

# PHILLIPS, GOLDMAN & SPENCE, P. A.

JOHN C. PHILLIPS, JR.  
STEPHEN W. SPENCE\*  
ROBERT S. GOLDMAN\*\*\*  
LISA C. McLAUGHLIN†  
JAMES P. HALL  
DAVID A. BILSON\*\*\*  
MEGAN C. HANEY  
STEPHEN A. SPENCE  
AARON C. BAKER

ATTORNEYS AT LAW  
PENNSYLVANIA AVE. AND BROOM ST.  
1200 N. BROOM STREET  
WILMINGTON, DELAWARE 19806

(302) 655-4200  
(302) 655-4210 (F)  
www.pgslaw.com

ALSO MEMBER OF  
\*PENNSYLVANIA BAR  
\*\*NEW JERSEY BAR  
†MARYLAND BAR  
‡FLORIDA BAR

August 18, 2014

***Via Facsimile: (302) 854-5079***

Lawrence Lank, Director  
Sussex County Planning Dept.  
2 The Circle  
P.O. Box 589  
Georgetown, DE 19947

**RE: Conditional Use Application 1991  
CoolSpring, LLC / Highway I Limited Partnership  
Our File: PIRES-186**

Dear Mr. Lank:

We represent the applicant with respect to the pending Conditional Use Application described above.

This unique application to permit music festivals and other limited mass gatherings appears to have been the first application of this type ever submitted. I have attended all of the public hearings and the follow-up meetings of both the Planning and Zoning Commission ("Commission") and County Council ("Council"). It is apparent that, when this application was first filed, there was some initial misunderstanding on my client's part as to the mandatory requirement for presentation of a preliminary site plan. While it is clear in the County Code that a preliminary site plan is required as part of the application process for conditional use applications generally, my client believed that its aerial maps and surveys submitted at the time of the application were sufficient to allow the application to proceed, because this application did not contemplate any site development (i.e., septic, water, storm water management) or permanent improvements to the parcels in question and all temporary structures would be assembled and disassembled within a 3 to 4 week period once a year.

My client has heard and has taken note of the many concerns of the surrounding property owners and other interested parties and the concerns of the Commission that there was insufficient detail in the submitted exhibits to make an informed recommendation as to this unique temporary use. We also understand that the

Lawrence Lank, Director  
August 18, 2014  
Page 2

Council has questions as to whether the absence of a more detailed plan showing the proposed temporary structures, parking, and camp sites would prevent them from even considering the many voluntary conditions proposed by my client and other conditions suggested by Councilman Phillips for inclusion in a final site plan.

My client believes that its proposal has merit and that it would have a positive impact on the local economy with minimal adverse long term impact on the subject property or this area of Sussex County. However, my client understands that, notwithstanding the initial misunderstanding as to the mandatory need for preliminary site plan for the unique type of conditional use, the withdrawal of this application is appropriate to allow the County to properly consider the request on its merits.

On behalf of my client, we respectfully request that the Council allow the application to be withdrawn pursuant to Section 115-216E.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Stephen W. Spence" followed by a stylized flourish or initials.

STEPHEN W. SPENCE

SWS\lap

pc: Michael H. Vincent, President, via Facsimile  
Everett Moore, Esquire  
Alexander J. Pires, Jr.  
Mr. Mark Baker