

## PLANNING & ZONING COMMISSION

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R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



## Sussex County

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 27th, 2020

Application: CU 2230 Ralph A. Kemmerlin Sr.

Applicant/Owner: Ralph A. Kemmerlin Sr.  
19306 Elks Lodge Road  
Milford, DE 19963

Site Location: 19306 Elks Lodge Road. On the south side of the intersection of Elks Lodge Rd (S.C.R 211) and Hammond Dr approximately 0.74 southeast of Marshall St (S.C.R. 225).

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Gunsmithing Business

Comprehensive Land  
Use Plan Reference: Town Center

Councilmatic  
District: Mr. Wilson

School District: Milford School District

Fire District: Carlisle Fire District

Sewer: Septic

Water: Private

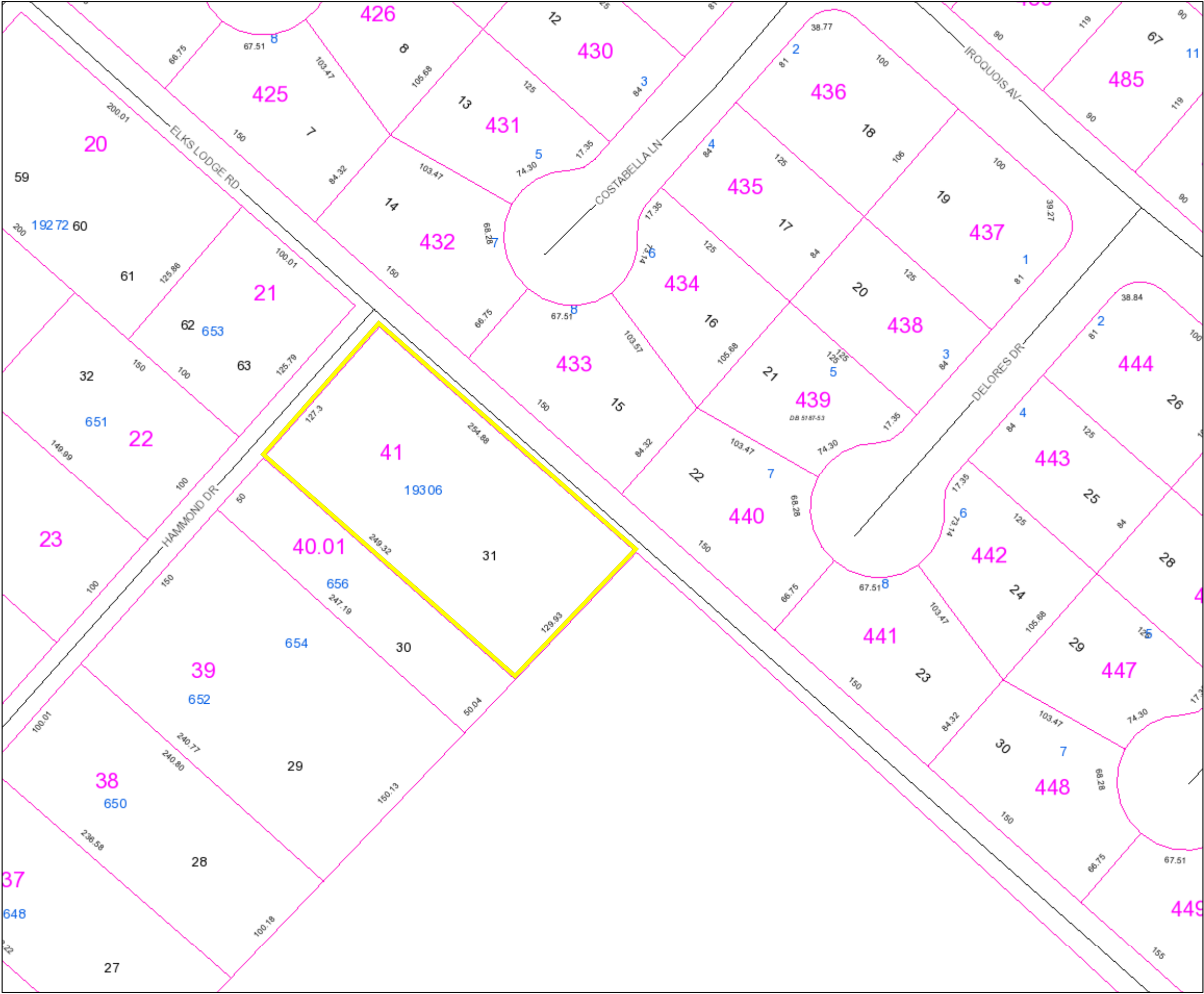
Site Area: 33,000 Sq. Ft.

Tax Map ID.: 330-11.18-41.00



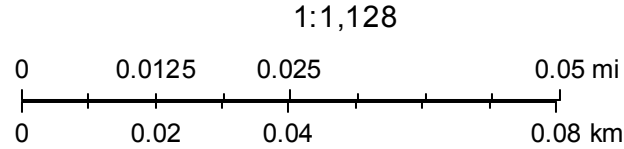


Sussex County

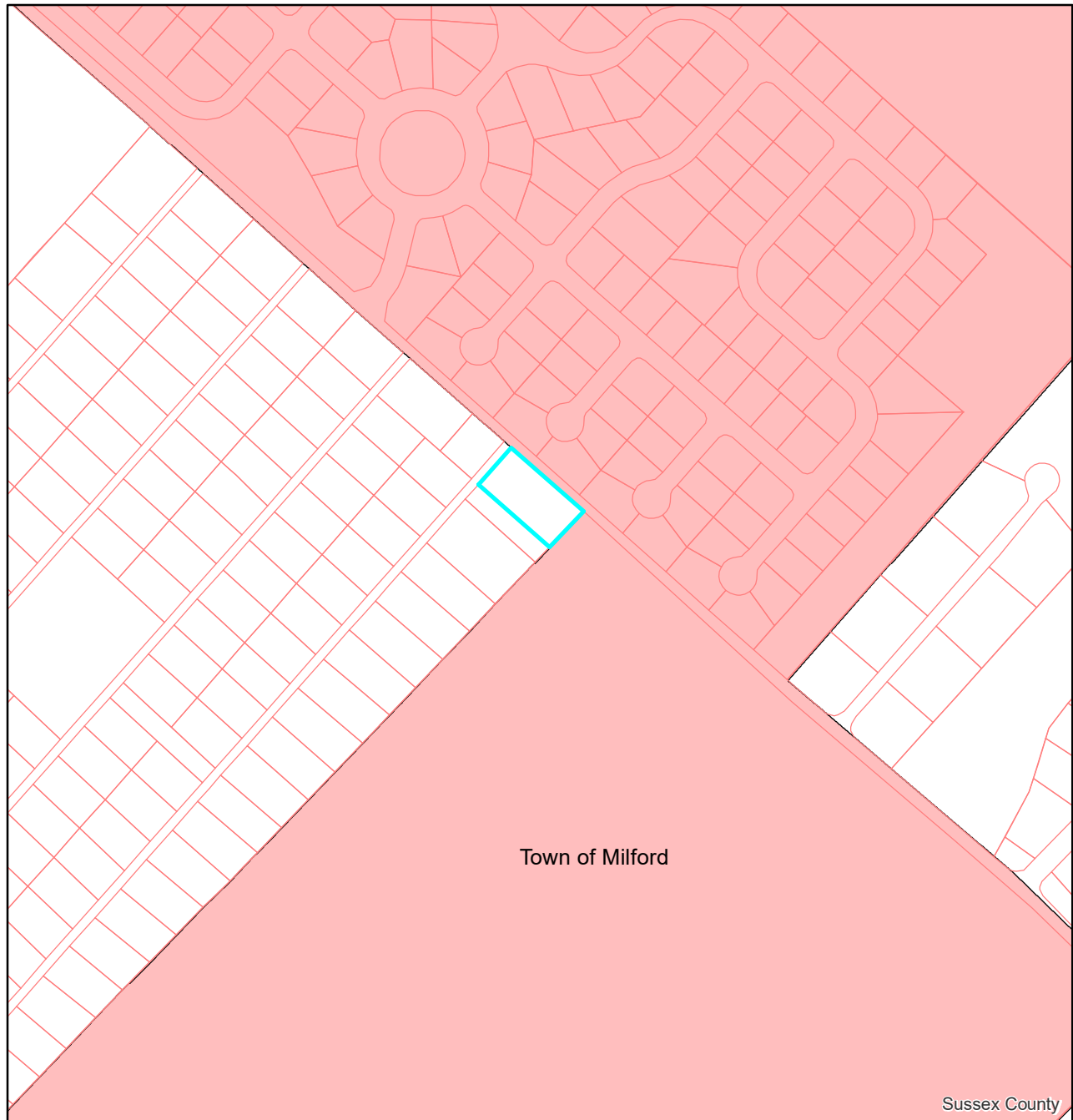


PIN:	330-11.18-41.00	
Owner Name	KEMMERLIN RALPH ANTHONE SR &	
Book	2293	
Mailing Address	19306 ELKS LODGE RD	
City	MILFORD	
State	DE	
Description	EASTMAN HEIGHTS	
Description 2	BLK E LOT 31	
Description 3	S/HAMMOND DR	
Land Code		

- polygonLayer  
Override 1
- polygonLayer  
Override 1
- Tax Parcels
- 911 Address
- Streets







# CU 2230 Ralph A. Kemmerlin Sr Zoning Map



















## Legend

### Zoning

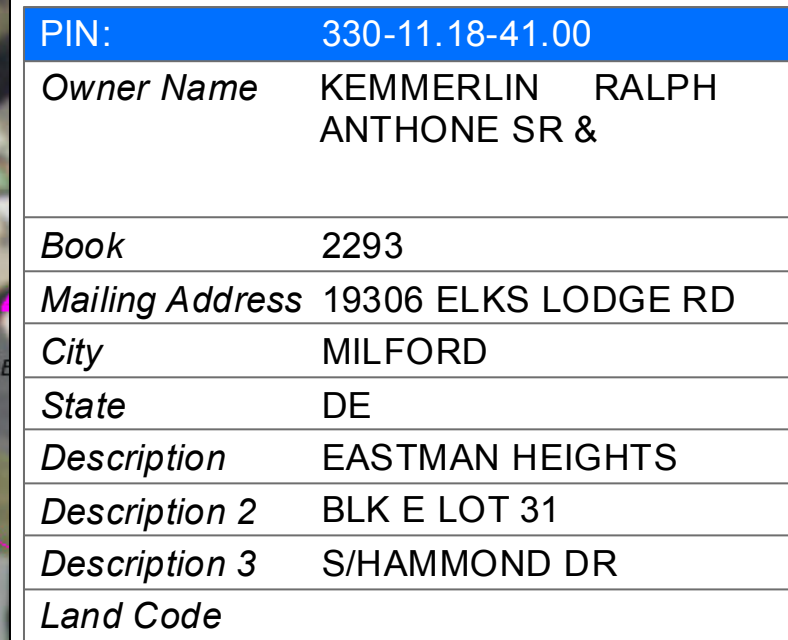
### District

-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1

-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
-  Neighborhood Business - B-1
-  Neighborhood Business - B-2
-  General Commercial - C-1
-  General Commercial - C-2
-  General Commercial - C-3
-  General Commercial - C-4

-  General Commercial - C-5
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Limited Industrial - LI-2
-  Heavy Industrial - HI-1
-  Town Limits





— Streets





## Memorandum

To: Sussex County Planning Commission Members  
From: Nick Torrance, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 20<sup>th</sup>, 2020  
RE: Staff Analysis for CU 2230 Ralph A. Kemmerlin Sr.

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2230 Ralph A. Kemmerlin Sr. to be reviewed during the August 27<sup>th</sup>, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 330-11.18-41.00 to allow for a gunsmithing business. The size of the property is 0.76 acre +/- . The property is zoned AR-1 (Agricultural Residential Zoning District) and located at 19306 Elks Lodge Road on the south side of the intersection of Elks Lodge Rd (S.C.R 211) and Hammond Dr approximately 0.74 southeast of Marshall St (S.C.R. 225).

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of Low-Density Area.

The surrounding parcels to the southwest, west, and northwest are all designated on the Future Land Use Map as "Town Center". The uses that the Town Center Area land use designation recognizes are uses similar to the neighboring municipality. Significant growth is proposed to be concentrated around municipalities and many of these areas are formally designated as future annexation areas in their local comprehensive plan. Permitted uses in this area are designed around housing, commercial that will serve the daily needs of resident's, workers and visitors and retail compatible with surrounding uses. The properties to the north, east and south are all designated on the Future Land Use Map as "Municipality" as they are all located within town limits of Milford.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties located within the county jurisdiction to the southwest, west, and northwest are all zoned AR-1 (Agricultural Residential Zoning District).

Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for the abovementioned use, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



File #: 202004928  
CU 2230

## Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

**Type of Application: (please check applicable)**

Conditional Use ☒

Zoning Map Amendment ☐

**Site Address of Conditional Use/Zoning Map Amendment**

19306 Elks Lodge Road, Milford, Delaware 19963

**Type of Conditional Use Requested:**

Professional Gunsmithing Business

**Tax Map #:** 330-11.18-41.00

**Size of Parcel(s):** \_\_\_\_\_

**Current Zoning:** AR-1

**Proposed Zoning:** AR-1

**Size of Building:** 33,000 Sq. Ft.

**Land Use Classification:** Agricultural Residential District

**Water Provider:** Well

**Sewer Provider:** Septic

**Applicant Information**

**Applicant Name:** Ralph A Kemmerlin Sr

**Applicant Address:** 19306 Elks Lodge Road

**City:** Milford

**State:** De

**Zip Code:** 19963

**Phone #:** (302) 393-0618

**E-mail:** grandmasterkemmerlin@gmail.com

**Owner Information**

**Owner Name:** Same as Applicant

**Owner Address:** \_\_\_\_\_

**City:** \_\_\_\_\_

**State:** \_\_\_\_\_

**Zip Code:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** \_\_\_\_\_

**Agent/Attorney/Engineer Address:** \_\_\_\_\_

**City:** \_\_\_\_\_

**State:** \_\_\_\_\_

**Zip Code:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**E-mail:** \_\_\_\_\_



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ Completed Application

☒ Provide eight (8) copies of the Site Plan or Survey of the property

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- Provide a PDF of Plans (may be e-mailed to a staff member)
- Deed or Legal description

☒ Provide Fee \$500.00

☐ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

☒ Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.

☒ DelDOT Service Level Evaluation Request Response

☐ PLUS Response Letter (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 05/05/2020

Signature of Owner



Date: 05/05/2020

For office use only:

Date Submitted: \_\_\_\_\_

Fee: \$500.00 Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Decision of CC: \_\_\_\_\_





STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

February 25, 2020

Mr. Jamie Whitehouse, Acting Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Mr. Jamie:

The Department has completed its review of a Service Level Evaluation Request for the **Ralph A. Kemmerlin, Sr.** conditional use application, which we received on January 28, 2020. This application is for an approximately 0.74-acre parcel (Tax Parcel: 330-11.18-41.00). The subject land is located on the southwest side of Elks Lodge Road (Sussex Road 211), approximately 4,400 feet northwest of the intersection of Elks Lodge Road and Wilkins Road (Sussex Road 206). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize a portion of the approximately 3,000 square-foot residential facility to operate a gunsmithing business.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Elks Lodge Road where the subject land is located, which is from Marshall Street (Sussex Road 225) to Wilkins Road, is 2,563 vehicles per day.

Based on our review, we estimate that the above land uses will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Mr. Jamie Whitehouse  
Page 2 of 2  
February 25, 2020

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Ralph A. Kemmerlin, Sr., Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Thomas Felice, Corridor Capacity Preservation Program Manager, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

**SUSSEX COUNTY ENGINEERING DEPARTMENT**  
**UTILITY PLANNING DIVISION**  
**C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/17/2020**

APPLICATION: **CU 2230 Ralph A. Kemmerlin Sr.**

APPLICANT: **Ralph A. Kemmerlin, Sr.**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **330-11.18-41.00**

LOCATION: **On the south side of the intersection of Elks Lodge Road (SCR 211) and Hammond Drive, approximately 0.74 mile southeast of Marshall Street (SCR 225).**

NO. OF UNITS: **Gunsmithing Business**

GROSS  
ACREAGE: **33,000 sq. ft.**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes ☐ No ☒
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Municipal Growth & annexation Area**
- (3). Is wastewater capacity available for the project? **No** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **No** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Choose an item.** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed Conditional Use is in the Growth and Annexation Area of the City of Milford. Contact the City of Milford concerning the availability of sanitary sewer and water.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



---

John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
No Permit Tech Assigned



Louis W. Willett  
902 Stevenson Lane  
Towson, MD. 21286

RECEIVED

AUG 21 2020

SUSSEX COUNTY  
PLANNING & ZONING

17 August 2020

Jamie Whitehouse  
Planning & Zoning Director  
County Administrative Office Bldg. 2  
The Circle Georgetown, DE. 19947

Re: C/U 2230 Ralph A. Kemmerlin, Sr.

**To Whom It May Concern:**

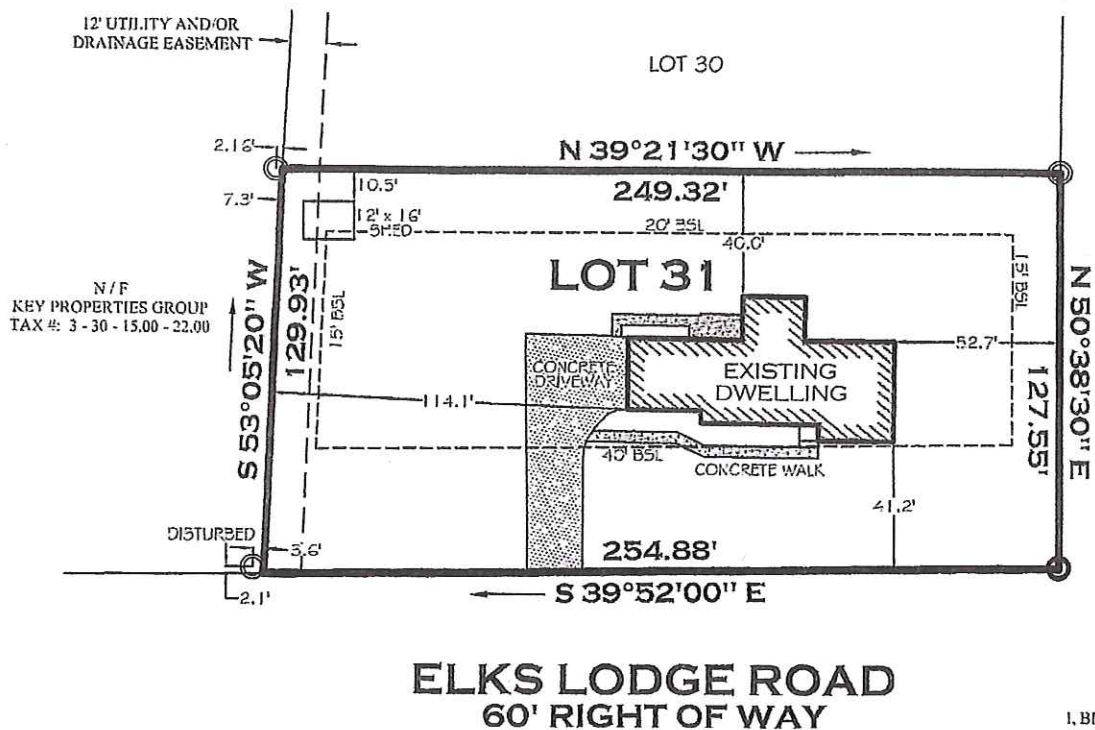
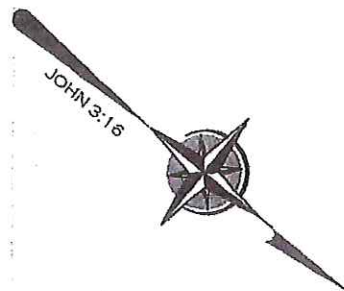
For the record, the purpose of this letter is to unconditionally offer our support for the application submitted by Mr. Kemmerlin to use a segment of his property for a professional gunsmithing business at 19306 Elks Lodge Road, Milford, Del.

My wife and I own the property known as 653 Hammond Drive, directly opposite 19306 Elks Lodge Rd. We also own a home in Towson, Md. and before the epidemic, used both homes equally when we weren't travelling. We are both retired and proud of our Delaware property.

We have known Mr. Kemmerlin and his family for over 20 years and in addition to being neighbors we have the privilege and honor of their friendship. On many occasions Mr. Kemmerlin has kept an eye on our property and there is no doubt that he is a person of integrity; trustworthy; friendly; and his word is his bond. We feel fortunate to have him as our neighbor.

Very Truly yours

*L. W. Willett*



HAMMOND DRIVE  
50' RIGHT OF WAY

**NOTES**

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. ZONE: AR-1
3. BUILDING SETBACK LINES (BSL)
  - FRONT 40' (ELKS LODGE ROAD)
  - CORNER 15' (HAMMOND DRIVE)
  - SIDE 15'
  - REAR 20'

ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY & MAY DIFFER FROM THE HOME OWNERS ASSOCIATION (HOA) SETBACKS. ANY USER OF SAID INFORMATION IS URGED TO DIRECTLY CONTACT THE LOCAL AGENCY AND HOA, IF APPLICABLE, TO VERIFY IN WRITING ALL SETBACKS & REQUIREMENTS.

4. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

I, BRADLEY A. ABSHER, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

BRADLEY A. ABSHER, DE PLS # 735  
DATE

3-13-2020

**LEGEND**

- IRON PIPE FOUND
- IRON PIPE W/ CAP FOUND