

KENT COUNTY

Dover, DE 19901



LEVY COURT

(302) 744-2300

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Kent County Regional Planning Commission Public Hearing Meeting Notice and Agenda

555 Bay Rd.

Dover, DE 19901

Levy Court Chambers - Room 203

Thursday, September 3, 2026

6:00 PM, RPC PUBLIC HEARING

In addition to the live meeting, this meeting may also be held virtually by phone and video conferencing to enable the applicant, owner, and/or members of the public to provide their testimony on the applications described below.

Join the meeting via Webex by going to:

<https://kentcountyde.webex.com/kentcountyde/j.php?>

MTID=md32ab629cac9ea192802062ac0f33418

or by phone, by calling 1-408-418-9388. Meeting number (access code) 2339 938 4113

Call to Order for Public Hearing

The Pledge of Allegiance

Roll Call and Determination of Quorum

Approval of Agenda

Introduction and Public Hearing Instructions

Public Hearing:

CS-26-05 Cattail Creek Propane Facility: Request for a Conditional Use with Site Plan approval of a public utility underground propane field located inside the Growth Zone Overlay District / Parcel # SM-00-131.01-06-99.00-000

CS-26-04 Pro-Cut Tree Services: Request for Conditional Use with Site Plan approval of a landscaping and horticultural operation located outside the Growth Zone Overlay District / Parcel # ED-00-078.00-01-01.05-000

C-26-05 Sunrise Shaws Corner Road Solar: Request for Conditional Use approval of a Community Energy Generating Facility(Solar) located outside the Growth Zone Overlay District / Parcel KH-00-04400-02-1200-000 and KH-00-04400-02-1300-000

Public Comment

Commission Comments

Other Business

Adjournment

POSTING DATE: 08/24/2026
POSTING TIME: 10:00 AM
POSTED BY: K.Andrews Planning
TAKE DOWN: 09/04/2026

29 Del.C. §10004(e)(2). The Agenda items as listed may not be considered in sequence. This Agenda is subject to change to include additional items including Executive Sessions or the deletion of items including Executive Sessions, which arise at the time of the meeting.



DEPARTMENT OF PLANNING SERVICES

STAFF RECOMMENDATION REPORT

September 3, 2026

Application # and Title	:	CS-26-05 Propane Facility for Cattail Creek
Comprehensive Plan Map Designation	:	Low Density Residential
Relation to Growth Zone	:	Inside
Present Zoning District	:	AC (Agricultural Conservation)
Present Use	:	Passive Open Space
Proposed Use	:	Same with Minor Utility (Underground Propane)
Area and Location	:	29.5 ± acres (Project Area: 0.26± acres) within the Cattail Creek subdivision, located on the southeast corner of the intersection of Barratts Chapel Rd. and Cornellian Dr./Buffalo Rd., north of Frederica.

I. APPLICATION SUMMARY:

The applicant is seeking Conditional Use with Site Plan approval for a Minor Utility for an underground propane facility in the Cattail Creek residential development. The project area is 0.26± sq. ft. located on a 29.5± acre open space parcel. The project proposes the installation of nine (9) 1,000-gallon underground propane tanks and a 10' X 10' fenced section to contain the above-ground regulator station.

The applicant has requested a waiver from Kent County Code Section 187-53.I. regarding setbacks for the use (see Section III. Waivers). Staff recommends **MODIFIED APPROVAL** of the waiver to allow location of the facility 50' from the parcel line along Barretts Chapel Rd. and 125' from the nearest residential dwelling setback line.

If the Commission chooses to grant the waiver, Staff recommends **CONDITIONAL APPROVAL**, as the application would then demonstrate compliance with all Kent County Code requirements and the Kent County Comprehensive Plan (2018).

There has been one previous application on the subject site. Application CS-24-02 approved a conditional use for a public utility (underground propane field). The application expired April 23, 2026, as final site plan approval was never received.

II. COMPLIANCE WITH THE CONDITIONS OF APPROVAL:

A. Compliance with the Conditions of Approval for the Use - § 205-72E Utilities, minor:

(1) Any principal part of a tower, excluding guy cables, shall be set back from the street line or any other lot line of the lot on which it is located not less than the height of such tower, and any blinking or rotating light thereon shall be placed so as not to throw its light below the horizontal plane in which it is installed.

✓ As the project does not propose any towers, this condition does not apply.

(2) Any storage of materials or trucks, maintenance and repair facilities and housing of repair crews shall be contained within a building.

✓ As the project does not propose the storage of materials or trucks, maintenance and repair facilities, or housing of repair crews, this condition does not apply.

B. General Code Requirements:

1. The final plan must meet all requirements of Chapters 171, 187 and 205 of the Kent County Code, and all items in the final plan column of Appendix D of Chapter 187. This may include items that are not specifically outlined below.
2. All electrical, telephone, water, sewer, gas, or other utilities requiring a centralized facility and providing services to multiple development parcels either within or outside the subdivision shall be provided on separate, private parcels owned in fee simple or by easement by the proprietary utility company and not included within the open space calculation for that or any community so served (§187-53E.(2)).
3. All utility easements required for the subdivision shall be shown on the record plan fully dimensioned and identified as to which utility is served by the easement. All utility companies shall be contacted by the applicant concerning the need or desire for said utility and approvals of utility locations provided from each utility. If a particular service will not be installed at the time of construction, but is planned for the future, then adequate easements shall be provided on the record plan with the written approval of the easement locations from the utility company providing service (§187-53E.(3)).
4. The Conditional Use Application number in the Site Data column needs to be revised to CS-26-05.
5. The rear setback shown for the residential lots needs to be revised to 10’.
6. One tree planting is required for every 5,000 sq. ft. of nonresidential land development. Based on the proposed easement area, three (3) tree plantings are required for the project.

There are existing trees near the improvement that may be able to be counted towards this requirement, so long as they are located within the site area. A landscape architect's signature will be required on the final plan to verify the location of any existing trees counted to meet the requirement.

7. Prior to final plan approval, all outside agency requirements must be met.
8. The plan must gain final approval within 24 months of the date of preliminary approval. Construction may not commence until final approval is given.
9. The Levy Court may add any necessary conditions to protect the health, safety, and welfare of the citizens of Kent County.

III. WAIVER REQUESTS:

The Commission may waive or modify the requirements of Chapter 187 by following these guidelines (§187-80):

1. Strict compliance with the requirements of this chapter would result in extraordinary hardship to the applicant because of unusual topography or other conditions which are not self-imposed, or;
2. That these conditions would result in inhibiting the achievement of the objectives of these regulations;
3. And that such variance, modification or waiver:
 - Will not have the effect of nullifying the intent and purpose of this chapter;
 - Will not be contrary to the goals and objectives of the Comprehensive Plan;
 - Shall not be more than a minimum easing of the requirements;
 - Shall not result in conflict with Chapter 205, Zoning.

The applicant has requested a waiver of Kent County Code Section 187-53I.(4) requiring liquid propane and/or natural gas substations to be located a minimum of 100' from parcel lines and 200' from the nearest residential dwelling setback line.

As indicated in the waiver request letter (attached), the applicant previously applied for a conditional use for the project in 2024. The application received preliminary approval with a waiver to allow the facility to be located 50' from Barratts Chapel Rd. and 125' from the nearest residential property line. Prior to receiving final approval for the project, the applicant installed the facilities closer than the approved distances. They are now seeking approval for the existing location.

The plan submitted for the application shows the facility is currently 39' from the property line along Barratts Chapel Rd. and 150' from the nearest residential dwelling setback line. However, the rear setback for the lot is shown as 25' per the original approval of the development. The

code has since been revised and the rear setback required is now 10'. This means the existing facility is approximately 135' from the nearest residential dwelling setback line.

Staff has reviewed the current request and recommends **MODIFIED APPROVAL** of the waiver in accordance with the original approval, to allow the facility to be located 50' from the parcel line along Barratts Chapel Rd. and 125' from the nearest residential setback line, as the hardship is self-imposed.

IV. BACKGROUND INFORMATION:

- The Kent County Comprehensive Plan recommends that the subject property be utilized for agriculture, single family detached residences, and limited commercial uses, such as home-based business or agricultural support. The property is zoned AC (Agricultural Conservation). This zoning district provides for Minor Utilities as conditional uses for approval by the Levy Court through the Conditional Use / Site Plan process. This particular minor utility is specifically proposed as a support service for the surrounding low-density residential community. If approved, this plan will comply with the 2018 Comprehensive Plan and the AC zoning district requirements.
- The 29.482 ± acre subject site is currently improved with the proposed propane facility and stormwater management ponds. The site is approved as passive open space for the Cattail Creek development, which will be comprised of 175 single family residences. The character of the surrounding area is residential in nature.
- The subject area is accessed by a 16' wide paved driveway off an internal subdivision street, Cornelian Dr. The utility use will be screened from the adjacent lots within the development by an existing berm and from the adjacent parcel south by an existing tree line.
- There have been no conditional use applications of a similar nature in the immediate vicinity.

V. AGENCY COMMENTS:

A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIV.

Contact: Brian Hall, Engineering Project Manager II

Requirement:

1. Subdivision is served by central utilities, including Kent County sanitary sewer (SS).
2. If there will be proposed, underground propane mains/piping, then minimum required separations must be maintained in relation to these other utilities and Delmarva 811 contacted/utilized.

Comment:

1. The Engineering Division grants "Conditional Approval".
2. If there are no proposed mains/piping to be installed throughout the subdivision, then the Engineering Division grants "Approval with No Objection to Recordation".

B. OFFICE OF THE STATE FIRE MARSHAL

Contact: William Kelly II, CFI, CFPE

Comment: A site plan for the project must be submitted for review and approval by the Delaware State Fire Marshal's Office.

C. DELWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL – Division of Fish and Wildlife

Contact: Faith Garcia, Environmental Review Coordinator

Comments: A review of our database indicates that there are currently no records of state-rare or federally-listed plants, animals or natural communities at this project site.

VI. OWNER/APPLICANT:

The owner/applicant shall be aware of and be prepared to comply with all comments regarding this project stated in this report. All comments must be addressed in the final plan prior to final approval. Final approval of the plan must occur within 24 months from the date of preliminary plan approval. Failure to obtain final approval shall nullify the plan. Once the plan receives final approval, construction in accordance with the plan must occur within 18 months of final approval or the plan shall be deemed null and void. Letters of "No Objection to Final Approval" from the following agencies will be required prior to final approval:

1. Delaware Department of Transportation (DelDOT)
2. Kent Conservation District (KCD)
3. Office of the State Fire Marshal (OFSM)
4. DNREC Accidental Release Prevention Program
5. Kent County Department of Public Works, Engineering Div.

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Regional Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to Levy Court in this matter.

ENC: Data Sheet
Exhibit A – Location and Zoning Map
Exhibit B – Modified Approval Recommendation
Waiver Request
Preliminary Site and Landscape Plan



DEPARTMENT OF PLANNING SERVICES

DATA SHEET FOR CONDITIONAL USE WITH SITE PLAN

Regional Planning Commission Public Hearing of: **Thursday, September 3, 2026**

Regional Planning Commission Business Meeting of: **Thursday, September 10, 2026**

Levy Court Public Hearing of: **Tuesday, September 15, 2026**

Application / Title	:	CS-26-05 Cattail Creek Propane Facility
Applicant	:	Petroleum Equipment, Inc. c/o Ben Cataldi 3799 N. Dupont Hwy. Dover, DE 19901
Owner	:	Strahly Holding, LLC 16255 Sussex Hwy. Bridgeville, MD 19933
Engineer	:	Morris & Ritchie Associates, Inc. c/o Charlie Barnett 111 Ruthar Dr. Newark, DE 19711
Additional Contact	:	Kevin Prenderville 16255 Sussex Hwy. Bridgeville, DE 19933
Comprehensive Plan Map Designation	:	Low Density Residential
Zoning District	:	AC (Agricultural Conservation)
Relation to Growth Zone	:	Inside
Present Use	:	Passive Open Space
Proposed Use	:	Same with Public Utility (Underground Propane Field)

Levy Court District	:	4 th - Scott
School District	:	Lake Forest
Fire District	:	Frederica
Area and Location	:	29.5 ± acres (Project Area: 0.26± acres) within the Cattail Creek subdivision, located on the southeast corner of the intersection of Barratts Chapel Rd. and Cornellian Dr./Buffalo Rd., north of Frederica
Property Identification Number	:	SM-00-131.01-06-99.00-000



Kent County Levy Court

LOCATION AND ZONING MAP Exhibit A

Application: CS-26-05
Cattail Creek Propane Facility

APPLICANT:

Petroleum Equipment, Inc.
c/o Ben Cataldi

OWNER: Strahly Holding, LLC

PRESENT ZONING

DISTRICT:

AC (Agricultural Conservation)

PRESENT USE:

Passive Open Space

PROPOSED USE: Same with
Public Utility (Underground
Propane Field)

LEVY COURT DISTRICT:

4th - Scott

TAX MAP NO:

SM-00-131.01-06-99.00-000

LOCATION: 29.5 ± acres (Project
Area: 0.26± acres) within the Cattail
Creek subdivision, located on the
southeast corner of the intersection of
Barratts Chapel Rd. and Cornelian
Dr./Buffalo Rd., north of Frederica

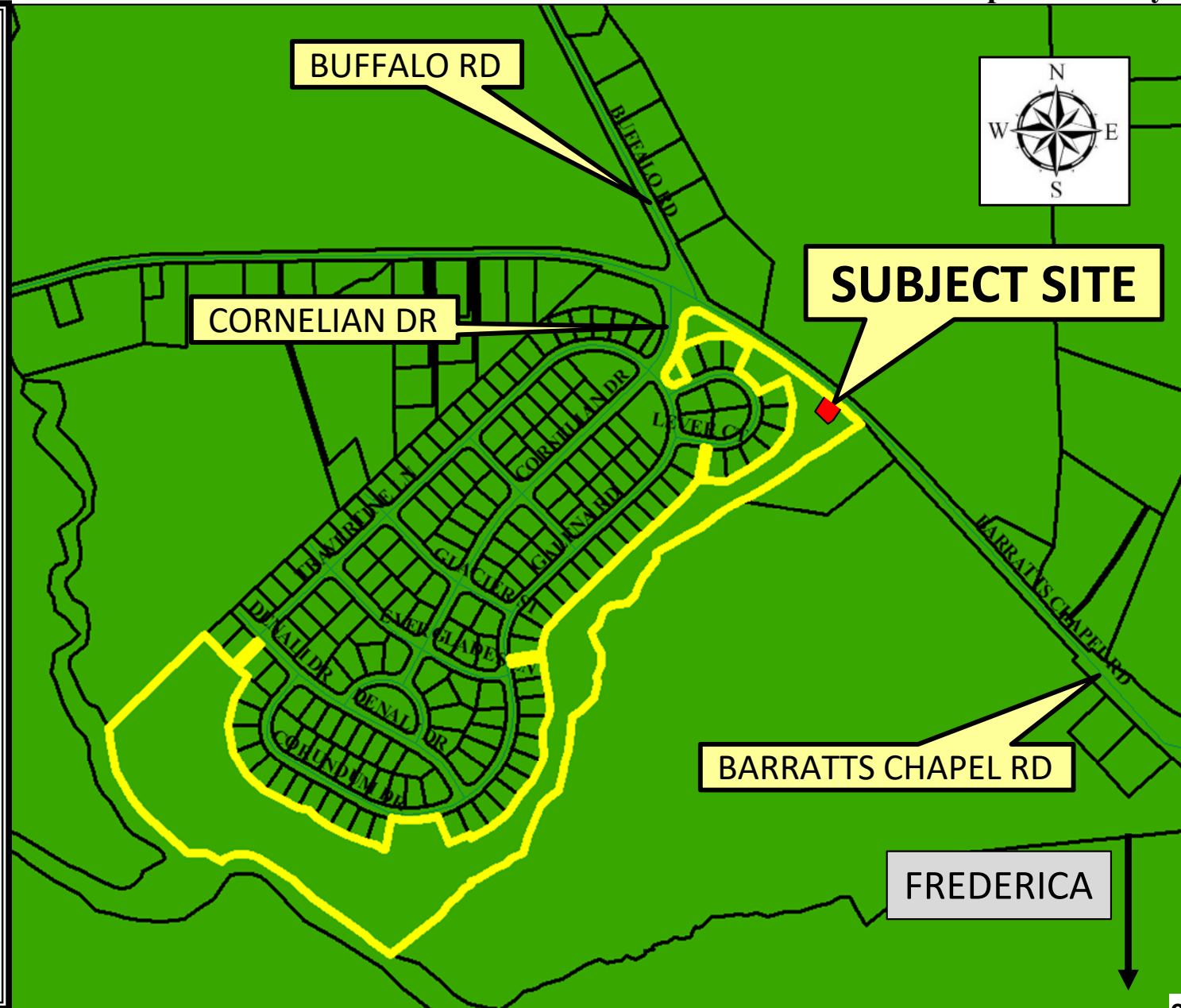
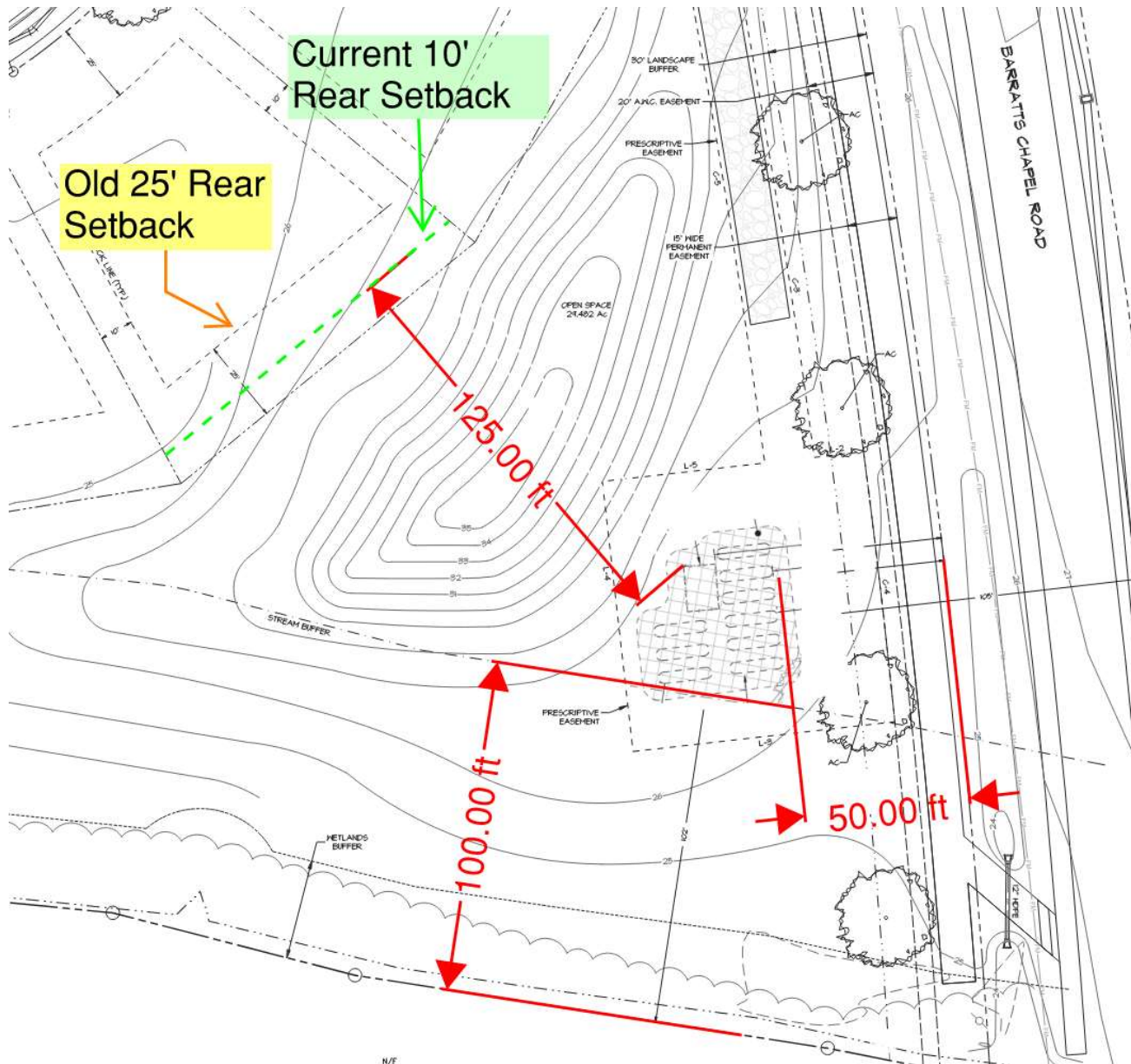


Exhibit B

Staff recommendation for a Modified Approval of the requested waiver from 187-53.1(4)



Modified Approval Recommendation

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Date: June 12, 2026

Kent County Dept. of Planning Services
Kent County Administrative Complex
555 Bay Road
Dover, DE 19901
Attention: Ms. Sarah Keifer

Re: Cattail Creek Conditional Use Application
for the proposed propane facility

Dear Ms. Keifer:

On behalf of Poore's Propane (applicant) and Strahly Holding, LLC (owner), we hereby submit the Conditional Use request for the proposed propane facility in the Cattail Creek subdivision, located on the south side of Barratts Chapel Road at the intersection with Buffalo Road. The applicant is seeking approval for infrastructure necessary to provide propane to the residents of the subdivision. This facility is proposed in the passive open space area between lot 70 and Barratts Chapel Road. Through our previous submission for the same improvement in 2024, we understand that the facility will require a Conditional Use approval by the County, as well as a waiver from the setback requirements. Please find this letter as our formal request for the consideration of the Conditional Use and waiver request as detailed in the following paragraphs.

The residential subdivision consists of 175 single-family lots which are served by propane. Poore's Propane would like to install a communal facility that will serve propane to all residential homes through a pipeline network that will be located along the internal streets. This pipeline system will be connected to a series of nine (9), 1,000-gallon underground tanks, and the entire system will be controlled through an above-ground regulator station, which consists of aboveground pipes and valves, all contained within a 10-foot square fenced area. A photograph taken of a similar facility can be found on the site plan for clarity. A gravel driveway is also proposed for Poore's Propane to access the facility and fill the underground tanks when necessary. They expect to visit the location a maximum of two times per month in the winter season, and less during the warmer months. The facility will be regulated by the Public Service Commission for safety to the same standards as a natural gas distribution system. Poore's Propane currently has over 25 similar systems in place.

Chapter 187 of the Kent County Code provides Utility Infrastructure Bulk Standards in Section 53.I(4) within Table X-3. This table states that liquid propane and/or natural gas substation(s) require setbacks of 100 feet to parcel lines and 200 feet to the nearest residential dwelling lines. The table also states that the facilities have a maximum permitted height of 20 feet. The location of the facility will provide a 125-foot setback to the nearest residential property line and a 150-foot setback to the nearest residential dwelling setback line. Further, the facility

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Ms. Sarah Keifer, Kent County Dept. of Planning Services
Re: Cattail Creek Conditional Use Application
June 12, 2026
Page 2 of 2

will provide a 102-foot setback to the nearest adjoining property line, and a 105-foot setback to the adjoining property line across Barratts Chapel Road. Note that this dimension is measured from the outside edge of the nearest underground propane tank, and the distances from the adjoining property lines to the above-ground fence is even further.

The aboveground portion of the facility is only 10-foot by 10-foot and will be surrounded by black decorative fencing. The nearest residential lot will be separated from the facility by an eight-foot-high earthen berm with landscape plantings to provide a visual buffer.

It should be noted that without the community-wide facility, the propane company would install a propane tank for each individual lot within their property. This configuration would lead to a subdivision with 175 underground propane tanks, which could be located within 10-feet of homes. Underground propane tanks are regulated by the National Fire Protection Association (NFPA) 58 – Liquefied Petroleum Gas Code. This Code allows any underground propane tank (up to 2,000 gallons) to be within 10 feet of a property line or building. The proposed setbacks to the facility are well beyond the national code requirements, as well as what would be permissible by installing individual on-lot tanks.

As noted above, this project was submitted to Kent County as CS-24-02 and granted conditional approval by the Levy Court in April 2024. As part of this approval, the County granted the requested setback waiver with a “modified approval” stating that the “plan shall be revised to incorporate the staff’s recommendation as reflected in “Exhibit C...”. This exhibit reflected three superimposed setbacks in red text. The applicant obtained Kent Conservation District, Fire Marshal and DelDOT approval, and installed the facility in late 2024. As part of the installation, the fenced portion of the facility was moved to be 56-feet from the Barratts Chapel Road right-of-way, which the applicant believed was as-intended by the staff’s Exhibit C. The plan provided with this application reflects the existing, functioning facility.

We understand that the previous Conditional Use Application has expired. Please find the enclosed application and Propane Facility Site Plan for your consideration. We request that the Conditional Use and Waiver request be placed on the agenda for the August Regional Planning Commission meeting for review and approval. Please contact us if you should require any additional information in advance of the anticipated public hearing.

Sincerely
MORRIS & RITCHIE ASSOCIATES, INC.

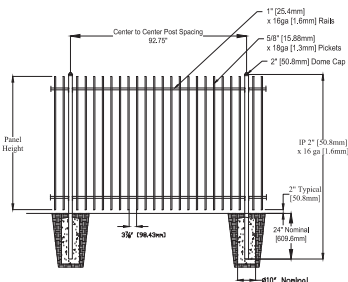


Charles Barnett
Principal

Cc: Mr. Ben Cataldi, Poore’s Propane
Mr. Kevin Prenderville, Strahly Holding, LLC
File (13870x03)

Select Desired Height

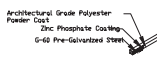
- 46" (1168.4mm)
- 58" (1473.2mm)
- 70" (1778.0mm)



Applicable Bracket



10-104-1" Bracket for straight runs or 24-05-1" Bracket for non-standard angles



FENCE DETAIL

SCALE: 1" = 1' N.T.S.

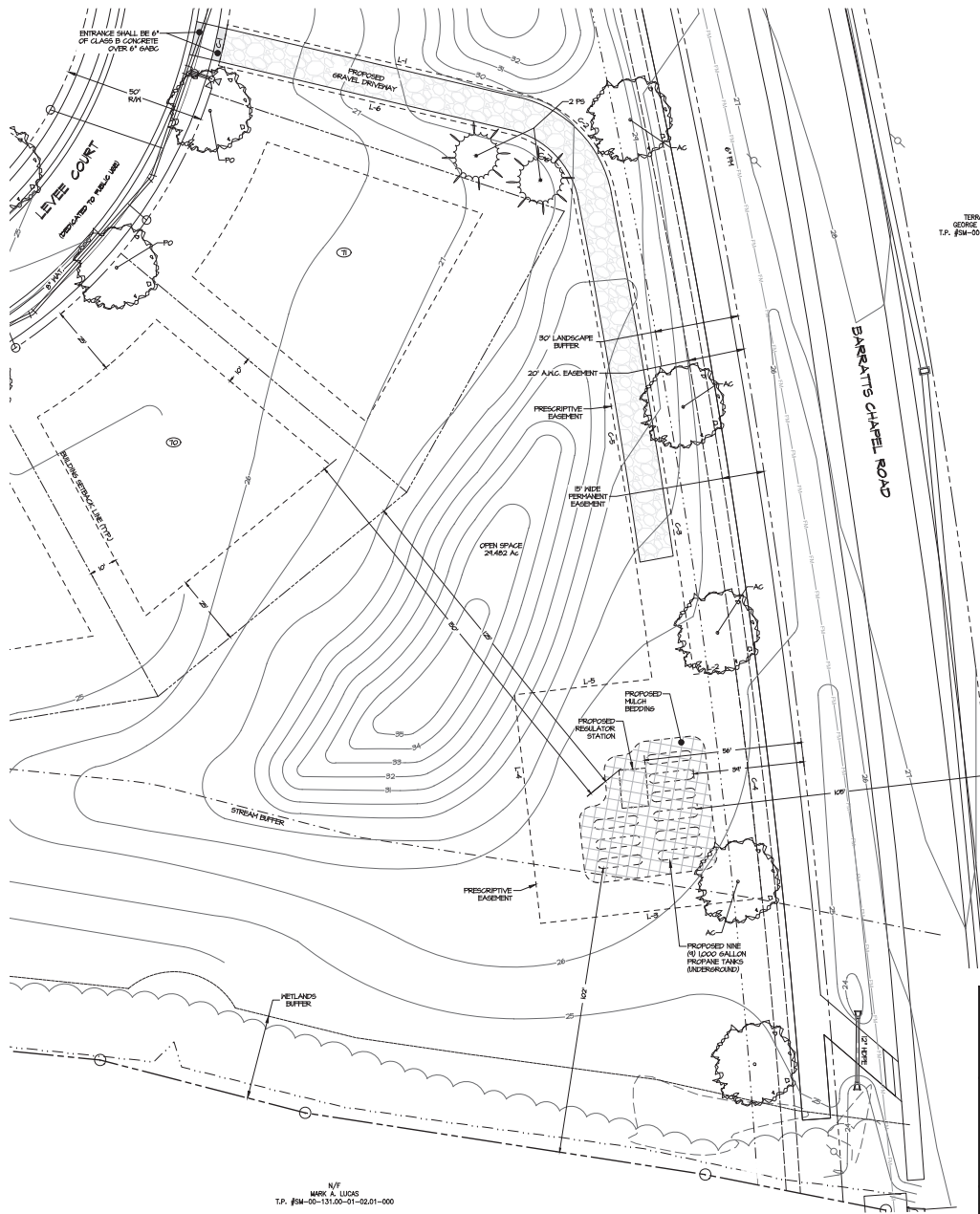
LINE	BEARING	DISTANCE
L-1	N 54° 48' 22" E	127.18'
L-2	N 40° 07' 42" E	85.00'
L-3	S 40° 07' 42" E	78.52'
L-4	N 44° 52' 18" E	82.00'
L-5	N 40° 07' 42" E	44.39'
L-6	S 54° 48' 22" E	127.18'

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C-1	4° 54' 48"	175.00'	5.07'	151'	N 50° 50' 48" E	85.00'
C-2	68° 48' 16"	45.00'	16.44'	24.04'	S 87° 18' 00" E	46.86'
C-3	3° 54' 36"	2364.76'	174.77'	871'	S 92° 38' 04" E	1744.6'
C-4	1° 40' 30"	2364.80'	82.00'	41.00'	S 90° 00' 18" E	82.00'
C-5	3° 54' 18"	2174.76'	172.48'	86.32'	N 92° 38' 18" E	172.48'
C-6	68° 48' 16"	80.00'	34.48'	19.34'	N 87° 18' 00" E	32.25'

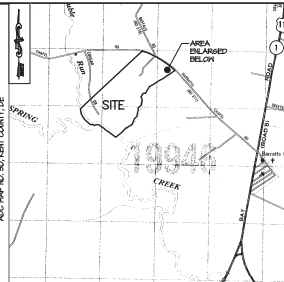


PROANE SUBSTATION EXAMPLE PHOTOGRAPH

SCALE: 1" = 1' N.T.S.



N/F
TERRANCE MICHEL &
GEORGE WILKIE JR. DALK
T.P. #34-00-122.00-02-51.00-000



LOCATION MAP

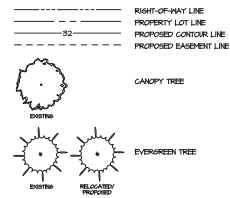
SCALE: 1" = 200'

SITE DATA

OWNER/APPLICANT:	STRAHL HOLDING, LLC 16255 SUSSEX HIGHWAY BRIDGEVILLE, DE 19933
TAX MAP:	54-00-19.01-06-49.00-000
DEED REF:	D-557-010
RECORDATION:	PLOT BOOK 140, PAGE 34 - AUGUST 11, 2020
CONDITIONAL USE APPLICATION:	CS-24-02
EXISTING ZONING:	AC
RELATION TO GROWTH ZONE:	WITHIN GROWTH ZONE
PROPOSED USE:	UNDERGROUND COMMUNITY PROPANE TANK FILL
TOTAL SITE AREA:	24.4821 AC
TOTAL AREA OF MUDG BEDDING:	2.3671 SF
PROPOSED INTERVIEW AREA:	3,975.54 SF
TRAFFIC:	2 VEHICLE TRIPS PER MONTH
PROPANE SUBSTATION SETBACK TO PARCEL LINES:	100'
REQUIRED:	100'
PROPOSED:	102'
PROPANE SUBSTATION DISTANCE FROM RESIDENTIAL DWELLING SETBACK:	125'
REQUIRED:	150'
PROPOSED:	150'
MAXIMUM HEIGHT PERMITTED:	20'
REQUIRED:	6'
PROPOSED:	6'

A MAVER FROM (101-531(4) WAS GRANTED BY KENT COUNTY LEVY COURT ON 04/23/2024.

LEGEND



SITE



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
18 BOULDER CIRCLE, SUITE 36
NEW CASTLE, DELAWARE 19720
(302) 326-2309
FAX: (302) 326-2399
WWW.MRAGTA.COM



PROPANE FACILITY SITE PLAN FOR CATTAIL CREEK

DATE	REVISIONS	JOB NO: 1387/0103
04/12/24	REVISED FACILITY LOCATION PER PLANNING STAFF RECOMMENDATION	SCALE: 1"=20'
11/02/24	CONCRETE APPROX	DATE: 03/06/2024
02/24/26	ROP RECOMMENDATIONS	DRAWN BY: FRP
02/27/26	DELOIT COMMENTS	DESIGN BY:
		REVIEW BY: CNB
		SHEET: 1 OF 1



N/F
MARK & LUCAS
T.P. #34-00-131.00-01-02.01-000