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July 1, 2008

New Castle County Planning Board, and  
New Castle County Department of Land Use  
87 Reads Way  
New Castle, DE 19720

Re: *Application No. 2008-0275-S*  
*Barley Mill Plaza*  
*Public Hearing – Tuesday, July 1, 2008*

Dear Chairman Singer, Members of the Planning Board and Department of Land Use:

I write as a resident and civic leader in the Centreville/Greenville community to express my objections and concerns regarding this Application. At nearly three million (3,000,000) square feet, this is the largest commercial development project ever proposed in New Castle County; three times the size of the Christiana Mall. Thus, special care and attention is needed to address the significant impact the project will have on the community.

First, why is the County continuing to process this Application when its qualification as a Redevelopment Plan under Article 8 of the Unified Development Code ("UDC") has yet to be established? Indeed, the Department of Land Use Exploratory Plan Report dated June 19, 2008 ("Report") states at paragraph 6.(i) that "the current total percentage of improvements does not achieve the minimum 400% requirement." As a result, the Application should be rejected since it fails to meet the Redevelopment Plan standards.

Second, why is the Application being moved forward in the review process when the Applicant has failed to establish that the Plan meets the Mixed Use requirements of the UDC? Paragraph 1. of the Report indicates that the Plan fails to meet three (3) Mixed Use requirements: 1) the proposed restaurant pad sites are not permitted; 2) the Plan does not establish the requisite percentage distribution between residential, office, and commercial uses; and 3) the Plan fails to demonstrate compliance with the required residential outdoor areas.<sup>1</sup> Consequently, the Plan should be rejected at this stage since it fails to meet the UDC Mixed Use standards.

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<sup>1</sup> Based on representations made by developer representatives at a public meeting conducted on June 25, 2008, the Applicant's intended staging of development also runs afoul of the Mixed Use requirements of the UDC. The developer intends to build all of the commercial square footage first; office and residential development will follow at some unspecified future time. This presents the very real potential for a developer "bait and switch" to occur.

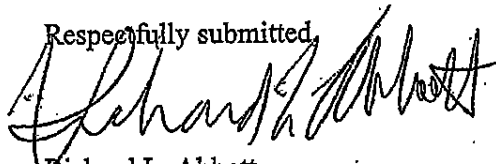
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Third, the Applicant should be required to perform a Traffic Impact Study and comply with the Level of Service D standard imposed by Section 15 of DeIDOT's Rules And Regulations For Subdivision Streets. The Redevelopment provisions of the UDC exempt such projects from the normal UDC traffic level of service, concurrency and mitigation requirements contained in Article 11. But the UDC provides that a Traffic Impact Study shall be required if DeIDOT requests one. DeIDOT should request a TIS for this mammoth project.<sup>2</sup> Accordingly, the Application should be held in abeyance until DeIDOT and the Department have reached a final determination on the TIS issue.

This public hearing is premature. Too many unknowns still exist for the plan to be ready for public review and comment. The Applicant should be required to start the process anew.

Thank you for the opportunity to present my comments regarding this proposed development project.

Respectfully submitted,



Richard L. Abbott

RLA:cth

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<sup>2</sup> A TIS will be required by the UDC if the Application does not qualify as a Redevelopment Plan.