

**CITY OF MILPITAS PLANNING COMMISSION
AGENDA FOR November 28, 2012
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:** November 14, 2012
- 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.

None

- IX. PUBLIC HEARING**

IX-1 VARIANCE NO. VA12-0002: A request for a variance to allow the use of an abandoned freestanding sign for King Egg Roll restaurant located at 422 W Calaveras Blvd. (APN: 086-07-034) Zoned General Commercial with Site and Architectural Overlay (C2-S). The project is within the Midtown Specific Plan. Applicant: Khanh Bui Staff Contact: Tiffany Brown, 408-586-3283. PJ#2859

(Recommendation: Adopt Resolution No. 12-042 recommending approval subject to the conditions of approval)

IX-2 SITE DEVELOPMENT PERMIT NO. SD12-0009/CONDITIONAL USE PERMIT NO. UP12-0024/TENTATIVE MAP NO. MT12-0005: A request to allow 474 dwelling units on 7.98 acres (59 dwellings/acre) in a multi-story building located at 450 Montague Expressway (APN: 86-037-004, -020, and -021) zoned Mixed Use Very High Density with Transit Oriented Development & Site and Architectural Overlays (MXD3-TOD-S) within the Transit Area Specific Plan. The project requires approval by the City Council. Applicant: Lyon Communities. Staff Contact: Sheldon S. Ah Sing (408) 586.3278. PJ: 2870

(Recommendation: Adopt Resolution No. 12-041 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 December 12, 2012

The Planning Division will provide a recorded agenda or minutes on standard disc 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 three members (currently Gurdev Sandhu and Rajeev Madnawat - regular member and John Luk - 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, 455 E. Calaveras Boulevard.**

None

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.