

# Meeting on contentious Pike Creek CVS planned Wednesday

Xerxes Wilson, The News Journal 2:32 p.m. EDT August 18, 2015



(Photo: JENNIFER CORBETT/THE NEWS JOURNAL)

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A new [CVS pharmacy at Paper Mill and Corner Ketch roads](#) is moving forward after the developer asked New Castle County to remove restrictions on the property's use.

The owners of Dempsey's Service Center at Whiteman's Garage intend to sell the six-acre garage property to make way for the pharmacy. The plan has been discussed for more than two years, with neighbors raising concerns about traffic and perceived harm to character of the residential corridor bordering White Clay Creek State Park.

The proposed pharmacy is 13,225 square feet. The garage's footprint is 6,514 square feet.

The land has the appropriate zoning, but the project cannot proceed before New Castle County officials remove stipulations on the property's deed restricting it to automotive service use.

A request to remove that restriction was filed with the county recently. A meeting on the project has been organized by state Rep. Joe Miro, R-Pike Creek Valley, at 7 p.m. Wednesday at the Hockessin Fire Hall, 1225 Old Lancaster Pike. Miro did not return a call seeking comment on the proposal.

Action on the request to remove the restriction will not take place until the County's Planning Board debates the proposal. That is likely to happen in October, said Larry Tarabicos, an attorney representing the developer.

The County Council will have then ultimate authority over whether to remove the restriction, which would start the approval process.

The project has been the subject of at least three community meetings organized by civic groups. CVS and the property owners also met with a focus group of neighbors organized under the Greater White Clay Creek Civic League, said Curt Dempsey, who co-owns the garage with his brother.

"Concessions have been made on architecture, lighting and other things. We have worked closely with our immediate neighbors here to make sure we addressed their concerns," Dempsey said. "As far as I know, there are no issues that have been brought to us or CVS that haven't been addressed."

Tarabicos said plans call for a CVS facade comprised of stone and wood. CVS's typical red awnings would be prohibited by the newly requested deed restrictions and the store can only be open between 8 a.m. and 10 p.m. The deed restrictions also dictate any land not taken up by the pharmacy be kept as open space. Tarabicos said this will preserve about 80 percent of the six-acre plot.

The current restriction on the property's use was implemented when the land was rezoned for commercial use in 1998. At the time, the Dempsey brothers were looking to expand the garage, which required a rezoning because the business had been grandfathered in a residential-zoned area. As part of that effort, the Dempseys agreed to the current restrictions after discussions with local civic organizations.

"At the time, there was no thought we would want to put a CVS here," Dempsey said.

Jeff Peters, president of the Pike Creek Valley Civic League, an umbrella group

opposition to removing the deed restrictions among neighbors. He said it would be unfair for the developers to take advantage of the 1998 rezoning that was approved because the community felt the property would remain a garage.

“There wouldn’t have been a commercial zoning on there if the community didn’t do something nice for a family that has been part of our community for decades,” Peters said. “In order to upgrade (the garage) they needed the rezoning ... So we wrote in the deed restrictions. Basically, no good deed goes unpunished.”

Peters said some neighbors feel the CVS will detract from the character of the Paper Mill Road corridor and believe there are already enough pharmacies serving the area.

CVS has about 7,800 locations in the U.S., including 25 in Delaware.

County spokesman Antonio Prado on Tuesday said Executive Tom Gordon does not support changing the deed restrictions.

Councilwoman Janet Kilpatrick, who represents the area, plans to attend Wednesday’s meeting, but said she hadn’t decided whether to support removing the deed restrictions.

“We have to go into this with an open mind. I can think of good and bad sides of the issue, but we are still six weeks away from having an official hearing with the planning board,” Kilpatrick said.

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If you go

What: Community meeting on proposed CVS at Paper Mill and Corner Ketch roads

When: 7 p.m. Wednesday

Where: Hockessin Fire Hall, 1225 Old Lancaster Pike