



Department of Land Use

April 4, 2008

Pamela J. Scott, Esquire
Saul Ewing Attorneys at Law
222 Delaware Avenue, Suite 1200
P.O. Box 1266
Wilmington, DE 19899-1266

**Re: Woodlawn Project
Southwest Corner of Rt. 202 and Beaver Valley Road**

Dear Ms. Scott:

I am in receipt of your letter dated March 6, 2008 regarding the above captioned matter. Specifically, you wrote to the Department with concerns you have regarding the Department's request that this mixed use plan have both horizontal and vertical integration. After reviewing your letter, Chapter 40 of the New Castle County Code, the synopsis sections of the January 29, 2002 omnibus text amendments regarding mixed use and the Department/Planning Board's recommendation regarding the omnibus text amendments, the Department concludes that there are no specific code sections regarding vertical integration for mixed use. However, as is more fully explained below, the Department and/or the Planning Board may include this issue as part of its recommendation for the rezoning process.

Horizontal integration is not a unique design standard and, albeit not within the mixed use sections, is found within the UDC. (See, *New Castle County Code*, Chapter 40, Section 40.25.220). And, it is consistent with the concerns expressed in the Department/Planning Board's recommendation for the January 29, 2002 omnibus text amendments (Ordinance 01-112); that mixed use projects not look like strip shopping centers. In fact, in this recommendation, it was noted with respect to the one mixed use project that has been built, "the overall look and character of the two-story mixed use project is not consistent with typical strip shopping centers."

Because mixed use design concerns have been prevalent in previous discussions and recommendations, it is possible that they may be raised for this rezoning application. Not until the plan is fully reviewed at the public hearing and the Planning Board Business

meeting will we be able to determine whether vertical integration will be one of these design concerns.

Thank you.

Very Truly Yours



Charles L. Baker
General Manager, Department of Land Use

Cc: George Haggerty, Assistant General Manager
James Smith, Assistant General Manager
Brian Merritt, Assistant County Attorney
James H. Edwards, Assistant County Attorney
✓ David Culver, Planning Manager