STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

July 22, 2026

Siteworks Engineering
Attn. Dave Heatwole
39 Commerce St,
Harrington, DE 19952

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

Dear Mr. Heatwole:

Thank you for meeting with State agency planners on July 1, 2026, to discuss the West Denneys Road Rezoning. According to the information received, you are seeking review of a proposed amendment to the Kent County Comprehensive Plan to change the future land-use designation on the property from Industrial to Highway Commercial, to enable the review of a proposed rezoning from IL (Limited Industrial) and IG (General Industrial) to BG (General Business).

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

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.

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.

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/

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

- No comment relating to this project

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

- DEMA 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.

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

- This Agency has no objection to the 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.

- 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.

    - For additional information regarding this determination and its implications for planning and development, please contact DelDOT Aeronautics at: DelDOT Aeronautics@delaware.gov or (302) 760-2214.

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.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason, therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

David L. Edgell, AICP
Director, Office of State Planning Coordination

Attachments:
- Dover Kent MPO Comments
- Kent Economic Development Comments

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

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