclosure to reduce the impact on the adjacent homes. The plan calls for a 20 foot wide landscape buffer and a six foot high stockade fence. The record plan for the La Grange residential subdivision calls for a 10 foot wide, 0.1 opacity landscape buffer behind the rear yard of those homes. In total, a 30 foot wide landscape buffer will be provided between the two developments.

#### *Traffic Impact Study (TIS) Waiver Request*

The applicant has requested a waiver from the traffic impact study requirement based on the following points: 1) that DelDOT's Route 40 Corridor Study satisfies the analysis that would be undertaken for a Traffic Improvement District (TID), 2) that the traffic generated by the proposed project will not change the traffic assumptions developed in that study, and 3) that the proposed project can contribute to the road improvements already identified by DelDOT as needed in the area.<sup>7</sup>

The Department of Land Use response indicates the Route 40 Corridor 20-Year Transportation Plan is a potential candidate for a TID and this plan has been monitored annually for LOS and safety concerns. The latest analysis shows LOS D or better at the nearby intersections of

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<sup>6</sup> *DelDOT Development Coordination Manual, April 2016.*

<sup>7</sup> *Letter from Scott Lobdell to Owen Robotino dated April 13, 2013 (Letter date appears to be a typo. The document is stamped received by Department of Land Use on May 13, 2016).*

concern for this project. The newer draft editions of the report for 2014 and 2015 show LOS C or better. The Department concludes the project may qualify for a TIS waiver and if DeIDOT concurs and the applicant agrees to contribute to traffic improvements as specified by DeIDOT the application should meet the waiver requirements.<sup>8</sup>

### *Historic Review Board Recommendations*

The applicant appeared before the Historic Review Board twice. At a July 21, 2015 hearing the exploratory plan and the first set of architectural renderings were reviewed. The HRB recommended approval of the plan and the rezoning, as no historic resources would be disturbed. Based on testing conducted during review of the La Grange residential development several years ago, it is known that no significant archaeological resources are located on this parcel.<sup>9</sup> During that prior review of the residential plan there was also debate over whether the ditch at the southwest corner of the parcel is a remnant of the abandoned historic feeder canal. However, since that ditch is a precautionary slope and is being avoided, the historic question is moot. Regarding the design of the two buildings, the HRB advised the designs were too formal and too “high style” for this area. The office building was reminiscent of the Governor’s Palace at Colonial Williamsburg and the restaurant was a Greek Revival style building with a pediment roofline and classical columns surrounding two sides of the building. The HRB recommended that the renderings be revised to a style more rural and agricultural in nature to reflect the character of the local history of the Glasgow area.

At a January 19, 2016 hearing the applicant returned to present revised architectural drawings. They were essentially the same architectural designs with the trim details and materials toned down. The HRB accepted the design of the office building and requested the architectural standards previously established for the La Grange residential subdivision be attached to this parcel and used as a guideline for the final design of this building. Regarding the restaurant building, the HRB had several concerns and recommendations. In discussion the HRB still had lack of comfort with the high style Greek Revival design because it is not a style representative of Delaware’s historic architecture and it recommended that the columns and the entablature (classical cornice) be scaled down. In addition, the HRB noted the corner location gives the building great visibility and its design should be appropriate to this gateway location at the entry to La Grange Parkway. In relation to this concern the HRB recommended that the architectural features be applied to all sides of the building and that a style more consistent with this location be considered.

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<sup>8</sup> Letter from Owen Robotino to Scott Lobdell dated June 8, 2016.

<sup>9</sup> “Phase I Archaeological Survey of the Barczewski Farm Property, Glasgow, Pencader Hundred, New Castle County.” Kise Straw & Kolodner, September 26, 2005. And – “Final Archaeological Evaluation of Sites 7NC-D-239, 7NC-D-248, 7NC-D-249 and 7NC-D-253 for La Grange, Application No. 2005-1045.” Kise Straw & Kolodner, January 29, 2007.

Revised Architectural Renderings

In follow up to the recommendations made by the Historic Review Board, the Department continued to work with the applicant to choose more suitable architectural styles. The HRB's comments expressed a discomfort with the designs, especially with the design of the restaurant. In the Department's opinion, these recently submitted renderings, shown below, address the HRB's recommendation for a style that reflects the local historic character of the area and the way the buildings are situated on the parcel. These buildings are not replicas of historic architecture, rather they present a modern slant on the type of colonial style architecture that is found locally - and that is the basis of the design guidelines already established for the residential subdivision. Pursuant to Section 40.15.010 (A) of the UDC, the Department cannot issue a building permit until the Historic Review Board first reviews and approves the application for the permit. As a result of this requirement, the conceptual renderings shown here will come under additional detailed review by the HRB if the project moves forward to construction.



**Restaurant – corner view with seating area**





Restaurant – rear and parking lot view



Office Building – front view



## **Public Hearing – March 1, 2016**

Antoni Sekowski, Department of Land Use Planner, presented an overview of the application.

William Rhodunda, counsel for the applicant, explained the remnant of residential zoning on this parcel is not useful as residential due to its location on US 40 adjacent to commercial zoning. He described the proposal as a way to consolidate the two pieces as one commercial property.

Ms. Cahill asked if the project will include sidewalks to provide access for residents of the community and Scott Lobdell, the applicant's engineer, said such sidewalks are an element of the plan. Mr. Sheppard asked for clarification on the location of storm water features. Ms. Anderson asked if a tenant has been secured for the restaurant and the applicant said not. Mr. Montgomery asked about traffic flow on the site. Mr. Lobdell explained the entrance locations are planned so that customers will have the ability to turn left onto Route 40.

There were no comments from the public.

## ***Standards for Zoning Map Amendment – Section 40.31.410 of the New Castle County Code***

In determining whether a zoning map amendment should be recommended or approved, all of the following factors shall be considered:

### **A. Consistency with the Comprehensive Development Plan and the purposes of this Chapter.**

The 2012 Comprehensive Plan Update classifies this section of the parcel as low density residential. This rezoning, if approved, would require a zoning map amendment to commercial/office/industrial. Due to a decision made regarding the design of the entrance road for the adjoining La Grange residential subdivision, this small piece of Suburban-zoned land became attached to an existing Commercial Regional-zoned parcel. This circumstance leaves the parcel split-zoned with the majority of its land area already in the commercial/office/industrial category. Aligning this fragment of residential zoning to the commercial zoning of the larger parcel brings consistency to how the property can be used. This change is consistent with the comprehensive plan.

### **B. Consistency with the character of the neighborhood.**

This is a long-established commercial corridor and the existing CR-zoned portion of the parcel is original zoning dating to 1954.

Due to its inclusion in an Historic Overlay district, maintaining the historic and architectural character of the area is required and the final design of the buildings will be subject to approval by the Historic Review Board.

C. Consistency with zoning and use of nearby properties.

This segment of US40 between SR 896 and Pleasant Valley Road includes both commercial and residential zoning districts, although the denser nature of the commercial developments tends to dominate. Both the zoning and the proposed uses are consistent with character of the existing commercial corridor.

D. Suitability of the property for the uses for which it has been proposed or restricted.

The parcel is located on an existing commercial corridor, but it is also situated at the entrance to an open space planned residential community. The site design includes open space areas that give this project a more open, spread out feel than other commercial properties in the vicinity. While this design is partly due to the existence of protected environmental resources, the result provides a good transition between the two uses. The decision to divide the GFA between two separate buildings and to disperse the parking on the site also helps to soften the impact of the commercial uses and to tie the character of the project to the residential community.

E. Effect on nearby properties.

The properties most affected are the adjacent homes on Latrobe Drive in the La Grange residential subdivision, as they will be located behind the proposed medical office building. The plan can be improved in this regard due to the smaller building footprint resulting from the GFA being reconfigured from one story to two stories. The smaller building footprint will allow the locations of the building, loading zone, and trash enclosure to be adjusted to be less impactful to the residential community. Counting both projects, a 30 foot wide landscape buffer will be installed.

## DEPARTMENT OF LAND USE RECOMMENDATION

The Department has considered the *Standards for Zoning Map amendment* in Section 40.31.410, A through E, the proposed plan, and comments received from agencies and the public. Based on this analysis the Department is of the opinion that the standards are met by this proposal.

The Department of Land Use recommends **CONDITIONAL APPROVAL** of Ordinance 15-090 subject to the following:

1. The applicant will continue to work with the Department and the Historic Review Board to refine the architectural renderings which will be required to apply the architectural design, materials, and features to all sides of both buildings.
2. The exploratory plan will be revised to take into account the smaller office building footprint resulting from its redesign to two stories and to use this opportunity to adjust the location of the office building, loading zone, and trash enclosure to reduce the impact on the adjacent homes.

## **PLANNING BOARD RECOMMENDATION**

At its business meeting held on July 19, 2016 the Planning Board considered the recommendation offered by the Department of Land Use.

On a motion by Mr. Sheppard, seconded by Mr. Montgomery, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 15-090 (App. 2015-0045-S/Z) subject to the same conditions recommended by the Department of Land Use. The motion was adopted by a vote of **6-0-3** (YES: *Anderson, Montgomery, Porrás-Papili, Sheppard, Snowden, Visvardis*; NO: *none*; ABSENT: *Cahill, Killingsworth, McGlinchey*).

In discussion preceding the vote, the following comments were offered:

Mr. Snowden asked if the reduced office building footprint is already shown on the current exploratory plan. Valerie Cesna, Department of Land Use Planner, explained the footprint shown currently is the GFA as a one-story building and she said the footprint will be substantially reduced when raised to two stories since the GFA will not be increased. That circumstance will provide options to adjust the layout. At this time the Department is not making specific recommendations on how that area of the site should be reconfigured. The Department is still in the process of working with the applicant to revise the plan.

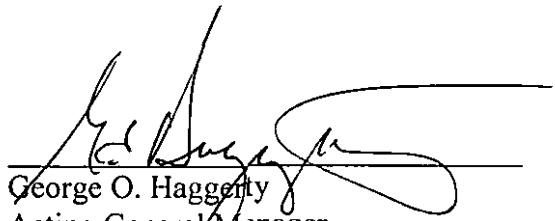
Ms. Visvardis asked if they reduce the size of the building, would that increase the number of parking spaces. She expressed concern that parking for the restaurant appears to be limited and there may be a need for more. Ms. Cesna explained that the GFA will remain the same, and therefore, the parking calculation will not change. The current site design meets and exceeds (by 4 spaces) the parking requirement for the restaurant and the medical office uses. However, a smaller footprint will increase the open area and there would be potential to provide more parking if the applicant chooses.

## **STATUTORY GUIDELINES**

In the phraseology of 9 Delaware Code, Section 2603 (a), the Department of Land Use finds that this rezoning would promote the convenience, order, and welfare of the present and future inhabitants of this State.

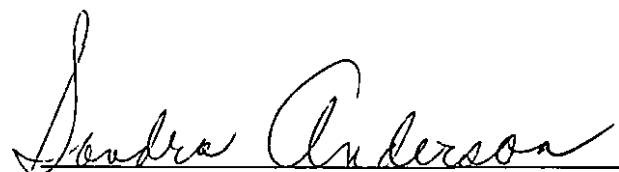
NOTE: The applicant is advised that pursuant to Section 40.31.113 (F) of Chapter 40 of the *New Castle County Code* (UDC), the exploratory plan associated with this rezoning cannot proceed to County Council until it addresses all of the issues identified in the PLUS report, dated September 23, 2015, the Exploratory Plan Report Letter, dated September 8, 2015 and March 2, 2016, and the conditions noted in this recommendation report. The exploratory plan must be deemed “approvable” by the Department of Land Use prior to County Council action.

NOTE: It is the applicant's responsibility to coordinate with the Clerk of County Council and the sponsor of the ordinance as to the date and time of the County Council hearing on this application.



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George O. Haggerty  
Acting General Manager  
Department of Land Use



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Sandra Anderson  
Acting Chair  
Planning Board