

APPROVED

PLANNING COMMISSION MINUTES

June 9, 2010

- I. ROLL CALL/SEATING OF ALTERNATE**
Present: Larry Ciardella, Sudhir Mandal, Gurdev Sandhu, and Steve Tao
Absent: Noella Tabladillo, Mark Tiernan, and Cliff Williams
Staff: Ah Sing, Andrade, Barnhart, 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.
Edward Stanley, 322 San Miguel Ct #2, Milpitas, he and the other residents in his area are concerned with window air conditioners. Some of the residents are being tagged for having window air conditioners. Would like the City to respond to his request.
- IV. APPROVAL OF MINUTES**
May 26, 2010
Vice-Chair Mandal called for approval of the minutes of the Planning Commission meeting of May 26, 2010.
There were no changes to the minutes.
Motion to approve the minutes of May 26, 2010 as submitted.
M/S: Sandhu, Ciardella
AYES: 4
NOES: 0
ABSENT: 3 (Noella Tabladillo, Mark Tiernan, and Cliff Williams)
ABSTAIN: 0
- V. ANNOUNCEMENTS**
There were no announcements from staff or the Commission.
- 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. There were no Commissioners who identified a conflict 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: 3 (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 items on the Consent Calendar and none were added.

IX. PUBLIC HEARING

**1. CONDITIONAL USE
PERMIT NO. UP10-0005
AND MINOR SITE
DEVELOPMENT PERMIT
NO. MS10-0009 OLIVE
GARDEN**

Sheldon Ah Sing, Senior Planner, presented a request to allow a full range of alcoholic beverages and exterior landscaping improvements for a new Olive Garden restaurant within the Great Mall located at 1350-J Great Mall Drive. Mr. Ah Sing recommended adopting Resolution No. 10-028 approving the project subject to conditions of approval.

Vice-Chair Mandal asked if there is any outside dining. Mr. Ah Sing stated no there is not.

Commissioner Tao asked if the color scheme is the final selection. Mr. Ah Sing stated those are the color that has been submitted.

John Keene, Darden Restaurants, is looking forward to this new location. He said they are trying to incorporate and Tuscan design to the restaurant. They are incorporating stucco and match the other buildings.

Commissioner Tao asked the operation of hours. Mr. Keene stated 11:00 a.m. to 11:00 p.m. seven days a week.

Commissioner Tao asked where the customers are coming from. Mr. Keene stated both of the shopping mall and outside customers. Commissioner Tao asked if there is a access from inside the mall. Mr. Keene stated no.

Commissioner Tao feels the entry walk is not wide or deep enough.

Commissioner Ciardella asked what Olive Garden wants. Mr. Keene said does not want the building to be overly dramatic.

Vice-Chair Mandal asked if all Olive Garden restaurants different from other Olive Garden restaurants. Mr. Keene said yes there are a number of different prototypes out there.

Vice-Chair Mandal asked if this new restaurant a better design than others. Mr. Keene stated yes.

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: 3 (Noella Tabladillo, Mark Tiernan, and Cliff Williams)

ABSTAIN: 0

Motion to adopt Resolution No. 10-028 approving the project subject to conditions of approval.

M/S: Sandhu, Ciardella

APPROVED
Planning Commission Minutes

June 9, 2010

AYES: 4

NOES: 0

ABSENT: 3 (Noella Tabladillo, Mark Tiernan, and Cliff Williams)

ABSTAIN: 0

**2. ZONING AMENDMENT
NO. ZA10-0002**

James Lindsay, Planning Director, stated Item IX-2. and IX-3. will be combined as one item.

AND

**3. DEVELOPMENT
AGREEMENT NO.
DA10-0001 and SITE
DEVELOPMENT
PERMIT NO. SD10-0004**

Diana Barnhart, Economic Development Manager, presented a request to amend Chapter 10 of Title XI of the City's Municipal Code for the purposes of 1) Integrating provisions regarding the placement and erection of signs; 2) add provisions for the establishment of off-site outdoor advertising displays adjacent to interstate highways and state routes and major roadways; and 3) ancillary changes to the zoning code, including definitions and process to ensure internal consistency amongst regulations. Ms. Barnhart recommended adopting Resolution No. 10-027 recommending approval of amendments to the City Council.

Sheldon Ah Sing, Senior Planner, presented a public hearing on a proposed Development Agreement between the City of Milpitas and Milpitas Auto Properties, LLC for a freeway oriented sign located at 950 Thompson. Mr. Ah Sing recommended adopting Resolution No. 10-029 recommending approval of project to the City Council.

Commissioner Tao asked if the EIR still effective at this time. Mr. Ah Sing stated yes.

Commissioner Sandhu asked how many signs they will have. Mr. Ah Sing said there will be a total of 7 signs.

Commissioner Sandhu asked if the City has a dispute with the Great Mall. Ms. Barnhart stated yes.

Vice-Chair Mandal asked is Interstate 680 going to have signs. Ms. Barnhart said the City envisioned 2 locations for signs.

Commissioner Ciardella asked if the sign going to have Amber alerts or Caltrans alerts. Ms. Barnhart stated they requested a proposal for such alerts.

Commissioner Tao asked if the messages going to run 24/7. Mr. Barnhart stated yes.

Vice-Chair Mandal opened the public hearing on Item IX-2 and IX-3.

There were no speakers from the audience.

Motion to close the public hearing on Item IX-2 and IX-3.

M/S: Ciardella, Sandhu

AYES: 4

NOES: 0

ABSENT: 3 (Noella Tabladillo, Mark Tiernan, and Cliff Williams)

ABSTAIN: 0

Motion to adopt Resolution No. 10-027 recommending approval of amendments to the City Council and adopt Resolution No. 10-029 recommending approval of project to the City Council.

M/S: Sandhu, Ciardella

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Planning Commission Minutes

June 9, 2010

AYES: 4

NOES: 0

ABSENT: 3 (Noella Tabladillo, Mark Tiernan, and Cliff Williams)

ABSTAIN: 0

**X.
ADJOURNMENT**

The meeting was adjourned at 8:30 p.m. to the next meeting of June 23, 2010.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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