

Justices made right call for Barley Mill

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The size of the Barley Mill Plaza proposed for Greenville was always too large to ignore, given the impact on the bordering housing developments and the absence of traffic information during the rezoning of 37 acres of the office park in 2011.

However, New Castle County Councilman Bob Weiner's admission that his yes vote in favor of the project came with a lack of complete data about the impact to the changes in regional road travel — a fact that the councilman originally considered *essential* to his vote — opened a hornets nest of doubt about the validity of his vote to rezone the land.

This was the unavoidable reality that led to Delaware Supreme Court's unanimous ruling to end the Stoltz Real Estate Partners' three-year effort to transform a portion of the 92 acres purchased from the DuPont Company into retail outlets and offices.

However, the state's high court handed down a just decisions based on factual evidence from a case dripping with heightened emotional and stubborn community opposition that was entrenched from day one. The surrounding community's real estate is one of the pricier in Delaware — much of it is valued in the hundreds of thousands to the millions per acre, facts which mired the case in elitist smears about special privilege based on residents' higher income.

"In this case, traffic was a major concern of Councilman Weiner throughout the rezoning process, and he made plain his preference to have the traffic information moments before he cast his vote," the Supreme Court justices agreed. "The Court of Chancery did not err, therefore, when it reviewed the record and determined that the Council's decision was undermined by a mistake of law that caused Councilman Weiner to vote without the traffic information."

To ignore that would have would have severely conflicted with the justices' standards for evidentiary proof. And it would have would have opened their reputations on the bench to suspicions of undue and outside influence.

Fortunately, the politicians who have to sign off on such consequential development projects were given a clear demarcation from the justices — don't be afraid to pursue any doubts even when the answer comes from your legal adviser or a county representative.

It's the best way to avoid being misled by the swirling political forces and special interests, which are par for the course with such controversial property disputes.