

APPROVED

PLANNING COMMISSION MINUTES

February 24, 2010

- I. ROLL CALL/SEATING OF ALTERNATE** Present: Larry Ciardella, Sudhir Mandal, Gurdev Sandhu, and Steve Tao
Absent: Erik Larsen, Noella Tabladillo, Mark Tiernan, and Cliff Williams
Staff: Ah Sing, Andrade, Lindsay, and Otake
- II. PLEDGE OF ALLEGIANCE** Vice-Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- III. PUBLIC FORUM** Vice-Chair Mandal invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.
There were no speakers from the audience.
- IV. APPROVAL OF MINUTES** Vice-Chair Mandal called for approval of the minutes of the Planning Commission meeting of February 10, 2010.
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Commissioner Tao stated that there was a typo on Page 5 of the minutes.
Motion to approve the minutes of February 10, 2010 with the amended item by Commissioner Tao.
M/S: Ciardella, Tao
AYES: 3
NOES: 0
ABSENT: 4 (Erik Larsen, Noella Tabladillo, Mark Tiernan, and Cliff Williams)
ABSTAIN: 1 (Gurdev Sandhu)
- V. ANNOUNCEMENTS** Planning Director, James Lindsay, reminded the Commission Form 700 needed to be completed and turned into the City Clerk's office by April 1st.
- VI. CONFLICT OF INTEREST** Assistant City Attorney, Bryan Otake, asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda. Commissioner Tao is the realtor for Consent Item No. VIII-1; there were no other conflicts of interest.
- VII. APPROVAL OF AGENDA** Vice-Chair Mandal asked whether staff or the Commission have any changes to the agenda.
There were no changes to the agenda.
Motion to approve the agenda as submitted.
M/S: Sandhu, Ciardella
AYES: 4
NOES: 0
ABSENT: 4 (Erik Larsen, Noella Tabladillo, Mark Tiernan, and Cliff Williams)

ABSTAIN: 0

**VIII. CONSENT
CALENDAR**

Vice-Chair Mandal asked whether staff, the Commission, or anyone in the audience wish to remove or add any items to the consent calendar.

There were no changes to the Consent Calendar.

Vice-Chair Mandal opened the public hearing on Item No. VIII-1 and VIII-2.

There were no speakers from the audience.

Motion to close the public hearing on Item No. VIII-1 and VIII-2.

M/S: Sandhu, Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Erik Larsen, Noella Tabladillo, Mark Tiernan, and Cliff Williams)

ABSTAIN: 0

Motion to approve the Consent Calendar as submitted.

M/S: Ciardella, Sandhu

AYES: 3

NOES: 0

ABSENT: 4 (Erik Larsen, Noella Tabladillo, Mark Tiernan, and Cliff Williams)

ABSTAIN: 1 (Steve Tao)

- 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.)*

M/S: Ciardella, Sandhu

AYES: 4

NOES: 0

ABSENT: 4 (Erik Larsen, Noella Tabladillo, Mark Tiernan, and Cliff Williams)

ABSTAIN: 0

- 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

Sheldon Ah Sing, Senior Planner, presented an amendment to the City's Municipal Code regarding streamlining the Planning Development review process. The project includes

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

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. Mr. Ah Sing recommended adopting Resolution No. 10-001 recommending approval to the City Council.

During the presentation, Mr. Ah Sing recommended that the Commission consider changing the proposed definition for Group and Private Instruction to the threshold of six or more to be considered “group”. Group instruction would require a CUP.

Commissioner Tao asked about the expedited process. Mr. Ah Sing stated that under the proposal, the planner has the authority to approve a project if the project meets the standards within the zoning code.

James Lindsay, Planning Director, stated that the amendment include an auto broker who operates as a wholesale operation with no vehicles on site is being listed as a permitted use, Mr. Lindsay is requesting that the Commission change this to a use that requires Conditional Use Permit to ensure that the point of sale can be verified as being in Milpitas.

Vice-Chair Mandal asked what the benefits of people doing business in Milpitas are. Mr. Ah Sing stated the time from an applicant opens an application to the time they open for business would be reduced.

Vice-Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Erik Larsen, Noella Tabladillo, Mark Tiernan, and Cliff Williams)

ABSTAIN: 0

Motion to adopt Resolution No. 10-001 recommending approval to the City Council with the amended changes from staff:

1. Change Auto broker to Conditionally Permitted Use
2. Change Group & Private Instruction definition

M/S: Sandhu, Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Erik Larsen, Noella Tabladillo, Mark Tiernan, and Cliff Williams)

ABSTAIN: 0

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**X.
ADJOURNMENT**

The meeting was adjourned at 7:30 p.m. to the next meeting of March 10, 2010.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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