KENT COUNTY LEVY COURT
Dover, DE 19901 (302) 744-2300
www.kentcountyde.gov

Kent County Regional Planning Commission Public Hearing
Meeting Notice and Agenda
555 Bay Rd.
Dover, DE 19901
Levy Court Chambers - Room 203
Thursday, November 5, 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:

CZ-26-03 / LC26-15 Stoltzfus, John M. & Ruth R.: Request to amend the Zoning Map from IL(Limited Industrial) and IG(General Industrial) to IL(Limited Industrial), IG(General Industrial) and BG(General Business), located inside the Growth Zone Overlay District / Parcel # ED-00-057.00-01-13.00-000

Public Comment

Commission Comments

Other Business

Adjournment

POSTING DATE: 10/26/2026
POSTING TIME: 11:30 AM
POSTED BY: K.Andrews, Planning Tech
TAKE DOWN: 11/6/2026

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.

Item Cover Page

REGIONAL PLANNING COMMISSION PUBLIC HEARING AGENDA ITEM REPORT

DATE: November 5, 2026

SUBMITTED BY: Kathleen Andrews, Planning Services

ITEM TYPE: Ordinance

AGENDA SECTION: **Public Hearing:**

SUBJECT:

CZ-26-03 / LC26-15 Stoltzfus, John M. & Ruth R.: Request to amend the Zoning Map from IL(Limited Industrial) and IG(General Industrial) to IL(Limited Industrial), IG(General Industrial) and BG(General Business), located inside the Growth Zone Overlay District / Parcel # ED-00-057.00-01-13.00-000

ATTACHMENTS:

CZ-26-03 Staff Recommendation Report
Ordinance LC26-15
CZ-26-03 Data Sheet
CZ-26-03 Exhibit A-C
CZ-26-03 PLUS Responses dtd. August 5, 2026
CZ-26-03 Kent Economic Partnership letter dtd. October 20, 2026

DEPARTMENT OF PLANNING SERVICES

STAFF RECOMMENDATION REPORT
November 5, 2026

Ordinance	:	LC26-15
Application Number	:	CZ-26-03 Stoltzfus, John M & Ruth R
Present Zoning / Comp Plan Map Designation	:	IL (Limited Industrial) & IG (General Industrial) / Industrial
Proposed Zoning / Comp Plan Map Designation	:	IL (Limited Industrial), IG (General Industrial), & BG (General Business) / Industrial & Highway Commercial
Area and Location	:	27.9± acres (Area of Petition: 17.968± acres) located on the north side of W. Denneys Rd., approximately 0.34 miles west of N. Dupont Hwy., north of Dover.

I. STAFF RECOMMENDATION:

Based on the information presented, the Kent County Code, and the Comprehensive Plan, Staff recommends **DENIAL** of the request to amend the Zoning Map and Comprehensive Plan Future Land Use Map. The proposed rezoning does not meet the conditions for approval of a zoning change under Kent County Code Section 205-408(B):

A. *There was a mistake in the Zoning Map, or the character of the neighborhood has changed to such an extent that the Zoning Map should be changed.*

There was no mistake in the Zoning Map. The IL & IG zonings are the original zonings for the property. Additionally, the character of the neighborhood has not changed to such an extent that the Zoning Map should change. The three similar rezonings within a half mile of the subject parcel do not change the character of the area as they front N. Dupont Hwy. and do not have direct access to the rail. The parcels to the north, east, and southwest are also zoned industrial. The parcel to the west, across the railroad, is zoned AR and is unimproved. The parcel to the south is within the City of Dover incorporated limits. While the subject parcel is currently vacant, an industrial use is a better fit for the character of the area and close proximity to the existing railroad.

B. *The new zoning classification conforms to the Comprehensive Plan for Kent County in relation to land use, number of dwelling units or type and intensity of nonresidential buildings and location.*

The proposed BG zoning does not conform to the 2018 Comprehensive Plan, as Map 7B designates the area of petition as Industrial. Additionally, the parcel is not designated in Map

7C as a future Highway Commercial area but is shown as a future Industrial area. Although both designations would be for non-residential zoning there is a substantial difference between these designations based on the property's location. This North Dover – Dow Reichold Industrial area was designated based on its accessibility to the railroad corridor and the adjacent IL and IG zonings. The plan predicted support for additional zoning to encourage industrial uses to locate on the rail corridor. If rezoned, the highway commercial designation may work in contrast to the goals of the Comprehensive Plan. In addition, the current designation for Industrial is primarily intended for a variety of industrial uses, including hazardous uses located away from residential uses. There are currently no dwellings within the near vicinity of the subject parcel. Some commercial uses are allowed, though these uses are generally limited in scale and are institutional in nature.

C. *Transportation facilities, water and sewerage systems, storm drainage systems, schools and fire suppression facilities adequate to serve the proposed use are either in existence or programmed for construction.*

Transportation Facilities: The subject site is located on W. Denneys Rd., a major collector road, which enables moderate quantities of traffic to move between arterials and local roads and provide access to adjacent properties.

Water & Sewage Systems: The parcel is located within the Kent County Sanitary Sewer District. Information from the Public Service Commission indicates that the parcel is located within Tidewater Utilities water service area.

Storm Drainage Systems & Fire Suppression Facilities: Comments received from Kent Conservation District (KCD) indicate that they have no comment to the rezoning. Any new project would need to be reviewed by the Kent Conservation District for stormwater impact and by the State Fire Marshall for fire suppression service.

D. *There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the county.*

There is little compatibility between the uses of the property as reclassified and the surrounding land uses. The area is predominantly industrial on the east side of the railroad. Although there is existing commercial zoning in the area, those parcels have frontage along Dupont Hwy. and do not have direct access to the rail. Only industrial uses and structures have been built on the adjacent parcels so the proposed commercial zoning would be incompatible with both the rail and surrounding industrial land uses. As such, reclassification of the petitioned area to BG, and the uses that would be permitted therein, would not promote the health, safety and welfare of present and future residents of the county.

II. BACKGROUND INFORMATION:

- The subject site is located inside the Growth Zone Overlay District and is currently unimproved.
- The application went through the Office of State Planning and Coordination PLUS process on July 1, 2026.
- Their parcel has received conditional use with site plan approval for a water tower on 12/17/24.
- There have been no previous rezoning applications on the subject site.
- There have been three rezoning applications of a similar nature in the near vicinity.

- Z-90-06 approved the rezoning of 4.7857± acres located 0.4 miles of the subject parcel, from RMH and IG to BG in 1990.
- CZ-03-10 approved the rezoning of 1± acre located 0.35 miles north of the subject parcel, from IG to BG in 2003.
- CZ-07-03 approved the rezoning of 0.9± acre located 0.33 miles north of the subject parcel, from IG to BG in 2007.

III. AGENCY COMMENTS:

A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS

Contact: Brian L. Hall, Engineering Project Manager II

Requirements:

1. The property is "legally" located in KCSDD1, Dyke Branch Area.
2. "Technically" there is an Ex. sewer gravity main, with associated easements, on this property. Depending on what type of establishment is being proposed, a Technical Feasibility Study (TFS) may be required to ascertain quantity, quality, etc. more specific requirements.
3. Proposal must proceed in accordance with all applicable Kent County Code requirements (Chapter 128 – Fees & Chapter 180 – Standards).

Comment:

1. The Engineering Division grants "Conditional Approval".

B. DOVER/KENT COUNTY METROPOLITAN PLANNING ORGANIZATION:

Contact: Malcolm Jacob

Dover Kent MPO does not support the proposed rezoning. The MPO does not typically comment on rezoning applications unless they pertain directly to the findings of previously completed studies. In this case, the subject property was cited in the MPO's 2022 *Rail Corridor Land Use Study*. Identified in the study as Parcel #58779 (Tile E3), it was found to be a viable location for rail-supported industrial uses. The factors that contribute to this include the parcel's total acreage, its access to West Denneys Road, and the existing rail spurs that connect to the former site of the Reichhold Chemical facility. The parcel is also identified in the 2026 *Industrial Land Needs Analysis* as a "Short-Term Industrial Site"; the study goes on to emphasize the importance of preserving rail-adjacent parcels for industrial uses and preventing further loss of available rail-adjacent land in Kent County. If the proposed rezoning were approved, the amount of industrial-zoned land at the site would be significantly reduced, and the remaining industrial-zoned land would become "landlocked" and cut off from West Denneys Road. In this way, the proposal does not align with the most recent studies on the topic.

Dover Kent MPO's 2022 study and its 2026 follow-up study are intended not only to identify parcels suitable for rail-supported industrial uses, but also to raise awareness of the concerns surrounding incompatible uses adjacent to active rail lines. The most common example of incompatible uses is residential development. There are many conflicts that arise from rail-adjacent housing, including increased risk of property damage and loss of life during a derailment, increased risk of trespassing within the rail right-of-way, and frequent noise pollution for residents. However, it should be noted that uses other than housing can also be

considered incompatible with active railroads for the same reasons. Agricultural and industrial uses, by contrast, are generally seen as more compatible with active railroads.

Furthermore, each parcel that is developed for non-industrial purposes leads to a decrease in the amount of land available for rail-supported industrial uses, a finite resource that the railroad depends upon in order to remain economically viable. One of the strategies listed under the goal of "Economic Vitality" in the 2022 *Delaware State Freight Plan* is "Freight Land Use Preservation." Within this strategy, stakeholders are expected to "[c]oordinate with and educate the region's planning officials on the importance of preserving critical infrastructure and freight-oriented land uses in key freight or rail corridors and industrial areas." This strategy emphasizes the importance of looking critically at every development adjacent to the railroad, both residential and otherwise, and then determining the conflicts that are likely to occur and evaluating the impacts of the losing the property to an incompatible use.

It is apparent that the proposed rezoning and subsequent site use do not align with the state and local goals for freight land use preservation. Even if the applicant were to subdivide and rezone a portion of the property as proposed in this case, access between the industrial land and West Denneys Road would still be lost. As such, Dover Kent MPO recommends that the proposed rezoning not be approved. It is the MPO's belief that the subject property would be better suited for industrial activities, and that it could make good use of the current zoning and the rail infrastructure that are already in place.

This recommendation is offered 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: Ordinance LC26-15
Data Sheet
Exhibit A – Location and Zoning Map
Exhibit B – Comprehensive Plan Map
Exhibit C – Rezoning Area
PLUS Responses dtd. August 5, 2026
Kent Economic Partnership letter dtd. October 20, 2026

INTRODUCED BY: Jeffrey W. Hall
DATE INTRODUCED: October 13, 2026
PUBLIC HEARING DATE: _____
PUBLIC HEARING TIME: 7:00 P.M.
ADOPTION DATE: _____
EFFECTIVE DATE: Upon Adoption

ORDINANCE – LC26-15

An Ordinance to amend the Comprehensive Plan Map Designation and the Official Zoning Map of Kent County, Delaware pursuant to the provisions of Kent County Code, Vol. II, Chapter 205 Zoning, Article III, Section 205-8 and Section 205-9, and Article XXVIII (changes and amendments) effective December 01, 2000, as amended.

WHEREAS, on the 8th day of September 2026 an application was filed by property owner of record known as John M. & Ruth R. Stoltzfus, for rezoning of Tax Parcel; ED-00-057.00-01-13.00/000; which application has been designated as Application No. CZ-26-03 and,

WHEREAS, a Public Hearing will be scheduled before the Regional Planning Commission and

WHEREAS, a Business Meeting will be scheduled before the Regional Planning Commission beginning and

WHEREAS, a Public Hearing will be scheduled before the Levy Court.

NOW, THEREFORE, THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. The Comprehensive Plan Map for Kent County, Delaware is hereby amended by revising the land use designation for Tax Parcel; ED-00-057.00-01-13.00/000; from Industrial to Industrial & Highway Commercial. The referenced Tax Parcel forms the area of 27.9 Acre +/- of land (Area of Petition: 17.968 +/-Acres) located on the north side of W. Denneys Rd., approx. 0.34 miles west of N. Dupont Hwy., north of Dover.

Section 2. That the Official Zoning Map of Kent County, Delaware is hereby amended by rezoning Tax Parcel; ED-00-057.00-01-13.00/000; from IL (Light Industrial) & IG (General Industrial) to IL (Light Industrial), IG (General Industrial) & BG (General Business). The referenced Tax Parcel forms the area of 27.9 Acre +/- of land (Area of Petition: 17.968 +/-Acres) located on the north side of W. Denneys Rd., approx. 0.34 miles west of N. Dupont Hwy., north of Dover.

Section 3. The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

ADOPTED BY THE LEVY COURT
OF KENT COUNTY, DELAWARE

_____
President, Kent County Levy Court
This _____ Day of _____ 2026

ATTEST: _____
Clerk of the Peace

Synopsis: This ordinance revises the Comprehensive Plan Map land use designation, and the Official Zoning Map for Tax Parcel; ED-00-057.00-01-13.00/000 for Commercial development.

DEPARTMENT OF PLANNING SERVICES

DATA SHEET FOR COMPREHENSIVE PLAN ZONING MAP AMENDMENT

Regional Planning Commission Public Hearing of: **Thursday, November 5, 2026**

Regional Planning Commission Business Meeting of: **Thursday, November 12, 2026**

Levy Court Public Hearing of: **Tuesday, November 17, 2026**

Ordinance # / Application # and Name	:	LC26-15 / CZ-26-03 Stoltzfus, John M & Ruth R
Applicant/Owner	:	John M & Ruth R Stoltzfus 1203 College Park Dr Ste 105 Dover, DE 19904
Present Zoning / Comp Plan Map Designation	:	IL (Limited Industrial) & IG (General Industrial) / Industrial
Proposed Zoning / Comp Plan Map Designation	:	IL (Limited Industrial), IG (General Industrial), & BG (General Business) / Industrial & Highway Commercial
Relation to Growth Zone	:	Inside
Levy Court District	:	3rd - Angel
School District	:	Capital
Fire District	:	Cheswold
Area and Location	:	27.9± acres (Area of Petition: 17.968± acres) located on the north side of W. Denneys Rd., approximately 0.34 miles west of N. Dupont Hwy., north of Dover.
Kent County Property Identification Number	:	ED-00-057.00-01-13.00-000

Kent County Levy Court

LOCATION AND ZONING MAP

Exhibit A

Application: CZ-26-03
Stoltzfus

APPLICANT/OWNER:
John M. & Ruth R. Stoltzfus

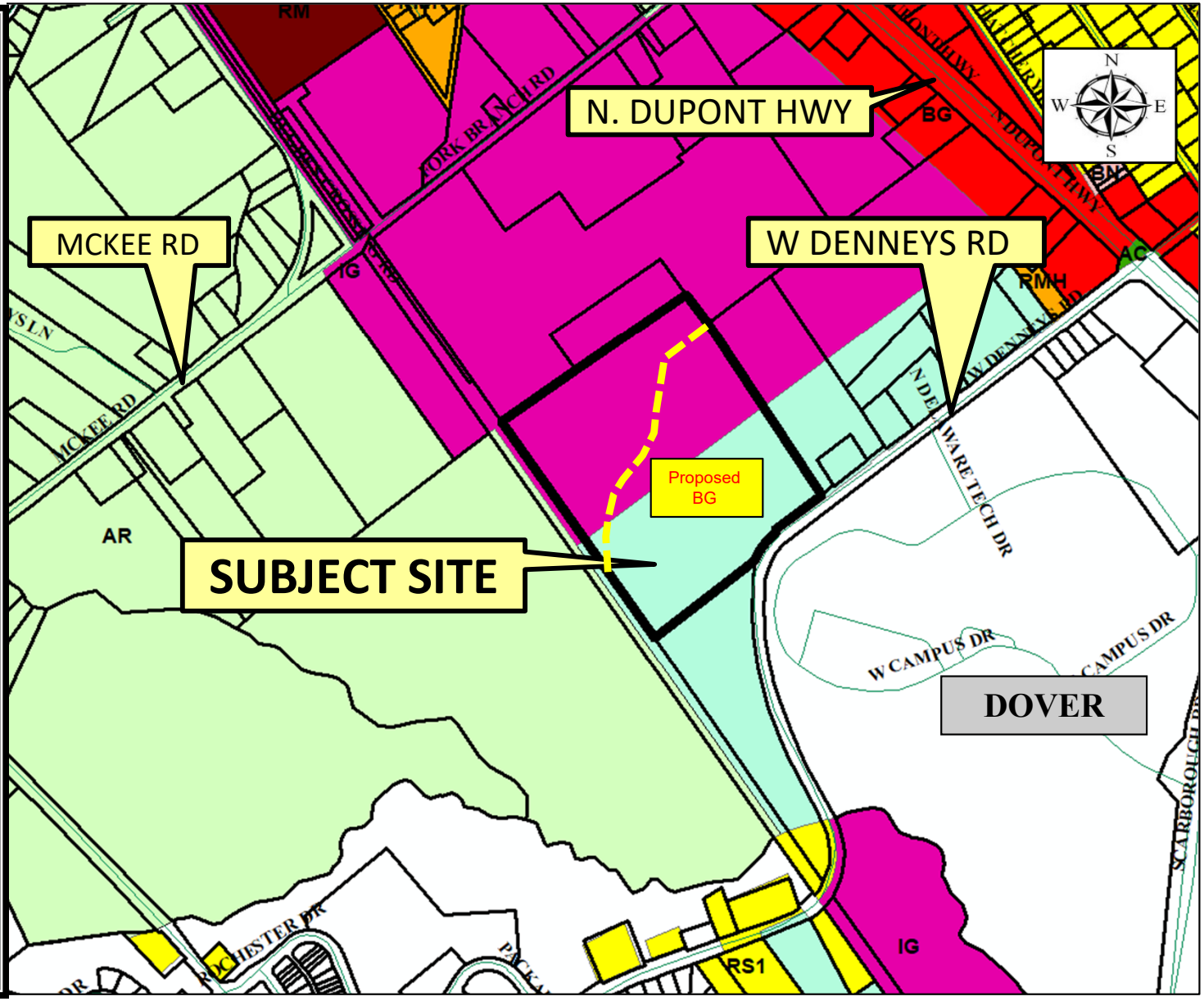
PRESENT ZONING DISTRICT:
IL (Light Industrial)
IG (General Industrial)

PROPOSED ZONING DISTRICT:
IL (Light Industrial)
IG (General Industrial)
BG (General Business)

LEVY COURT DISTRICT:
3rd - Angel

TAX MAP NO:
ED-00-057.00-01-13.00-000

LOCATION: 27.9± acres (Area of Petition: 17.968± acres) located on the north side of W. Denneys Rd., approximately 0.34 miles west of N. Dupont Hwy., north of Dover.



Kent County Levy Court

COMPREHENSIVE PLAN

Exhibit B

Application: CZ-26-03
Stoltzfus

APPLICANT/OWNER:
John M. & Ruth R. Stoltzfus

PRESENT COMPREHENSIVE PLAN MAP DESIGNATION:
Industrial

PROPOSED COMPREHENSIVE PLAN MAP DESIGNATION:
Industrial & Highway Commercial

LEVY COURT DISTRICT:
3rd - Angel

TAX MAP NO:
ED-00-057.00-01-13.00-000

LOCATION: 27.9± acres (Area of Petition: 17.968± acres) located on the north side of W. Denneys Rd., approximately 0.34 miles west of N. Dupont Hwy., north of Dover.

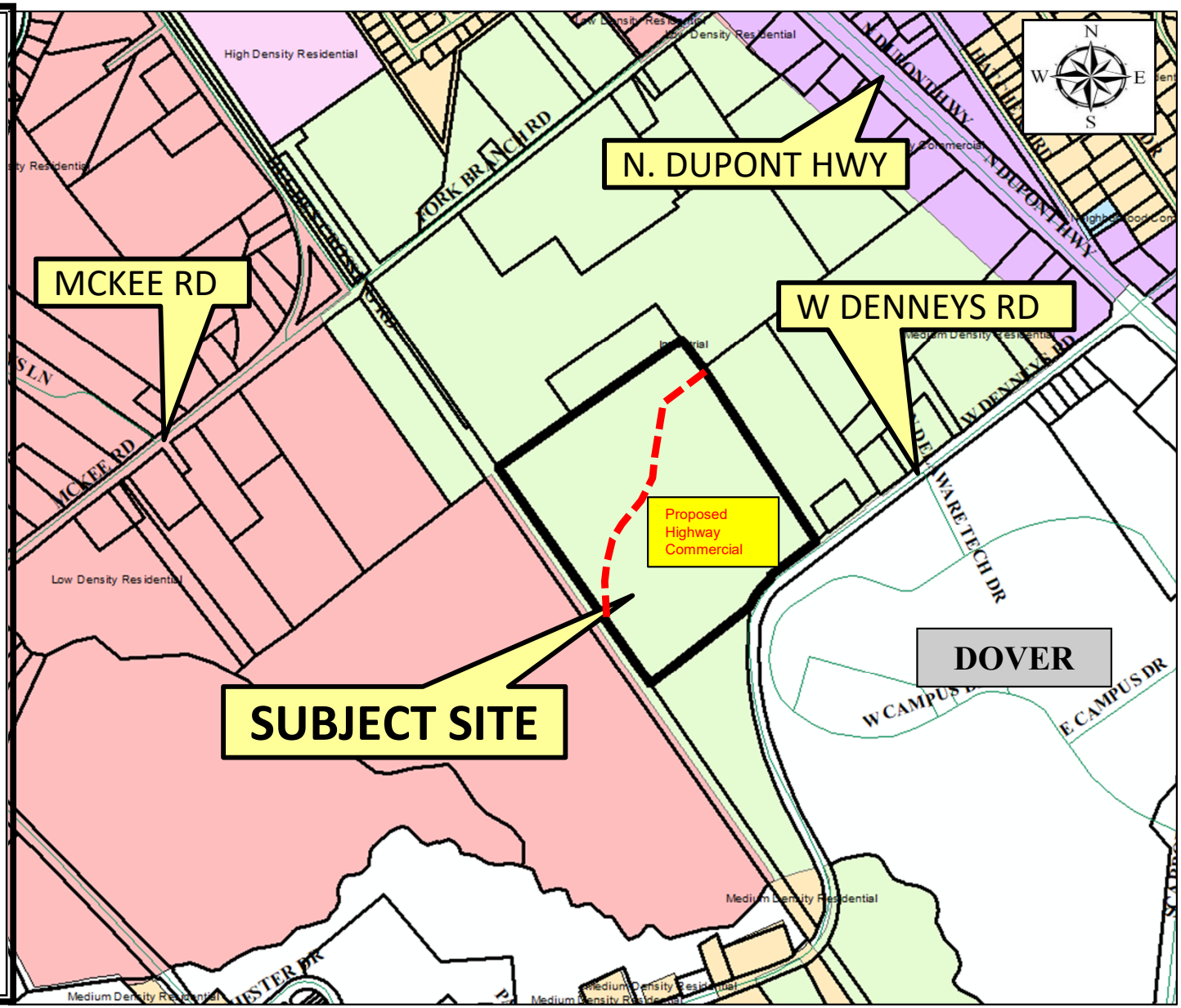
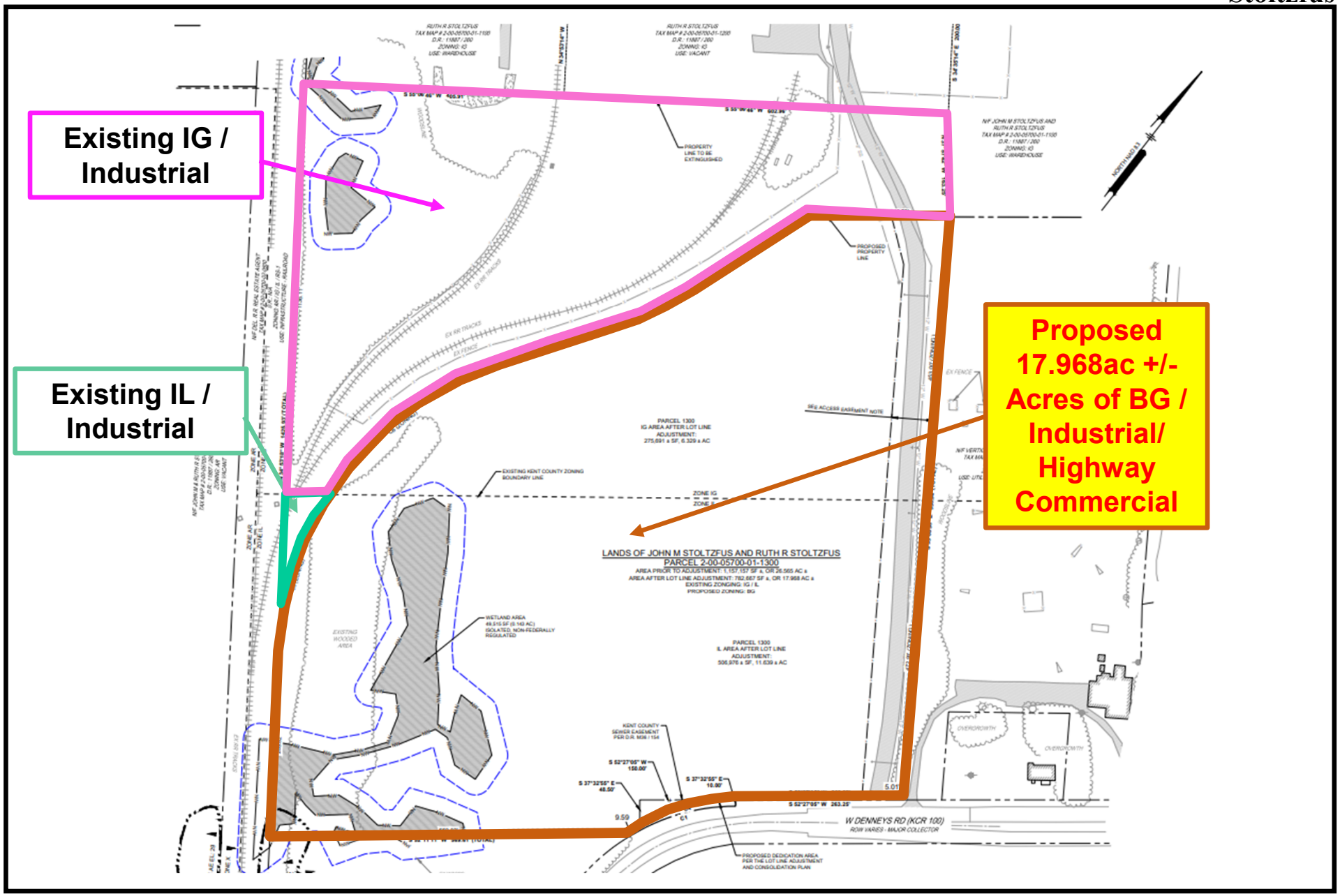


Exhibit C

Application: CZ-26-03
Stoltzfus



SITEWORKS
ENGINEERING LLC

August 5, 2026

Office of State Planning Coordination
112 Martin Luther King Jr. Blvd
South-Haslet Armory – Third Floor
Dover, DE 19901

Attention: Mr. David Edgell, AICP, Director, Office of State Planning Coordination

RE: PLUS Review 2026-06-06; West Denneys Road General Business Rezoning

Dear Mr. Edgell,

On behalf of the Applicant, the following response is provided to address comments received as part of the PLUS review dated July 22, 2026, for the West Denneys Road General Business Rezoning. The PLUS comments are restated below, followed by the Applicant's responses which have been bolded.

Strategies for State Policies and Spending

The proposed amendment is located in Investment Level 1 according to the 2025 Strategies for State Policies and Spending and is inside the Growth Overlay Zone for Kent County.

Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Because the subject property for the proposed amendment is in Level 1 and consistent with the 2025 Strategies for State Policies and Spending, the Office of State Planning Coordination (OSPC) has no objection to the proposed amendment and subsequent rezoning.

Although OSPC does not formally object to the proposed amendment, the office does note two recent studies from the Dover/Kent Metropolitan Planning Organization (Dover/Kent MPO) and the Kent Economic Partnership (KEP), which are the Rail Corridor Land Use Study and the Industrial Land Needs Assessment. These two studies document the county's need for more industrial land, especially near existing rail corridors. The loss of industrial land in the county is a serious concern. OSPC affirms these studies and supports our partner organizations Dover/Kent MPO and KEP by including their comments attached to this letter. OSPC asks that these comments be considered during the amendment review process.

Comment Response: The Applicant acknowledges this comment. The proposed amendment is located within Investment Level 1 and the Kent County Growth Overlay Zone, and the Applicant appreciates the Office of State Planning Coordination's determination that it has no objection to the proposed amendment and subsequent rezoning. The Applicant has also reviewed and responded to the planning recommendations provided by the Dover/Kent Metropolitan Planning Organization and Kent Economic Partnership elsewhere in this response letter.

PO Box 2, 39 Commerce Street, Harrington, DE 19952
Dave Heatwole, PE Principal || Edwin Tennefoss, PE Principal
Dave.Heatwole@siteworkseng.com • 302 841 7901 || Edwin.Tennefoss@siteworkseng.com • 302 542 0774

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Stephen Bayer 302-760-4834

- DelDOT does not have any regulatory or code requirements for the rezoning itself. DelDOT does have substantial concerns about the proposed use discussed during the PLUS meeting. Those concerns are outlined in the suggestions portion of this letter.

Comment Response: The Applicant acknowledges this comment. As noted by DelDOT, there are no regulatory or code requirements applicable to the proposed rezoning. The planning recommendations provided by DelDOT have been addressed in the Recommendations/Additional Information section of this response.

Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480
Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

- Please be aware that the parcel proposed for rezoning, parcel# 2-00-05700-01-1300-00001, is part of the remediation site associated with the former Reichhold plant. Additional information may also be found online by searching Delaware's Environmental Navigator at https://den.dnrec.delaware.gov/.

- Contact the DNREC Remediation Section to determine the current status of the site and any requirements associated with the site.

Contact: Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600. Website: https://dnrec.delaware.gov/waste-hazardous/remediation/

Comment Response: The Applicant acknowledges this comment. The Applicant is aware that the property is associated with the former Reichhold remediation site and will coordinate with the DNREC Remediation Section, as appropriate, during the land development and permitting process.

Delaware Department of Agriculture – Contact Milton Melendez 302-698-4500

- No comment relating to this project

Comment Response: The Applicant acknowledges that the Delaware Department of Agriculture has no comments regarding the proposed rezoning.

Delaware Emergency Management Agency – Contact Tara Wilbur 302-659-2325

- DEMA has no objections to the proposed rezoning.

Comment Response: The Applicant acknowledges that the Delaware Emergency Management Agency has no objections to the proposed rezoning.

State Historic Preservation Office – Contact Carlton Hall 302-736-7400

- As this application is only for a rezoning with plans for eventual development, our comments are preliminary and subject to change once project plans are available.
- The parcel borders the railroad, and the area around Denneys Road is historically industrial. Records indicate that while this parcel was previously part of larger industrial campuses, the parcel itself is relatively undisturbed. The parcel has well drained soils and, while not directly bordered by a waterway, is in the vicinity of Fork Branch. The parcel has moderate potential for archaeological resources.
- Our office asks that the applicant contact our office as project plans are developed for consultation and recommendations for archeological survey.
- If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

Comment Response: The Applicant acknowledges this comment. If required by future permitting or agency review, the Applicant will comply with all applicable historic preservation requirements.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- This Agency has no objection to the rezoning request.

Comment Response: The Applicant acknowledges the agency's determination that it has no objection to the proposed rezoning request.

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped **(but in no way required)** that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Transportation – Contact Stephen Bayer 302-760-4834

- This location has previously been identified in planning studies to be a prime candidate for rail-supported industry. This type of land use is in limited availability throughout the State. The existing, active rail line immediately adjacent to this parcel would create the strong possibility of conflicting land uses for development common to the General Business (BG) zoning district. The rezoning and development of this parcel for non-industrial purposes would be contrary to goals identified in the 2022

Delaware Freight Plan relating to economic vitality and freight land use preservation. Due to these factors DelDOT is not in support of the proposed rezoning.

Comment Response: The Applicant acknowledges DelDOT's recommendation regarding the property's proximity to the active rail line and the goals identified in the 2022 Delaware Freight Plan. The proposed rezoning has not been modified in response to this recommendation, as the Applicant is requesting General Business zoning to accommodate the proposed development. The Applicant respectfully requests that Kent County consider the application through its public review process.

- Based on an initial review, the proposed development falls within areas defined by FAR Part 77 Imaginary Surfaces, specifically the outer approach surfaces associated with Dover Air Force Base (DAFB) Airport. The objective is to maintain approach protection while allowing carefully planned development. The potential of establishing a place of worship within this surface poses an incompatible concern because it introduces an assembly use into an area where aviation operations are a primary consideration, potentially increasing exposure to aircraft noise, overflights, and other operational impacts while also increasing the potential for future land use conflicts that could affect the long-term operational flexibility of the airport and Dover Air Force Base.

Comment Response: The Applicant acknowledges DelDOT's recommendation regarding the property's location within the FAR Part 77 Imaginary Surfaces associated with Dover Air Force Base. The proposed rezoning has not been modified in response to this recommendation. The Applicant will comply with all applicable FAA, DelDOT Aeronautics, and Kent County requirements during future land development and permitting.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal for any potential future site plans. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Comment Response: The Applicant acknowledges this comment. Coordination with the Office of the State Fire Marshal will occur during the land development review process, as required.

Dover/Kent County MPO – Response

The Applicant appreciates the Dover/Kent MPO's review of the proposed rezoning application and acknowledges the recommendations contained in its correspondence.

The Applicant recognizes the importance of preserving industrial land and supporting freight-oriented economic development within Kent County. The Rail Corridor Land Use Study, Industrial Land Needs Assessment, and Delaware Freight Plan have been reviewed and carefully considered.

The subject property, while adjacent to an active rail corridor, has never been developed. The Applicant is requesting a rezoning to accommodate a proposed 60,000-square-foot place of worship that will serve the surrounding community. The proposed development will not interfere with the continued operation of the adjacent rail line or existing rail infrastructure.

While the MPO recommends preserving the property for future industrial development, the Applicant respectfully believes that the proposed rezoning represents an appropriate use of this specific property. The Applicant therefore requests that Kent County evaluate the application based on the property's individual characteristics, the surrounding land use pattern, and the overall merits of the proposed development.

Kent Economic Partnership – Response

The Applicant appreciates the Kent Economic Partnership's review of the proposed rezoning application and acknowledges its comments regarding the preservation of rail-served industrial land.

The Applicant recognizes the importance of maintaining an adequate inventory of industrial properties to support future economic development and employment opportunities within Kent County. However, the proposed rezoning reflects the property owner's intended use of this specific parcel for a place of worship. The subject property has never been developed, and the proposed project will not interfere with the continued operation of the adjacent rail corridor.

While the Kent Economic Partnership recommends preserving the property for future industrial development, the Applicant respectfully believes the proposed General Business rezoning is an appropriate use of this property and requests that Kent County evaluate the application based on its individual merits through the public hearing process.

The Applicant appreciates the State agencies' review and comments provided through the PLUS process. All comments have been acknowledged and will be addressed, as applicable, through continued coordination with the appropriate agencies during future land development, site plan review, and permitting.

If you have any questions or require any additional information, please feel free to contact me at (302) 841-7901.

Dave Heatwole, P.E. | Principal

Z:\PROJECTS\Stoltzfus, John\24-672 - Fork Branch Business Park\Record Documents\PLUS\260810 - PLUS Comment Responses\2026-08-08 PLUS Comments Responses.docx

KENT ECONOMIC PARTNERSHIP

State Preliminary Land Use Services (PLUS)
Attn: Rose Zappacosta
Haslet Armory
122 Martin Luther King Jr. Blvd, South
Dover, DE 19901

June 23, 2026

Re: PLUS Application 2026-06-06

Dear PLUS Team,

The Kent Economic Partnership (KEP), the economic development organization for Kent County, respectfully opposes the proposed rezoning of approximately 17.968 acres located on West Denneys Road from Limited Industrial (IL) and General Industrial (IG) to General Business (BG).

This property represents a strategically significant industrial asset that should be preserved for future employment-generating uses. Adjacent to an active railroad corridor, the site offers a unique opportunity for rail-served industrial development, an increasingly limited resource within Kent County.

The importance of preserving this property is reinforced by the findings of the Rail Corridor Land Use Study, which identified the need to protect industrial properties adjacent to active rail infrastructure to support future freight movement and economic growth. Likewise, the recently completed Industrial Land Needs Analysis highlighted the need to preserve strategically located industrial land to ensure an adequate supply of sites for future business expansion, capital investment, and job creation. This property was identified in both studies as a key industrial opportunity.

Over the years, Kent County and Delaware have lost numerous parcels adjacent to rail infrastructure to residential and other non-industrial uses, further reducing the inventory of sites capable of supporting freight-dependent industries. As these properties are converted, opportunities to create well-paying jobs are permanently lost.

For these reasons, KEP respectfully urges the Office of State Planning Coordination to recommend against the proposed rezoning and support the preservation of this property for future industrial development. Protecting strategic rail-served sites today will strengthen Kent County's long-term economic competitiveness and ensure opportunities for future investment and job creation.

Thank you for your consideration of these comments.
Sincerely,

Linda Parkowski

Linda Parkowski
Executive Director

2. West Denneys Road General Business Rezoning (2026-06-06)

Dover Kent MPO does not support the proposed rezoning. The MPO does not typically comment on rezoning applications unless they pertain directly to the findings of previously completed studies. In this case, the subject property was cited in the MPO's 2022 *Rail Corridor Land Use Study*. Identified in the study as Parcel #58779 (Tile E3), it was found to be a viable location for rail-supported industrial uses. The factors that contribute to this include the parcel's total acreage, its access to West Denneys Road, and the existing rail spurs that connect to the former site of the Reichhold Chemical facility.[1] The parcel is also identified in the 2026 *Industrial Land Needs Analysis* as a "Short-Term Industrial Site"; the study goes on to emphasize the importance of preserving rail-adjacent parcels for industrial uses and preventing further loss of available rail-adjacent land in Kent County.[2] If the proposed rezoning were approved, the amount of industrial-zoned land at the site would be significantly reduced, and the remaining industrial-zoned land would become "landlocked" and cut off from West Denneys Road. In this way, the proposal does not align with the most recent studies on the topic.

Dover Kent MPO's 2022 study and its in-progress follow-up study are intended not only to identify parcels suitable for rail-supported industrial uses, but also to raise awareness of the concerns surrounding incompatible uses adjacent to active rail lines. The most common example of incompatible uses is residential development. There are many conflicts that arise from rail-adjacent housing, including increased risk of property damage and loss of life during a derailment, increased risk of trespassing within the rail right-of-way, and frequent noise pollution for residents. However, it should be noted that uses other than housing can also be considered incompatible with active railroads for the same reasons. Agricultural and industrial uses, by contrast, are generally seen as more compatible with active railroads.

Furthermore, each parcel that is developed for non-industrial purposes leads to a decrease in the amount of land available for rail-supported industrial uses, a finite resource that the railroad depends upon in order to remain economically viable. One of the strategies listed under the goal of "Economic Vitality" in the 2022 *Delaware State Freight Plan* is "Freight Land Use Preservation." Within this strategy, stakeholders are expected to "[c]oordinate with and educate the region's planning officials on the importance of preserving critical infrastructure and freight-oriented land uses in key freight or rail corridors and industrial areas."[3] This strategy emphasizes the importance of looking critically at every development adjacent to the railroad, both residential and otherwise, and then determining the conflicts that are likely to occur and evaluating the impacts of the losing the property to an incompatible use.

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[1] *Rail Corridor Land Use Study*. Dover/Kent County MPO (2022). https://doverkentmpo.delaware.gov/files/2023/01/Rail-Corridor-Land-Use-Study-Final-September-2022.pdf#page=27.

[2] *Industrial Land Needs Analysis*. Kent Economic Partnership (KEP) (2026). https://www.choosecentraldelaware.com/clientuploads/Needs_Assessment/Report_-_Industrial_Land_Needs_Analysis_-_KEP.pdf#page=18.

[3] *Delaware State Freight Plan*. Delaware Department of Transportation (DelDOT) (2022). https://www.transportation.gov/sites/dot.gov/files/2023-12/2022_Delaware_State_Freight_Plan_Full.pdf#page=88.

It is apparent that the proposed rezoning and subsequent site use do not align with the state and local goals for freight land use preservation. Even if the applicant were to subdivide and rezone a portion of the property as proposed in this case, access between the industrial land and West Denneys Road would still be lost. As such, Dover Kent MPO recommends that the proposed rezoning not be approved. It is the MPO's belief that the subject property would be better suited for industrial activities, and that it could make good use of the current zoning and the rail infrastructure that are already in place.

KENT ECONOMIC PARTNERSHIP

Kent County Regional Planning Commission (RPC)
Attn: Chairman William G. Jester
Kent County Levy Court
555 S Bay Road
Dover, DE 19901

October 20, 2026

Re: Application CZ-26-03 / LC26-15

Dear Regional Planning Commission Members,

The Kent Economic Partnership (KEP), the economic development organization for Kent County, opposes the proposed rezoning of approximately 17.968 acres located on West Denneys Road (ED-00-057.00-01-13.00-000) from Limited Industrial (IL) and General Industrial (IG) to General Business (BG).

This property represents a strategically significant industrial asset that should be preserved for future employment-generating uses. Adjacent to an active railroad corridor, the site offers a unique opportunity for rail-served industrial development, an increasingly limited resource within Kent County.

The importance of preserving this property is reinforced by the findings of the Rail Corridor Land Use Study, which identified the need to protect industrial properties adjacent to active rail infrastructure to support future freight movement and economic growth. Likewise, the recently completed Industrial Land Needs Analysis highlighted the need to preserve strategically located industrial land to ensure an adequate supply of sites for future business expansion, capital investment, and job creation. This property was identified in both studies as a key industrial opportunity.

Over the years, Kent County and Delaware have lost numerous parcels adjacent to rail infrastructure to residential and other non-industrial uses, further reducing the inventory of sites capable of supporting freight-dependent industries. As these properties are converted, opportunities to create well-paying jobs are permanently lost.

For these reasons, KEP urges the Kent County Regional Planning Commission to recommend against the proposed rezoning and support the preservation of this property for future industrial development. Protecting strategic rail-served sites today will strengthen Kent County's long-term economic competitiveness and ensure opportunities for future investment and job creation.

Thank you for your consideration of these comments.

Sincerely,

Linda Parkowski

Linda Parkowski
Executive Director