

PLANNING COMMISSION MINUTES OF MAY 23, 2011

2011-7171 - The Rock Church [Applicant] The Dorricott Family Partnership [Owner]
- Use Permit to allow a new community-serving place of assembly within an existing industrial building located at **929 Weddell Court**. (Negative Declaration) NC (*Continued from May 9, 2011.*)

Trudi Ryan, Planning Officer, presented the staff report. She said staff recommends to adopt the Negative Declaration and approve the Use Permit with attached conditions.

Vice Chair Hendricks discussed with staff the location of a proposed sidewalk.

Comm. Chang further discussed the proposed sidewalk with staff.

Comm. Sulser discussed with staff which neighboring site the applicant has an off-site parking agreement with and discussed the neighboring building status and zoning.

Comm. Hungerford discussed with staff the draft parking agreement and expressed concern that it was not clear enough about the 37 off-site parking spaces availability to the church. Ms. Ryan referred to condition 11 and said it could be modified to read that the "final" parking agreement with the property located at 922 Weddell would be recorded against the subject properties, with clarification that the 37 off-site parking spaces need to be exclusively available to the church during specified times.

Chair Travis opened the public hearing.

Charles Westin, architect and representative for the Rock Church, discussed the sidewalk and the parking agreement. He said they intend to include the sidewalk and agree with amending the final parking agreement as suggested by staff.

Vice Chair Hendricks discussed with Mr. Westin the sidewalk location and the sidewalk of the neighboring property. Mr. Westin said a portion of the landscaping would be removed to allow the proposed sidewalk.

Tim Moran, Associate Pastor for the Rock Church and a Sunnyvale resident, spoke in support of the application, and said the church looks forward to providing additional value to the City.

Dr. Tricia Garcia-Herron, a member of the church, spoke in support of the project. She said the church looked for a site for a long time and looks forward to this opportunity to further enhance the community.

Vice Chair Hendricks discussed with Mr. Westin the parking and long-term plans for the church, specifically growth, which could result in deficient parking. Mr. Westin said the parking meets their current needs and holding double sessions helps reduce the parking needs. Mr. Westin said they know a revised Use Permit would be necessary if they need additional parking.

Chair Travis closed the public hearing.

Comm. Dohadwala asked staff if the property is being leased. Ms. Ryan said she is not sure, but the Use Permit would go with the land and that there is no time limit on the Use Permit unless the permit is not exercised for a period of time. Comm. Dohadwala asked about the neighboring property with staff explaining that the parking agreement would be recorded on both properties and any future owner of the neighboring building would have to comply with the recorded agreement.

Vice Chair Hendricks discussed with staff that the curb near the fire hydrant is not painted red and there is no requirement that it be painted. Ms. Ryan said that it is the responsibility of drivers to know not to park in front of the hydrant.

Comm. Hungerford moved for Alternative 2 to adopt the Negative Declaration and approve the Use Permit with modified conditions: to modify condition 11 adding the word “final” parking agreement. Comm. Sulser seconded the motion.

Comm. Hungerford said he appreciates that the staff and the applicant are willing to modify the parking agreement to make sure the church has the right to use the 37 off-site spaces during the specified times. He commented that the recreational vehicle parked in the back of at 922 Weddell Court needs to be moved as it is blocking the designated off-site parking. He said he thinks this is a good use and welcomed the church to the community.

Comm. Sulser said he can easily support this motion as amended in terms of land use and that the applicant has taken action to resolve the parking issue.

Vice Chair Hendricks said he would be supporting the motion as he can make the findings and that he likes that this site is near the pedestrian bridge. He said he thinks the parking could be problematic in the future.

ACTION: Comm. Hungerford made a motion on 2011-7171 to adopt the Negative Declaration and approve the Use Permit with modified conditions: to modify condition 11 adding the word "final" parking agreement. Comm. Sulser seconded. Motion carried 6-0, with Comm. Larsson absent.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than June 7, 2011.