



CITY OF MORGAN HILL
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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PLANNING COMMISSION

TUESDAY, NOVEMBER 11, 2008

CITY COUNCIL CHAMBERS
CIVIC CENTER
17555 PEAK AVENUE
MORGAN HILL, CA 95037

COMMISSIONERS

CHAIR SUSAN KOEPP-BAKER
VICE-CHAIR MIKE R. DAVENPORT
COMMISSIONER H. GENO ACEVEDO
COMMISSIONER ROBERT L. ESCOBAR
COMMISSIONER RALPH J. LYLE
COMMISSIONER JOSEPH H. MUELLER
COMMISSIONER WAYNE TANDA

REGULAR MEETING - 7:00 P.M.

***** A G E N D A *****

NOTICE TO THE PUBLIC

The following policies shall govern the conduct of the Planning Commission meetings:

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
 - *Those supporting the application*
 - *Those opposing the application*
 - *Those with general concerns or comments*
 - *Presentations are limited to 5 minutes*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

OPEN PUBLIC COMMENT PERIOD (5 MINUTES)

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

CONSENT CALENDAR:

MINUTES: [October 28, 2008](#)

PUBLIC HEARINGS:

- 1) **[ANNEXATION, ANX-08-06/ZONING AMENDMENT, ZA-08-14: W. MAIN-ACTON:](#)** A request for pre-zoning and annexation of a 20-acre parcel located at the western terminus of West Main Ave. (APN 773-06-08). The parcel is proposed to be pre-zoned Open Space, consistent with its General Plan designation. A Negative Declaration, finding that the applications would not result in any significant environmental impacts, is also proposed for adoption.

Recommendation:

- 1) Open Public Hearing/Approve Negative Declaration;
- 2) Adopt Resolution with recommendation to forward the Annexation request to the City Council for approval; and
- 3) Adopt Resolution with recommendation to forward the Zoning Amendment request to the City Council for approval.

- 2) **[USE PERMIT, UP-08-11: BARRETT-COLSON & COLSON:](#)** A request for approval of a conditional use permit for the construction and operation of a 138-suite congregate care retirement residence approximately 115,600-sf in size located near the northwest corner of Barrett Ave. and Butterfield Blvd. on a 5.3-acre site in a R3(PD) zoning district. (APN 817-30-050)

Recommendation: Open Public Hearing/Adopt Resolution approving the Use Permit request.

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- 3) **ZONING AMENDMENT, ZA-08-18/SUBDIVISION, SD-08-07/DEVELOPMENT AGREEMENT, DA-08-02/DEVELOPMENT SCHEDULE, DS-08-03: DIANA-EAH:** A mitigated negative declaration is proposed for requests for a zoning amendment, subdivision, development agreement and development schedule on an 8-acre project site bound by E. Dunne Ave., Butterfield Blvd., Diana Ave. and the railroad. The proposed project development plan would allow 40 townhouses, 40 senior apartment units, a 27,000 sq. ft. restaurant and two office buildings of approximately 19,000 sq. ft. (APNS 726-04-01, 03, 06, 07, 08, 11 & 12)

- Recommendation:**
- 1) Open Public Hearing/Approve Mitigated Negative Declaration;
 - 2) Adopt Resolution with recommendation to forward the Zoning Amendment request to the City Council for approval;
 - 3) Adopt Resolution approving the Subdivision request;
 - 4) Adopt Resolution with recommendation to forward the Development Agreement request to the City Council for approval; and
 - 5) Adopt Resolution approving the Development Schedule request.

ANNOUNCEMENTS: None

THE REGULAR SCHEDULED NOVEMBER 25, 2008 MEETING HAS BEEN CANCELED

UPCOMING AGENDA ITEMS FOR THE DECEMBER 9, 2008 MEETING:

- **ZA-06-11: Diana-Chan**
- **SD-06-07: Diana-Chan**
- **DA-06-04: Diana-Chan**
- **MC-08-15: W. Edmundson-Amber**
- **MC-08-16: Peet-Borello**
- **MC-08-17: E. Central-Sheng**
- **MC-08-18: Monterey-Monterey Dynasty**
- **MC-08-19: Butterfield-Monterey Dynasty**
- **MC-08-20: W. Edmundson-Pancal**
- **MC-08-22: Murphy-Pancal**
- **MC-08-23: E. Dunne-South Valley Developers**
- **MC-08-24: W. Dunne-South Valley Developers**

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ADJOURNMENT

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SPEAKER CARD

IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.

NOTICE

NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the Planning Commission less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the Planning Commission. (Pursuant to Government Code 54957.5)