



Regular Meeting Agenda
Planning Commission

Liam Downey - Chairman
Joseph Mueller - Planning Commissioner
Mohammad Habib - Planning Commissioner
Juan Miguel Munoz Morris - Planning Commissioner
Wayne Tanda - Planning Commissioner
-
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Tuesday, April 9, 2019 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

OPEN PUBLIC COMMENT PERIOD

Members of the public are entitled to address the Planning Commission concerning any item within the Morgan Hill Planning Commission's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the Planning Commission is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ORDERS OF THE DAY

MINUTES APPROVAL

1. APPROVE THE MARCH 12, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARINGS

None.

OTHER BUSINESS

2. WORKSHOP ON CONVENIENCE STORES

Recommendation:

Recommendation(s)

1. Provide feedback to the Economic Development Team on separation requirements related to convenience store operations.

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

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 legislative body 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 17575 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the legislative body. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the Commission concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Commission Chambers, and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Commission, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the Commission on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the Commission.

Persons interested in proposing an item for the Commission agenda should contact a member of the Commission who may plan an item on the agenda for a future Commission meeting. Should your comments require Commission action, your request may be placed on the next appropriate agenda. Commission discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing 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 Commission at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the 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.

For a copy of Commission Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

DRAFT



Meeting Minutes Planning Commission

Liam Downey - *Chairman*
Joseph Mueller - *Planning Commissioner*
Mohammad Habib - *Planning Commissioner*
Juan Miguel Munoz Morris - *Planning Commissioner*
Wayne Tanda - *Planning Commissioner*
 -
 -

Tuesday, March 12, 2019 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

Chair Downey called the meeting to order at 7:01 p.m.

ROLL CALL ATTENDANCE

Attendee Name	Title	Status	Arrived
Liam Downey	Chairman	Present	
Joseph Mueller	Planning Commissioner	Present	
Mohammad Habib	Planning Commissioner	Present	
Juan Miguel Munoz Morris	Planning Commissioner	Present	
Wayne Tanda	Planning Commissioner	Absent	

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna declared the posting of the Agenda.

PLEDGE OF ALLEGIANCE

Vice Chair Munos-Morris lead the Pledge of Allegiance.

Minutes Acceptance: Minutes of Mar 12, 2019 7:00 PM (MINUTES APPROVAL)

OPEN PUBLIC COMMENT PERIOD

Chair Downey opened the Public Comment Period at 7:02 p.m.

Ashlynn Gallo was called to speak.

Hearing no further requests to speak, Chair Downey closed the Public Comment Period.

ORDERS OF THE DAY

No changes made.

CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Juan Miguel Munoz Morris, Planning Commissioner
AYES:	Downey, Mueller, Habib, Munoz Morris
ABSENT:	Tanda

1. APPROVE THE JANUARY 22, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

2. APPROVE THE FEBRUARY 12, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARINGS

3. ZA2019-0007: WIRELESS COMMUNICATIONS FACILITIES: POLE-MOUNTED WIRELESS COMMUNICATIONS FACILITY IN THE PUBLIC RIGHT-OF-WAY

Recommendation:

Adopt a Resolution recommending the City Council approve Zoning Amendment ZA2019-0007: Wireless Communication Facilities

Economic Development Manager John Lang and Economic Development Fellow Alexandra Noble presented the staff report.

Chair Downey opened the Public Hearing at 7:32 p.m.

Ginbar Ketema was called to speak.

Hearing no further requests to speak, the Public Hearing was closed.

MOTION:

Adopt a Resolution recommending the City Council approve the Zoning Amendment ZA2019-0007: Wireless Communication Facilities.

Minutes Acceptance: Minutes of Mar 12, 2019 7:00 PM (MINUTES APPROVAL)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Joseph Mueller, Planning Commissioner
SECONDER: Juan Miguel Munoz Morris, Planning Commissioner
AYES: Downey, Mueller, Habib, Munoz Morris
ABSENT: Tanda

4. SR2019-0009 PRELIMINARY PLAN REVIEW: MONTEREY - BLOCK ONE

Recommendation:

Provide feedback on SR2019-0009 Preliminary Plan Review's consistency with the adopted Block-Level Master Plan for Monterey Corridor Block One.

Principal Planner John Baty presented the staff report at 7:38 p.m.

Chair Downey opened the Public Hearing at 7:43 p.m.

Dick Oliver was called to speak.

Hearing no further requests to speak, the Public Hearing was closed.

MOTION:

No action taken. The Planning Commission provided feedback on the SR2019-0009: Preliminary Plan Review's consistency with the adopted Block-Level Master Plan for Monterey Corridor.

RESULT: NO ACTION TAKEN

5. SR2019-0008 PRELIMINARY PLAN REVIEW: MONTEREY - BLOCK FOUR

Recommendation:

Provide feedback on SR2019-0008 Preliminary Plan Review's consistency with the adopted Block-Level Master Plan for Monterey Corridor Block Four.

Principal John Baty presented the staff report at 8:47 p.m.

Chair Downey opened the Public Hearing at 9:18 p.m.

Jason Bernstein was classed to speak.

Charity Wagner was called to speak.

Hearing no requests to speak, the Public Hearing was closed.

MOTION:

No action taken. The Planning Commission provided feedback on the SR2019-0008: Preliminary Plan Review's consistency with the adopted Block-Level Master Plan for Monterey Corridor.

RESULT: NO ACTION TAKEN

OTHER BUSINESS

6. GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT (APR) 2018

Recommendation:

Accept the 2018 General Plan and Housing Element Annual Progress Report (APR).

Principal Planner John Baty presented the staff report at 9:42 p.m.

MOTION:

The Planning Commission accepted the 2018 General Plan and Housing Element Annual Progress Report (APR).

RESULT: ACCEPTED

DIRECTOR'S REPORT/ANNOUNCEMENTS

Community Development Director Jennifer Carman announced John Baty's departure from the City of Morgan Hill. The City Council will continue their recruitment for more candidates to fill the two Planning Commission vacancies. The next Planning Commission meeting agenda currently does not have any items moving forward at this time but we will inform the Commission of any changes.

ADJOURNMENT

There being no further business, Chair Downey adjourned the meeting at 9:55 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk

Minutes Acceptance: Minutes of Mar 12, 2019 7:00 PM (MINUTES APPROVAL)



PLANNING COMMISSION STAFF REPORT

MEETING DATE: April 9, 2019

PREPARED BY: John Lang, Economic Development Manager
APPROVED BY: Jennifer Carman, Community Development Director

WORKSHOP ON CONVENIENCE STORES

RECOMMENDATION(S)

Recommendation(s)

1. Provide feedback to the Economic Development Team on separation requirements related to convenience store operations.

DISCUSSION

Over the past twelve months, City staff has received several inquiries from Fuel and Service Station owners looking to expand the footprints of their convenience store operations. The purpose of the workshop is to gain direction from Planning Commission on possible zoning code amendments that may help facilitate some of the requested upgrades.

Title 18, Division 1, Chapter 18.92.030 (Convenience Markets) establishes standards for convenience markets (Attachment 1) and Chapter 18.142.040 establishes the definition of a convenience market (Attachment 2). A new convenience market is required to be located a minimum of 1,000 feet from an existing or approved convenience market. Exceptions to the separation requirement may be allowed if the convenience market is on property that is adjacent to Highway 101 and Dunne Avenue, Tennant Avenue and Cochrane Road and has less than three hundred square feet or less of area devoted to sales and display.

Many existing service stations were grandfathered pursuant to Ordinance No. 1307 adopted in 1996 and are considered legal non-conforming.

Today, the operation of Fuel and Service Stations have changed. They offer more amenities, including an expansive sales area and in many cases are accompanied by a quick serve restaurant and a car wash. This new model has proven to be successful and is putting pressure on older facilities to upgrade to include similar amenities. As Fuel and Service Station models have changed over time, business owners are looking to reinvent the experience by offering more fresh prepared foods.

The City's existing zoning regulations limit the ability to allow for some of the requested upgrades. In some cases, the City has lost the opportunity for significant reinvestment in these aging buildings due to these regulations.

LINKS/ATTACHMENTS:

1. 18.92.030 - Convenience Markets
2. 18.124.040.P.2 - Convenience Market Definition

18.92.030 - Convenience markets.

- A. Purpose. This section establishes standards for convenience markets in order to:
1. Ensure the compatibility of convenience markets with neighboring commercial and residential land uses;
 2. Minimize potential negative impacts from convenience markets on adjacent land uses; and
 3. Require new convenience markets to incorporate crime prevention measures to protect the public health, safety, and welfare.
- B. Separation Between Convenience Markets.
1. A new convenience market shall be located a minimum of one thousand feet from an existing or approved convenience market except as allowed by Paragraph 2 below. The distance between convenience markets shall be measured as the straight-line distance between the exterior walls of the market structures.
 2. The city may allow exceptions to the separation requirement in Paragraph 1 above for:
 - a. One convenience market (regardless of size) on property adjacent to the interchange of Highway 101 and Dunne Avenue, Tennant Avenue, and Cochrane Road; and
 - b. Convenience markets with three hundred square feet or less of area devoted to sales and display.
- C. Separation from Schools. A new convenience market shall be located a minimum of one thousand feet from the boundary of an existing school or a proposed school site as designated by the Morgan Hill Unified School District.
- D. Restrooms and Automotive Services. Convenience markets which also sell automotive fuels shall provide the following additional services without charge:
1. One restroom for women and one restroom for men available to customers and employees. If restroom entrances open directly to the outside of the building, the restroom entrances shall be screened from public view.
 2. Hoses conveying air and water for the service of automotive vehicles available for public uses in locations approved by the development services department.
- E. Loiter Control.
1. Public pay telephones on an exterior wall of the convenience market or anywhere on the site shall not allow incoming calls. Public telephones allowing incoming calls are allowed within the building interior.
 2. Video games may not be installed or operated on the premises of the convenience market.
 3. The police department may require additional loiter control measures as conditions of

approval for the convenience market conditional use permit.

F. Crime Prevention Measures.

1. The exterior of the convenience market shall be illuminated during all hours of darkness during which the market is open for business. Exterior illumination shall allow law enforcement personnel to easily identify persons within front entry areas, adjacent public sidewalks, parking areas, throughways, and alleys under control by the convenience market. Illumination shall be located and designed to minimize interference with the quiet enjoyment of nearby residential properties.
2. Commercial alarm systems and video security cameras shall be installed and maintained within the building to the specifications of the police department as required by the conditional use permit.
3. The police department may require additional crime prevention measures as conditions of approval for the convenience market conditional use permit.
4. Persons under the age of eighteen who are employed in a capacity which allows for selling of alcoholic beverages must be under the continual supervision of a person twenty-one years of age or older.

G. Concurrent Sale of Alcoholic Beverages and Automotive Fuels. If concurrent sale of alcoholic beverages and automotive fuels are proposed in conjunction with the convenience market use, the following additional requirements shall apply as specified in Section 23790.5 of the Business and Professions Code:

1. No alcoholic beverages shall be displayed within ten feet of the cash register or front door unless located within a permanently affixed cooler.
2. No display or sale of alcoholic beverages shall be made from an ice tub.
3. No alcoholic beverage advertising shall be located on fuel pump islands and no advertising for alcoholic beverages shall be located on buildings or windows.
4. Employees on duty between the hours of ten p.m. and two a.m. who sell beer or wine shall be at least twenty-one years of age.

(Ord. No. 2277 N.S., § 5(Exh. A), 6-6-2018)

18.124.040 - Commercial uses.

P. Retail.

2. Convenience Markets. A retail establishment which contains less than five thousand square feet of gross floor area allocated for the sale of groceries, staples, dairy products, sundry items, tobacco products and/or alcoholic beverages. Includes liquor stores where all or the majority of the floor area for retail sales is allocated for the sale of alcoholic beverages. Excludes full-service grocery stores containing less than five thousand square feet of gross floor area where at least ten percent of the floor area is allocated for the sale of fresh meat, seafood and fresh produce products.