

MEMORANDUM

493

ATTACHMENT 15

TO: Mayor and Town Council

FROM: Greenways Commission *BW* *PC*
Peter Calingaert, Chair

SUBJECT: Development Application: Village Plaza Theater

DATE: May 26, 2004

On May 26, 2004 the Commission reviewed the plans for a modification of the Special Use Permit for the Village Plaza Theater project. The Commission considered the various issues related to the application and decided to:

- Provide a recommendation related to the proposed payment in lieu for a greenway connection to the portion of the Booker Creek Trail on the Little Property
- Not comment on other issues including the driveways and parking.
- Provide information to the Council related to the possible implications to the Booker Creek Linear Park if the application is denied.

Proposed Payment in Lieu: The Commission voted unanimously (5-0) to support the staff recommendation related to a proposed payment in lieu for a trail connection through the Little property with one addition. At the end of the second stipulation of Resolution A the commission recommends adding the following sentence: "The amount of the payment in lieu shall be approved by the Town Manager". Voting yes were: Peter Calingaert (Chair), Sarah Bergmann, Jim Earnhardt, Mary Ann Freedman, and Glenn Parks

Driveways, Parking, and Other Issues: The Commission decided not to make a recommendation related to the other issues including driveways and parking. The Commission decided that these did not impact the greenways plan.

Booker Creek Linear Park: The Commission believes that it is important for the Council to have full and complete information related to potential implications to the Booker Creek Linear Park project if the development application is denied. The project is completely designed and is almost ready to bid. The only major obstacle remaining is missing easements adjacent to Booker Creek and Elliott Road. A stipulation of the current Village Plaza Theater SUP requires that the applicant provide all the easements required for the Booker Creek Linear Park.

If the SUP modification is denied and the owners were not willing to donate or sell the easements to the Town the Town would likely have two options:

- The Town could use its power of eminent domain to acquire the easements. This would likely be time-consuming and expensive.
- The Council could abandon the project. If the project were to be abandoned the Town would likely have to return about \$350,000 in grant funding. In addition the Town has already spent about \$36,000 for design services.