

**CITY OF MILPITAS PLANNING COMMISSION
AGENDA FOR DECEMBER 8, 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:** October 27, 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. UP09-0030 and SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0011: A request to locate a 35-foot tall monopole wireless telecommunication facility at 15 Wilson Way. (APN: 022-01-011) zoned Neighborhood Commercial with Site and Architectural Overlay (C1-S). Applicant: Leah Hernikl for T-Mobile. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2591. *(Recommendation: Adopt Resolution No. 10-046 approving the project subject to conditions of approval.)*

VIII-2 CONDITIONAL USE PERMIT NO. UP10-0020: A request to conduct an auto broker business at 16 Corning Avenue, Suite 206, (APN: 086-10-020) zoned Mixed Use District with Site and Architectural Overlay (MXD-S). Applicant: Bryan Chun. Staff Contact: Janice Spuller (408) 586-3291. PJ # 2683. *(Recommendation: Adopt Resolution No. 10-044 approving the project subject to conditions of approval.)*

- IX. PUBLIC HEARING**

IX-1 CONDITIONAL USE PERMIT NO. UP10-0019: A request to operate a 500 square foot cigarette and tobacco shop within the Victoria Square Shopping Center located at 1201 E. Calaveras Blvd. (APN: 029-13-041) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Ratib and Shomisa Norzei. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2677. (*Recommendation: Adopt Resolution No. 10-045 approving the project subject to the conditions of approval.*)

IX-2 ZONING AMENDMENT NO. ZA10-0004: A request to consider an amendment to Section 56 (Non-conforming Uses and Buildings) of the Milpitas Zoning Ordinance. Applicant: City of Milpitas. Staff Contact: Cindy Hom (408) 586-3284. (*Recommendation: Adopt Resolution No. 10-047 recommending approval of the amendments to the City Council.*)

X. UNFINISHED BUSINESS

X-1 TWENTY FOUR MONTH REVIEW FOR CONDITIONAL USE PERMIT AMENDMENT NO. UA08-0010: Review of the approval which allows seating on the dance floor during restaurant/dining hours and allows the service of a full range of alcoholic beverages for the existing restaurant located at 78 Dempsey Road. (APN: 088-04-001) zoned Neighborhood Commercial with Site and Architectural Overlay (C1-S). Applicant: Maria De Jesus Zavala with Club Bahia. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2534 (*Recommendation: Agendize a public hearing for the review and possible modifications to conditions of approval.*)

XI. NEW BUSINESS

XI-1 REPORT ON PERMIT VIOLATIONS - KTV MUSICLAND: A report on violations of conditions of approval at a karaoke establishment located at 788 Barber Lane. (*Recommendation: Direct staff to schedule a three-month permit review with a public hearing.*)

XI-2 PC ACCOMPLISHMENTS FOR 2010: A report on the major accomplishments by the Planning Commission for 2010. (*Recommendation: Consider the list of accomplishments and direct staff which ones to post on the Commission's web page.*)

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.

XII. ADJOURNMENT

THE NEXT PLANNING COMMISSION MEETING IS January 12, 2011

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 Larry Ciardella - regular member, Gurdev Sandhu - regular member, Steve Tao - 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.