



Department of Land Use

**Department of Land Use 1<sup>st</sup> Exploratory Plan Report**

Application Number – 2017-0042-S/Z  
Name of Project – Brandywine Country Club  
Type of Plan – Major Land Development Plan and Rezoning  
Existing Zoning – S – Suburban  
Proposed Zoning – ST – Suburban Transition and CR – Commercial Regional  
Date of Review – July 12, 2017  
Engineer – Christopher Duke, P.E.

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Purpose of Plan – Proposed mixed-use residential project and rezoning.

Required Public Hearings – PLUS  
RPATAC  
Board of Adjustment  
Planning Board  
County Council

Initial Submittal – June 15, 2017  
Plan Review Completed – July 12, 2016  
Number of Days – 18 Days

Status of Review – Unacceptable

Upon receipt of the Office of State Planning PLUS written report, the exploratory plan may be scheduled for a Planning Board public hearing on the next available hearing date. The Department will issue an additional review report after the Planning Board public hearing that will find the plan either acceptable to proceed for construction plan approval after you address all comments and/or studies or unacceptable requiring a revised exploratory plan to address all comments and/or studies.

**Planning:**

1. Place the NCCo project application number on the coversheet (2017-0042 S/Z);

2. Clearly and accurately depict all required bufferyards, building setback lines and proposed zoning designations on the plan, particularly for areas behind the bifurcated commercial buildings of Concord Square. If dimensional variances are necessary, please list them on the plan for further discussion;
3. Appendix 7 of the Unified Development Code contains Guiding Principles for development. Applicants should identify the subject parcel's Character Area and associated guidance outlined for building design, site design and site amenities. These published guidelines will help inform the applicant in areas of building siting, orientation, massing and architectural design, as well as site multi-modal access, parking layout, interconnectivity, landscape design, storm water management, and open space amenities, as applicable. Additionally, please provide conceptual architectural renderings for all elevations of the proposed building(s) and structure(s) in accordance with the associated Character Area;
4. The layout of the subdivision and associated infrastructure shall strive to preserve specimen trees and/or mature and young forest areas as part of the conservation of protected resources. Identify and label on the plan all existing specimen trees greater than 24" DBH. Indicate which trees are to remain and which are to be removed. All trees slated to remain shall conform to preservation standards outlined in Section 40.23.310 of the NCCC. Trees to be preserved shall show, at their drip line, clear and precise indication or symbology associated with the means and methods for their preservation. All specimen trees slated to be removed shall be replaced per table 40.23.320 of the NCCC. On the future landscape plan, place a table(s) on the relevant plan sheet(s) that tallies all specimen trees to be removed and their associated replacements. Replacement trees should be specifically indicated on the landscape plan and are in addition to minimum landscape requirements;
5. The layout of the subdivision and associated infrastructure shall strive to preserve all protect resources. Per the definition found in Sec. 40.33.000, Riparian Buffer Areas (RBA's), as it relates to this plan application, shall include the following areas:
  - A. 100 feet on either side of perennial and intermittent streams, lakes and tidal wetlands;
  - B. All of the floodplain, plus an additional fifty (50) feet of adjacent land;
  - C. All of a nontidal wetland greater than twenty thousand (20,000) square feet in area, plus an additional fifty (50) of adjacent land;

All areas indicated above require one-hundred (100) percent resource projection levels per Table 40.10.010 and shall be shown accurately and conspicuously on the plan. RBA's are not permitted to be shown on subdivided residential lots and must be located within open space. Any proposed impacts to protected resources or reduction in resource protection levels will need to be presented before RPATAC and obtain subsequent approvals from the BOA;

8. In order to provide roadway access to Lots 43 to 61 an Essential Access permit must be requested per Sec. 40.10.236. This will require the submission of an Environmental Impact Assessment Report per Sec. 40.10.701;
9. Provide on the plan typical cross-sectional diagrams of each type of public street or private cartway.

Indicate and dimension all ROW areas, easement areas, building setbacks, curbing types, vehicular, bicycle and pedestrian travel areas, parking areas, street tree locations and areas for landscaping. Where necessary, this shall be submitted to PLUS and subsequently reviewed by DelDOT as part of their review for a Letter-of-no-Objection-to-Recordation (LONOR);

10. All dimensional variance requests will need to be made before the New Castle County Board of Adjustment (BOA). A graphic depiction showing specifically where all variance requests are located is recommended. The appropriateness of each variance request, including the degree to which they may be mitigated, should be discussed with the Department prior to the Board of Adjustment, per Section 40.31.140. This includes, but is not limited to, parking requirements, paving setbacks, bufferyard standards, opacity levels, landscape surface ratio, lot size, perimeter site signage etc.;
11. Based on the current plan submission, variance requests to the BOA seem to initially include the following items:
  - A. Variance from Table 40.03.110.C Parking for residential apartments. The proposed parking ratio is 1.75 spaces per unit, which is less than the 2.25 spaces per unit required. Provide a parking reduction analysis per standards outlined in Sec. 40.22.616. If parking standards still cannot be met, a variance request to the New Castle County Board of Adjustment may be necessary;
  - B. A variance from Sec. 40.04.130 Dwelling Unit Mix Requirements per Open Space Planned developments. The proposed unit mix includes 72.72% apartments, which is far greater than the 40% permitted. Furthermore, the UDC, whether in Article 33 definitions or Table 40.04.112 - Lot standards for Open Space Planned developments, does not differentiate between separate apartment types;
  - C. Variance from Sec 40.21.162.D for the proximity of pathway to side or rear residential lot lines. 20 feet separation is required. It appears that there may be multiple locations where this is not provided;
  - D. Please note, any impacts to protected resources will need to first be heard by RPATAC, with a subsequent variance request made to the BOA;
12. At the front of Lot #1, confirm with DelDOT that a 90 degree turn for a two-leg intersection is acceptable;
13. Indicate on the coversheet, as well as indicate and dimension on all subsequent plan sheets, where applicable, the future public access easement that connects from the westerly proposed roundabout to adjacent Tax Parcel #0602900009 Brandywine College Inc. The easement shall be made wide enough and/or sufficiently described on the record plan to accommodate anticipated design and construction elements of a future multi-modal roadway that will cross the Rocky Run tributary of Brandywine Creek;
14. On the coversheet, show all adjacent tax parcel information at a larger font size. Show all adjacent tax parcel information on all subsequent plan sheets where appropriate;

15. Given the public comments received thus far on this application and per initial Departmental review, it is recommended that the following changes to the layout be considered (also please see attached concept sketch):

- A. Provide a significant, physical traffic calming measure for Shipley Road. This may include a roundabout and/or realignment of Shipley Road at the site entrance or some other measure, which would necessitate concurrence from DelDOT. The potential solution should consider the avoidance of ROW impacts to surrounding properties in-so-far as possible;
- B. Adjust the location of the 60' Right-of-Way "Connector Road" along the southern property line with the Greenview Subdivision such that it is located further away from the rears of neighboring residential parcels. Considerations for berming and associated drainage, existing tree preservation, and multi-modal access along the southerly property line shall be taken into account. The proposed oval median island for traffic calming proximate to Lots 108 and 122 should be made larger to encompass two blocks for greater usability as open space and to provide a more significant physical presence. Coordinate with DelDOT where necessary;
- C. As an alternative to Item B above, the Connector Road could be located through the center of the subject parcel as a parkway and still provide direct connectivity between Concord Square and Shipley Road. This would necessitate reallocation of proposed residential unit types and, likely, the utilization of alleyways behind certain lots. Smaller lots should be placed along this parkway, with larger lots placed towards the periphery of the subject parcel. Coordinate with DelDOT where necessary;
- D. Numerous intersections throughout the subdivision need to be revised per intuitive pedestrian/bicycle access and safety. Please consider how pedestrians and cyclists will navigate through the subdivision and how each crossing integrates with vehicular movements, particularly with respect to stop bar locations. In general, crossing locations should be made as short as possible and sidewalks/pathways shown with similar layouts for similar intersection contexts. This will promote walkability/bikeability, traffic calming and overall safety for all modes. In general, the pathway system is shown along the frontage of Shipley Road, on the south side of the Connector Road, on the west side of the proposed road to Tax Parcel #0602900009 - Brandywine College Inc. and on the west side of the proposed road to Tax Parcel #0605100053 - Two-O-Two Shopping Center;
- E. Per the location of required street trees, sidewalks and/or utilities as they relate to required parking on front-loaded fee simple residential units, individual residential buildings and/or building setbacks (with particular consideration for the distance between the back of sidewalk and face of an proposed garages) may need to be adjusted. Provide more information on the plan regarding standard lot and lot frontage layout. Coordinate with DelDOT where necessary;
- F. Provide conceptual architectural renderings of all the buildings in the apartment area and commercial area of the Concord Square portion of this application undergoing (re)development. Additionally provide conceptual architectural renderings of all proposed fee simple residential housing types. Please consider apartment designs that integrate well, both visually and functionally,

with adjacent streetscapes (where applicable) (see Concord Plaza) and housing types that are based on traditional proportions and oriented toward a human scale of uses, i.e. garage doors shouldn't be the prominent feature at the front facade where feasible;

- G. The layout of the apartment area and proposed cut-through of the Concord Square commercial buildings should be designed with a seamless integration per principles of placemaking found in Appendix 7. This includes, but is not limited to, providing on-street parking, wide tree-lined sidewalks and planting areas that are directly fronted by buildings with ground-floor interests and/or uses (per zoning) that help activate the street. The layout, orientation, form, usage and architectural cladding of the buildings, both apartment and commercial, should further reinforce the activation of the street by creating spatial interest between, along and among the buildings at the critical juncture between the street wall and the street. Pedestrian routing should be intuitively integrated within and through these spaces. Off-street parking areas should be placed to the rears and sides of buildings and should be well-landscaped with a comprehensive design layout that considers both in-situ SWM areas and pedestrian accessways placed strategically to break-up large expanses of impervious pavement. The clubhouse and pool should be positioned at a place of visual and physical prominence and also serve to break-up large expanses of impervious pavement. An overall reduction in the number of apartment buildings and units is advised per the aforementioned potential variance request on unit mix allocation for closer accordance with Sec 40.04.130;
- H. Perpendicular parking shown throughout the fee-simple residential portion of the proposed subdivision should be converted to parallel parking and distributed proximate to the attached single-family units outside of reduced ROW lines. To provide guidance for parallel parking layout, it is recommended that conceptual locations for residential driveways be shown;
- I. A direct sidewalk connection from the US 202 site entrance to Concord Square to the bifurcated commercial buildings should be reestablished during the reconfiguration of the commercial parking lot. Sufficient room for the reestablishment of new tree plantings (that function like street trees) located between back of curb and sidewalk (8' width recommended) should be provided. Additional modifications to parking lot cartway and parking stall areas are also recommended.
- J. The multimodal access from US 202 through Concord Square to Brandywine CC should be encumbered within a public access easement. The proposed road to Tax Parcel #0605100053 Two-O-Two Shopping Center should be encumbered within public ROW. Road segments to the west of the westerly roundabout should be encumbered within reduced ROW (28' and 44' wide) with the ROW lines generally coincident with the back of 2' wide DelDOT Type 2 curb and gutter and or 4" off the back of DelDOT Type 3-6 curb and gutter. Coordinate with DelDOT where necessary;
- K. Roadway segments that service single-family attached residential lots are recommended to be reduced ROW with the ROW lines generally coincident with the back of 2' wide DelDOT Type 2 curb and gutter and/or 4" off the back of DelDOT Type 3-6 curb and gutter. Coordinate with DelDOT where necessary;

**Standard Comments:**

1. Please note, all current County taxes, school taxes and sewer service fees must be paid prior to final recordation of the plan;
2. Provide certification of approval from DelDOT (per Section 40.31.114.C of the NCCC);
3. Provide certification of approval from the Office of the State Fire Marshal (Per Section 40.31.114.C of the NCCC);
4. Provide certification of approval from the water supplier (per Section 40.05.310 of the NCCC);
5. Please note that a Land Development Improvement Agreement must be recorded prior to the recordation of this plan (per Section 40.31.820 of the NCCC);
6. Submit a landscape/lighting plan that complies with Table 40.04.111.A, Table 40.04.111.B, Table 40.04.111.C, and Article 23, Chapter 40 of the NCCC;
7. Please note that Table 40.31.390 of the NCCC outlines the time limits for expiration of plans.
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. Provide a note on the record plan if a voluntary assessment is required (per Section 40.05.200 of the NCCC);
9. Submit the executed and notarized maintenance organization compliance and disclosure affidavit required by Section 40.27.140 G. of the NCCC;
10. The Owner/Developer must provide maintenance escrow for the residential private open space and common facilities maintenance (per Section 40.27.220 of the NCCC). Please note that maintenance escrow must be established prior to plan recordation;
11. Please note that Table 40.31.390 of the NCCC outlines the time limits for expiration of plan. If a complete record plan submission is not received by June 15, 2020, the application will be considered to be expired;

**Engineering:**

1. The Project Application Meeting was held June 29, 2017 and meeting minutes were issued thereafter.
2. All stormwater analysis shall analyze the RPv, Cv and Fv events. For New Castle County, these events correspond to 2.7, 4.8 and 8.0 inches of rainfall in 24 hour period.

3. Much of the area proposed for development is within D soils with depth to water table varying from 0.5 to 13 feet according to the site-wide soil investigation. In addition, soil borings indicate potential for infiltration within the project footprint. Rates measured using the boring method were measured throughout the site from indiscernable to 10 inches per hour. Specific soils' tests are required at the location of each stormwater BMP to establish the Uniform Soil Classification System (USCS) soil classification, permeability (infiltration rate) and elevation of the seasonal high water table with the initial construction plan submission.
4. The pre-developed drainage area map and computations shall include all areas that drain into the country club from adjacent neighborhoods and properties. Detailed topography shall be provided to demonstrate the proposed project will be designed to continue to receive runoff and not block conveyance in accordance with NCCDC 12.04.001.
5. Provide required drainage easement and conveyance for outfall from stormwater facility from Presidential Estates into the site in accordance with NCCDC 12.04.001.
6. The narrative and existing conditions plan identify 4 ponds on the project site. Ponds that are to be converted to stormwater facilities shall meet the requirements of the Delaware Sediment and Stormwater Regulations and Technical Document. Any existing pond that is to remain and become part of the open space shall be improved to a condition from which it can be maintained by the maintenance corporation in accordance with UDC 40.27.320.
7. National Hydrologic Dataset identifies a watercourse traversing the project site from the outfall of Presidential Estates across the site and along the westerly boundary. For purposes of mapping a non-delineated floodplain, the National Hydrologic Dataset and USDA Web Soil Survey are used. A flood study has been provided pursuant to 40.10.302 G of the UDC. Plan shall accurately depict Riparian Buffer Areas in accordance with UDC 40.10.125 and definition in Article 33. Riparian buffer areas are the greater of 100 feet on either side (top of bank) of the watercourse or all of the floodplain plus an additional 50 feet of land. Riparian Buffer areas are 100% protected per Table 40.10.010 of the UDC. Plan proposes encroachments into these areas and shall be redesigned.
8. One crossing of protected resources are proposed by the plan. Provide the required EIA prepared in accordance with 40.10.701 of the UDC to support Essential Access pursuant to UDC 40.10.236.
9. As stormwater management practices are finalized, points of interest must be analyzed at the outfall locations of each facility and an evaluation provided that demonstrates non-erosive conveyance from the discharge point to the receiving conveyance system in accordance with 12.04.001 of the NCCDC. This evaluation shall be done by the tractive force method in accordance with the Delaware Erosion and Sediment Control Handbook.
10. Justify use of short grass as opposed to dense grass in the time of concentration calculations. The use of short grass decreases the time of concentration and increase the peak discharge to be met by the post-developed design.

11. The existing pond in pre-developed drainage area 1 does not appear to have an outfall. Investigate potential outfall from proposed conversion to stormwater facility to an adequate place of discharge in accordance with NCCDC 12.04.001.
12. Within the Exploratory Stormwater report much of the printed text related to the TMDL is incomprehensible and the narrative is focused on Pennsylvania. Please revise and update accordingly.
13. Please note that this application is subject to the Residential Stormwater Inspection Fund pursuant to 40.27.230 of the UDC.
14. Please note that easements for all stormwater facilities and access to same shall be depicted graphically on the Record Plan. To this end, specific easements shall be created for each stormwater management facility and be demonstrated to meet all of the requirements outlined in the NCCC Section 12.05.006.B.6. Each easement must identify its purpose (i.e. stormwater management, watercourse and drainage) and name the party responsible for maintenance.
15. In accordance with the NCCC Section 40.22.130 and Section 12.03.003.A.9, all lots proposed with their lowest floor within 3-feet of the seasonal high water table shall be waterproofed. The following lots (X) meet this criterion and must be waterproofed pursuant to Chapter 6. To this end, the elevation of the seasonal high water table shall be determined and evaluated against the lowest proposed floor elevation and a note added to the record plan requiring the foundation to be waterproofed for any parcel meeting this criteria.
16. Be advised that additional comments may be issued due to future plan changes, additional or new information or based upon the precision or a more complete understanding of the information submitted.

**Mapping:**

1. Conditional approval;
2. Each lot will need an address. Working with engineer;

**Historic:**

N/A

**Special Services:**

Please contact Special Services.



### **Transportation:**

1. A Traffic Impact Study (TIS) has been done and reviewed by DelDOT, and is noted on Sheet C-002 in General Note 18. I understand DelDOT may issue another TIS review letter, and this note should be modified accordingly. Per UDC Appendix 1, Plan Requirement 30, notes should be added to list the improvements that are requested by the DelDOT review letters.
2. Per Sections 40.03.527 and 40.22.611.M, bicycle parking should be provided by the proposed apartment buildings, clubhouse, and retail buildings. Sidewalks should be built per Section 40.21.163, including curb cuts for handicap accessibility. Per Section 40.21.162.E, a bus stop improvement should be provided along Shipley Road as specified by DART.
3. On Sheet C-001, for each parcel Site Data Note 5 (Deed Summary) should be replaced by two separate notes that indicate: (A) the Source of Title (property deed) per Plan Requirement 10 and (B) the superseded/recorded plans per Plan Requirement 29. For Country Club Parcel 004, in Site Data Note 5 the cited Instrument Number (200805210035116) is a recorded plan that involves another site and should be deleted (and can be replaced by MF 8677, which does involve this site). For this same parcel, in Site Data Note 13 (Parking) the references to Note 29 should be changed to General Note 29 for clarity.

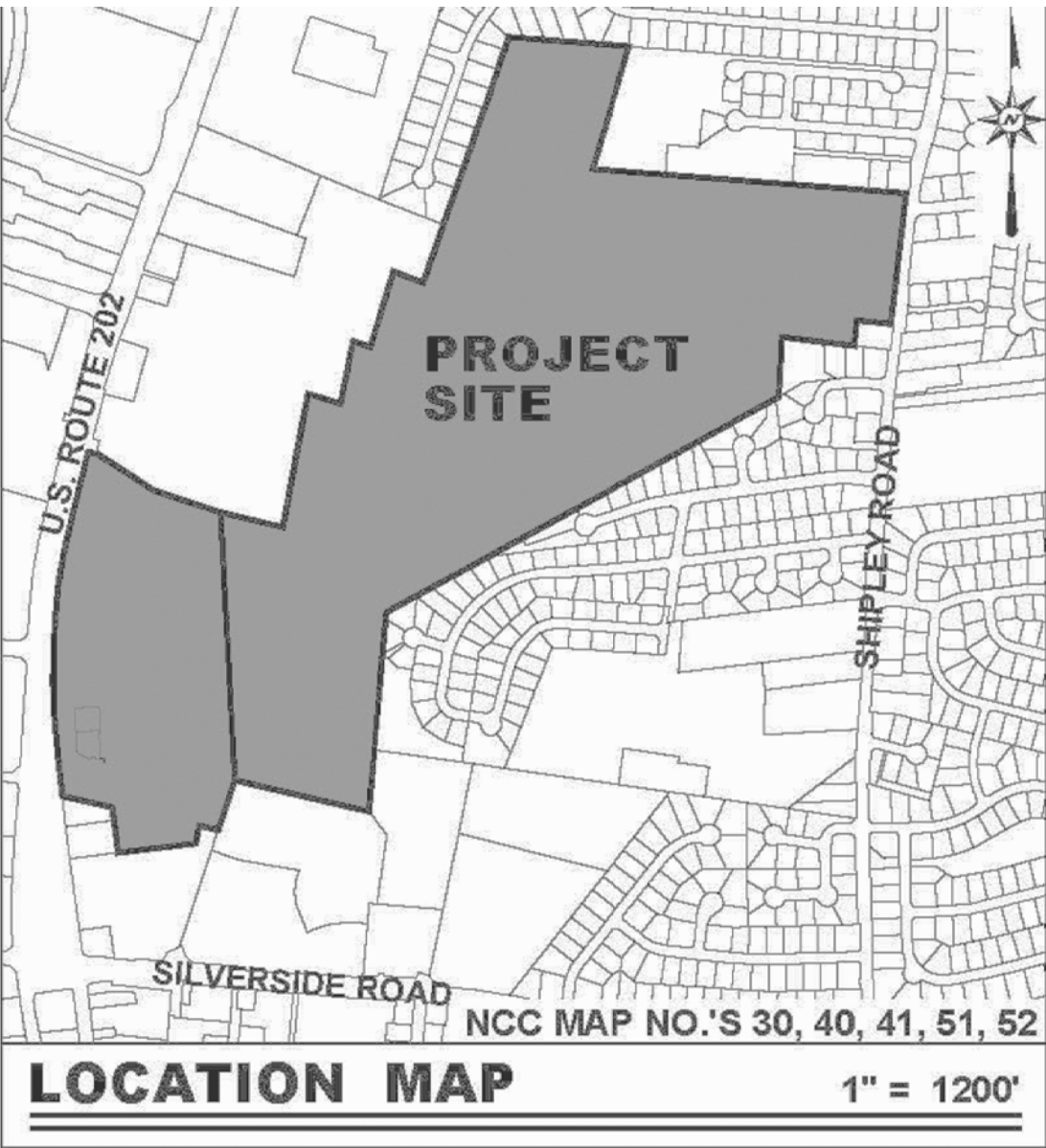
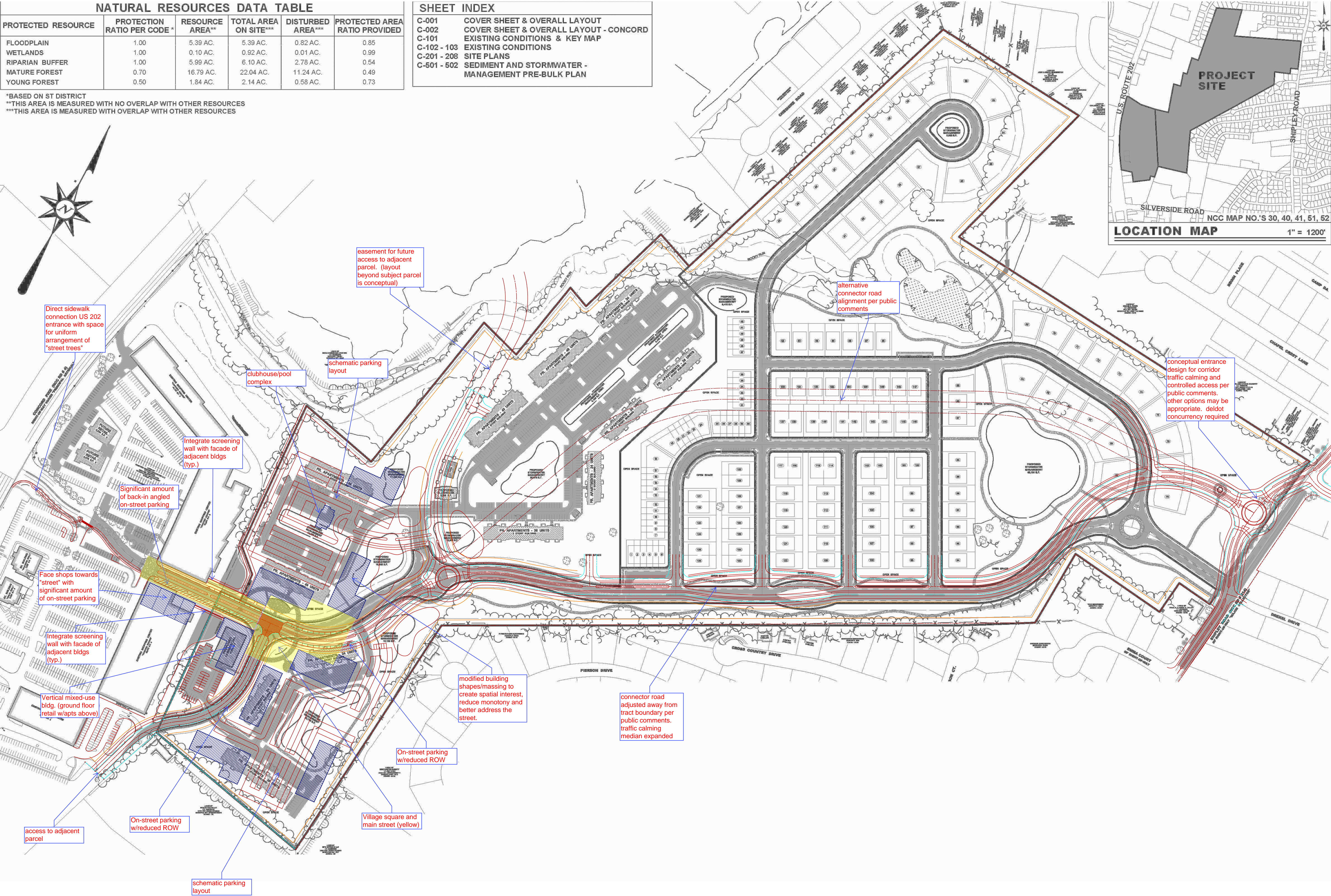
cc: Antoni Sekowski  
File



NATURAL RESOURCES DATA TABLE					
PROTECTED RESOURCE	PROTECTION RATIO PER CODE*	RESOURCE AREA**	TOTAL AREA ON SITE***	DISTURBED AREA***	PROTECTED AREA RATIO PROVIDED
FLOODPLAIN	1.00	5.39 AC.	5.39 AC.	0.82 AC.	0.85
WETLANDS	1.00	0.10 AC.	0.92 AC.	0.01 AC.	0.99
RIPARIAN BUFFER	1.00	5.99 AC.	6.10 AC.	2.78 AC.	0.54
MATURE FOREST	0.70	16.79 AC.	22.04 AC.	11.24 AC.	0.49
YOUNG FOREST	0.50	1.84 AC.	2.14 AC.	0.58 AC.	0.73

\*BASED ON ST DISTRICT  
\*\*THIS AREA IS MEASURED WITH NO OVERLAP WITH OTHER RESOURCES  
\*\*\*THIS AREA IS MEASURED WITH OVERLAP WITH OTHER RESOURCES

SHEET INDEX	
C-001	COVER SHEET & OVERALL LAYOUT
C-002	COVER SHEET & OVERALL LAYOUT - CONCORD
C-101	EXISTING CONDITIONS & KEY MAP
C-102 - 103	EXISTING CONDITIONS
C-201 - 208	SITE PLANS
C-501 - 502	SEDIMENT AND STORMWATER - MANAGEMENT PRE-BULK PLAN



SITE	
1.	OWN
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