

**CITY OF MILPITAS PLANNING COMMISSION
AGENDA FOR FEBRUARY 24, 2010
CITY HALL COUNCIL CHAMBERS 7:00 P.M.
455 E. CALAVERAS BLVD., MILPITAS, CA 95035
(408) 586-3279**

- I. ROLL CALL**
- II. PLEDGE OF ALLEGIANCE**
- III. PUBLIC FORUM**

Members of the audience are invited to address the Planning Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Secretary's record, and limit their remarks to fewer than three minutes. As a unagendized item, no response is required of the City staff or the Commission; however, the Commission may agendize the item for a future meeting.

- IV. APPROVAL OF MINUTES:** February 10, 2010
- V. ANNOUNCEMENTS**
- VI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VII. APPROVAL OF THE AGENDA**
- VIII. CONSENT CALENDAR**

Consent calendar items are considered to be routine and may be approved in one motion at the discretion of the Chair. For public hearing items, prior to actual Commission consideration, the Chair may open the public hearing and ask if anyone present wishes to discuss any consent calendar items. There will be no discussion of consent calendar items unless a member of the audience or the Commission asks to have the item removed from the consent calendar. **Persons who want to speak on any item on the consent calendar should come forward now and ask to have that item removed from the consent calendar.** Any items removed will be discussed in the order arranged by the Chair.

VIII-1. CONDITIONAL USE PERMIT NO. UP10-0003: A request to locate a 1,456 square foot Curves fitness gym at 623 S. Main Street zoned Mixed Use with Site and Architectural Overlay (MXD-S). Applicant: Dr. John Brady. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2631. *(Recommendation: Adopt Resolution No. 10-013 approving the project subject to conditions of approval.)*

VIII-2. MINOR TENTATIVE MAP NO. TP10-0001 (FORMERLY MT09-003) AND CONDITIONAL USE PERMIT NO. UP09-0043: A request to consider a one lot commercial condominium map for an existing development on a 0.61 acre parcel located at 880 E. Capitol Ave. (APN: 086-37-025) zoned General Commercial with Site and Architectural Overlay District (C2-S). Applicant: Colliers International C/O Ara Bezdijian. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2613. *(Recommendation: Adopt Resolution No. 10-014 approving the project subject to conditions of approval.)*

- IX. PUBLIC HEARING**

IX-1. ZONING AMENDMENT NO. ZA09-0003, PLANNING DEVELOPMENT REVIEW

STREAMLINING: An amendment to the City’s Municipal Code regarding streamlining the Planning development review process. The project includes repealing Title III, Chapter 5 “Entertainment Events” and creating a new section for “Temporary Uses and Structures” within Title XI, Chapter 10 “Zoning” for the purposes of consolidating provisions and review procedures for temporary uses and structures, including special events. A new “Recreation & Entertainment Overlay District” is proposed to be added to Section 12, Overlay Districts. In addition, the project brings certain types of conditionally permitted uses (restaurants, video sales/rentals, veterinarian clinics, pet grooming, medical support laboratories, tanning salons and private instruction) to be permitted uses. Additional supporting changes include reformatting and new definitional entries. Staff Contact: Sheldon Ah Sing (408) 586-3278. (*Recommendation: Adopt Resolution No. 10-001 recommending approval to the City Council.*)

Any person aggrieved by any final decision of any, board, commission, or department head to the City of Milpitas may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within twelve (12) calendar days of the date of said decision and paying the required fee. This time limit shall be strictly enforced.

X. ADJOURNMENT

THE NEXT PLANNING COMMISSION MEETING IS March 10, 2010

The Planning Division will provide a recorded agenda or minutes on standard cassette or printed in large type upon request for the visually impaired. In compliance with the Americans with Disabilities act, individuals requiring accommodation for this meeting should notify the Planning Division prior to the meeting at (408) 586-3279, TDD (408) 586-3013.

MILPITAS PLANNING COMMISSION SUBCOMMITTEE

The Planning Commission Subcommittee consists of two members (currently Cliff Williams-regular member, Mark Tiernan-regular member, Sudhir Mandal-alternate member) of the Planning Commission, who have approval authority for Minor Site Development Permits and other minor project reviews not involving public hearings. **This project review will be held at 6:30 P.M. in the City of Milpitas Committee Conference Room, First Floor, 455 E. Calaveras Boulevard.**

- a. There being no items for consideration, the Planning Commission Subcommittee meeting is canceled.**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government’s duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people’s business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people’s review.

Materials related to an item on this agenda submitted to the Planning Commission after initial distribution of the agenda packet are available for public inspection at the Planning Department office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney’s office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

E-mail: mogaz@ci.milpitas.ca.gov

Phone (408) 586-3040

Fax (408) 586-3030

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.