

September 12, 2007

Dear Sir or Madam,

My client, Fresh & Easy Neighborhood Markets, would like to build a 14,028 square foot grocery store on the vacant land adjacent to the east side of El Capitan, just north of the intersection with Durango. The APN is 125-17-611-001.

The property is currently zones T-C and master planned Service Commercial, which allows grocery stores. Both El Capitan and Durango and major streets and capable of accommodating any additional traffic this project might generate.

Like other retail grocers in the valley, Fresh & Easy wishes to provide a selection of alcoholic beverages for off-premise consumption as a convenience for its customers. Therefore, we are applying for a Special Use Permit for a Retail Establishment with Accessory Package Liquor – Off-Sale.

Fresh & Easy would like to be able to carry some of the numerous varieties of wine from reputable wineries which are only available sealed with a screw cap. To accommodate those wines, we are asking to have the condition regulating the sale of “singles” re-written to read: “The sale of individual containers of any size of beer or wine coolers is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer.”

In order to accommodate our project on this unusually shaped site, we are asking for a Variance to the Residential Adjacency Setback requirement, to allow a 50-foot setback where the required setback is 87 feet, due to the difference in finished grade between the individual residential lots and this commercial property.

The unusual shape of this site is driving our alternative landscaping plan. Due to the existing access easement in favor of Walgreen’s near our northern entrance onto El Capitan, there is a 60-foot long portion of our northern planter which can not be the full 20 feet in width.

Along the east property line we are requesting zero feet of landscaping, where 8 feet are required, to allow ingress and egress to our parking lot from a joint access drive.

In order to provide access to our trash enclosure and loading dock, we are requesting zero feet of landscaping where 8 feet are required, along a portion of the southeast property line. Again, these facilities are adjacent to a joint access drive, which allows it to be used by garbage trucks and delivery vehicles. There is also an 11-foot 9-inch break in the lot line landscaping to accommodate a sidewalk in front of the handicapped parking spaces.

This alternative landscape plan provides a total of 18 shade trees and 4 palm trees within the landscape islands and finger planters, where 14 shade trees are required.

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The Town Center Development Standards call for 20% of the site to be Open Space. Since our parcel is 74,990 square feet, we would need to provide 14,990 square feet. Our plan shows a total of 18,624 square feet within our various landscape planters, exceeding the requirement by 3,634 square feet.

Because our revised plan has 83 parking spaces and only 80 are required, our previous request for a Variance for parking is no longer needed.

Yours Truly,



Leni Skaar

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