

**CITY OF MILPITAS PLANNING COMMISSION
AGENDA FOR SEPTEMBER 14, 2011
CITY HALL COUNCIL CHAMBERS 7:00 P.M.
455 E. CALAVERAS BLVD., MILPITAS, CA 95035
(408) 586-3279**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- 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:** August 24, 2011
- 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. UA11-0006: A request to allow the sale of beer and wine for on-site consumption in conjunction with an existing restaurant located at 57 No. Milpitas Blvd. (APN: 028-22-132) zoned Town Center with Site and Architectural Overlay. Applicant: Nick Poopat. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2746. *(Recommendation: Adopt Resolution No. 11-044 approving the project subject to conditions of approval.)*

VIII-2 CONDITIONAL USE PERMIT NO. UP11-0029: A request to operate a martial arts studio within the Seasons Marketplace Shopping Center located at 1535 Landess Ave. (APN: 088-35-017) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Christina Cruz. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2761. *(Recommendation: Adopt Resolution No. 11-043 approving the project subject to conditions of approval.)*

- IX. PUBLIC HEARING**

IX-1 SITE DEVELOPMENT PERMIT NO. SD11-0004: A request to allow a 1,178 square foot two story addition for an existing hillside home located at 1722 Pebble Beach Ct. (APN: 029-55-025) zoned Single Family Residential Hillside with Site and Architectural Overlay (R1-H-S) and part of a Planned Unit Development (PUD21). Applicant: Richard A. Hartman. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2729. *(Recommendation: Recommend approval to the City Council by adopting Resolution No. 11-046 subject to conditions of approval.)*

IX-2 CONDITIONAL USE PERMIT NO. UP11-0027: A request to operate a massage establishment within the Serra Shopping Center located at 200 Serra Way, Suite 4 (APN: 086-07-023) zoned General Commercial with Site and Architectural Overlay (C2-S) and within the Midtown Specific Plan. Applicant: Minh Duong. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2754. *(Recommendation: Adopt Resolution No. 11-045 subject to conditions of approval.)*

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 September 28, 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 Zeya Mohsin - regular member, Noella Tabladillo - regular member, Mark Tiernan - 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. **MINOR SITE DEVELOPMENT PERMIT NO. MS11-0027, St. James Orthodox Church Middle Easter and Greek Food Festival:** A request to allow a three day outdoor event located at 195 N. Main Street (APN: 022-08-043) zoned Mixed Use with Site and Architectural Overlay (MXD-S) and within the Midtown Specific Plan. Applicant: Joseph Hanna. Staff Contact: Janice Spuller (408) 586-3291. *(Recommendation: Approve Minor Site Development Permit No. MS11-0027 subject to conditions of approval.)*
- b. **MINOR SITE DEVELOPMENT PERMIT NO. MS11-0028, Tree Removal:** A request to remove two protected coast Redwood Trees 'diseased' located at 1840 McCarthy Blvd. (APN: 086-03-084) zoned Industrial Park with Site and Architectural Overlay (MP-S). Applicant: Kevin Allen. Staff Contact: Janice Spuller (408) 586-3291. *(Recommendation: Approve Minor Site Development Permit No. MS11-0028 subject to conditions of approval.)*
- c. **MINOR SITE DEVELOPMENT PERMIT NO. MS11-0035, Milpitas Rotary Pumpkin Patch:** A request to allow a 10 day pumpkin patch event located at 1331 East Calaveras Blvd. (APN: 029-17-002) zoned Institutional with Site and Architectural Overlay (I-S). Applicant: Doris Roth. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Approve Minor Site Development Permit No. MS11-0035 subject to conditions of approval.)*

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.