**ATTACHMENT 1**

*January 22, 2003 correspondence submitted by Richard Gurlitz on behalf
Of Eastern Federal Corporation
(Proposed modifications to the application)*

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## Village Plaza Theaters – Special Use Permit Application
**Eastern Federal Corporation**

**7.46 B.11 & 11B**

**Modifications to Special Use Permit Application
January 22, 2003**

We would like to request the following modifications to the Special Use Permit request for the Village Plaza Theaters:

**1.      Phase II**

The applicant wishes to drop the Phase II portion of the project at this time. If it is brought back to Council at a later time it will be as a modification of the Special Use Permit.

**2.      Easements**

The applicant will provide all necessary easements on its property that will facilitate construction of the project and cross access with the Whole Foods center to the north. The applicant cannot provide easements on the neighboring property as part of the Special Use Permit. The applicant requests that the Council, upon application of a use permit on the adjacent property in the future, require the same access easements from that owner. This has been done successfully in the past. When the Chapel Hill Center site received its site plan approval, it included access easements to the neighboring Franklin Park development as well as the Dickenson's nursery property. Both easements anticipated future agreement when those properties came before the Town with use permit applications.

**3.      Compactor**

The applicant will install a compactor for refuse collection in lieu of the dumpsters that are presently on site. The applicant wishes to request that if it is mutually agreed between Public Works and the applicant after a period of one years operation that the compactor has provided poor service, the applicant can, with the approval of the Manager, investigate alternative methods acceptable to Public Works.

**4.      Project Description**

The applicant wishes to reduce the number of screens to 10 and the number of seats to 1600. The square footage of the building will remain at 38,000 SF.