



Regular Meeting Agenda

**Planning Commission
Minutes**

Tuesday, July 26, 2016

7:00 PM

Council Chamber

17555 Peak Avenue

Morgan Hill, CA 95037

PRESENT: Planning Commissioner Toombs, Planning Commissioner Spring, Planning Commissioner Downey, Planning Commissioner McKay, Planning Commissioner Mueller, Chair Tanda,

ABSENT: Planning Commissioner Orosco

LATE: None

STAFF: Assistant City Manager (ACM) Little, Economic Development Director (EDD) Ramirez, Senior Planner (SP) Paolini, Associate Planner (AP) Brown

CALL TO ORDER

Chair Tanda called the meeting to order at 7:00 p.m.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Luna certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPEN PUBLIC COMMENT PERIOD

Chair Tanda opened the public comment at 7:02 p.m. Hearing no further request to speak, the public comment was closed.

ORDERS OF THE DAY

None.

CONSENT CALENDAR

Approval of the Consent Calendar

ACTION: *On a motion by Commissioner Mueller and seconded by Commissioner Spring to approve the Consent Calendar. The motion passed (6-0-0-1) with the following vote: Ayes: McKay, Toombs, Spring, Tanda, Mueller, Downey; Noes: None; Abstain: None; Absent: Orosco.*

Item Report #
1 [16-530](#)

APPROVE THE JUNE 28, 2016 PLANNING COMMISSION MEETING MINUTES

Item Report #
2 [16-531](#)

APPROVE THE JULY 12, 2016 PLANNING COMMISSION MEETING MINUTES

CONTINUED PUBLIC HEARING:

Item Report #
3 [16-520](#)

ZONING AMENDMENT, ZA-16-01/SUBDIVISION, SD2016-0006/DEVELOPMENT AGREEMENT, DA2016-0005/ENVIRONMENTAL ASSESSMENT, EA2016-0005: CONDIR – MANA INVESTMENTS: Request for Zoning Amendment, Subdivision and Development Agreement for 60 townhome style condominiums and 14 single family detached units. The property, identified by Assessor Parcel Numbers 817-12-006 and 817-12-009 are located on the northwest corner of Murphy Avenue and San Pedro Drive (Evergreen Investments Group2: Kenneth Chung, Owner). CEQA: Addendum to approved EIR.

- AP Brown presented the staff report.

Chair Tanda opened public comment 7:12 p.m.

- Orville Power spoke in favor.
- Akoni Danielsen, Environmental Consultant, responded to questions of the Commission.
- Ross Doyle spoke in favor.

Hearing no further request to speak, the public comment was closed 7:53 p.m.

- ACM Little addressed concerns of the Commission

ACTION: *On a motion by Commissioner McKay and seconded by Commissioner Toombs to recommend City Council approval of the Zoning Amendment for the Precise Development plan*

which will include the staggering of the lots as proposed or with the modified staggering with staff discretion to add a point if one is lost through Livable Communities. The motion fails (3-3-0-1) with the following vote: Ayes: McKay, Toombs, Tanda; Noes: Spring, Mueller, Downey; Abstain: None; Absent: Orosco.

ACTION: *On a motion by Commissioner Mueller and seconded by Commissioner Toombs to recommend City Council approval of the Zoning Amendment via Resolution No. 16-45 with an amenity appropriately to be determined by staff is provided to make up for a lost point due to the staggering of the lots. The motion passes (4-2-0-1) with the following vote: Ayes: McKay, Toombs, Tanda, Mueller; Noes: Spring, Downey; Abstain: None; Absent: Orosco.*

ACTION: *On a motion by Commissioner McKay and seconded by Commissioner Mueller approving the Tentative Map via Resolution No. 16-46. The Commission has concerns with the overall multi – family development adjacent to the site that they were not getting an opportunity to review, and although they understood that this was only a map to create lots, based on principal they denied the map. The motion failed (2-4-0-1) with the following vote: Ayes: McKay, Mueller; Noes: Toombs, Spring, Tanda, Downey; Abstain: None; Absent: Orosco.*

ACTION: *On a motion by Commission Mueller and seconded by Commissioner McKay to recommend City Council approval of the Development Agreement via Resolution No. 16-47 with the condition that the HOA would cover all the amenities and clearly identify which amenities are open to the public and which are going to be private. The motion passed (4-2-0-1) with the following vote: Ayes: McKay, Toombs, Tanda, Mueller; Noes: Spring, Downey; Abstain: None; Absent: Orosco.*

PUBLIC HEARING:

Item Report #
4 [16-519](#)

ZONING AMENDMENT, ZA2016-0005: WALNUT GROVE – MORGAN HILL: Request for a City-initiated Zoning Amendment from MO Industrial Office to R-1, 9,000 Single Family Medium Density District on a 5.6 Gross Acre site. The properties, identified by Assessor Parcel Numbers 726-07-021,023,024,089, are located on the east side of Walnut Grove Boulevard, south of Diana Avenue (Timothy Healey, Light of World Church and Deluke Company, Owners). CEQA: Prior EIR prepared with General Plan update.

- SP Paolini presented the staff report.

Chair Tanda opened public comment 9:20 p.m.

- Bill McClintock spoke in favor.

Hearing no further request to speak, the public comment was closed.

ACTION: *On a motion by Commissioner Downey and seconded by Commissioner Spring to approve the Zoning Amendment via Resolution No. 16-48. The Planning Commission approved the rezone to R1-9,000 to be consistent with the General Plan. The motion passed (6-0-0-1) with*

the following vote: Ayes: McKay, Toombs, Spring, Tanda, Mueller, Downey; Noes: None; Abstain: None; Absent: Orosco.

Item Report #
5 [16-284](#)

USE PERMIT, UP-16-0012: 3RD STREET-LITTLE ROW FITNESS: Request for a Conditional Use Permit to operate a 3,662 square foot Orange Theory Fitness facility within the ground floor overlay district in downtown Morgan Hill. The property, identified by Assessor Parcel Number(s) 726-13-033,042,043, are located on E. 3rd Street (Little Row Fitness). CEQA: Covered under the Downtown Specific Plan Master Environmental Impact Report.

- AP Brown presented the staff report.
- EDD Ramirez addressed some concerns of the Commission.

Chair Tanda opened public comment at before 9:58 p.m.

- John Razumich spoke in favor.
- John Rouden spoke in favor.

Hearing no further request to speak, the public comment was closed.

ACTION: *On a motion by Commission Mueller and seconded by Commissioner Downey to approve the Conditional Use Permit via Resolution No. 16-50 with the conditions of extending hours of operations that would allow the applicant chose the correct hours best suited for their use. The motion passed (6-0-0-1) with the following vote: Ayes: McKay, Toombs, Spring, Tanda, Mueller, Downey; Noes: None; Abstain: None; Absent: Orosco.*

Item Report #
6 [16-284](#)

EXTENSION OF TIME, RDCS2016-0002: DUNNE - LEUNG: Request for a Development Agreement Extension for a six lot subdivision. The property, identified by Assessor Parcel Number 728-11-026, is located on northeasterly corner of East Dunne Avenue and Hill Road (Hanalei Land Co. LLC, Owner). CEQA: Categorically Exempt pursuant to Section 15332 (In-fill development projects).

- SP Paolini presented the staff report.

Chair Tanda opened public comment at 10:04 p.m.

- Scott Murray spoke in favor.
- Bill McClintock spoke in favor.

Hearing no further request to speak, the public comment was closed.

ACTION: *On a motion by Commissioner Mueller and seconded by Commissioner McKay to approve a six month extension. The motion passed (6-0-0-1) with the following vote: Ayes: MaKay, Toombs, Spring, Tanda, Mueller, Downey; Noes: None; Abstain: None; Absent: Orosco.*

Other Business:

Item Report #
7 [16-518](#)

PRELIMINARY PLAN REVIEW, PPR-16-02: BUTTERFIELD - MWEST: Preliminary review for a proposed industrial development of approximately 39 acres in the Morgan Hill Business Park located on the west side of Butterfield Boulevard between Jarvis Drive and Digital Drive identified by Assessor's Parcel Numbers 726-25-046, -047, -059, -070-073, -066,-067,-078 , and -079 (MWest Propco XXII, LLC, Owner).

- SP Paolini presented the staff report.

Chair Tanda opened public comment at 10:20pm

- Anthony Cataldo spoke in favor.
- Chad Froman spoke in favor.
- Kerry Williams spoke in favor.

Hearing no further request to speak, the public comment was closed.

ACTION: *No action was taken. This was a request for a preliminary plan review. The Commission was concerned this project was not “shovel ready” which meant the infrastructure needs to be in place and smaller lots be established. The applicant indicated that their Performa does not justify putting improvements in with the industrial. The roads will be developed with the residential. The Planning Commission wanted the developer to define their timeline and they were concerned that the industrial was dependent on the residential development. In general, the Commission was supportive of the Central Park, and believed it would be a nice amenity for the industrial users.*

ANNOUNCEMENTS

The August 9, 2016 Planning Commission meeting is canceled. The Commission provided feedback on the RDCS and they were reminded that the City Council would be making a final decision on the RDCS allotment number for the ballot at the July 27, 2016 meeting.

ADJOURNMENT

Adjourned the meeting at 11:35 p.m.

MINUTES RECORDED AND TRANSCRIBED BY:

Jenna Luna, Minutes Clerk