



**Regular Meeting Agenda
Planning Commission**

*JOSEPH MUELLER - CHAIR
WAYNE TANDA - VICE-CHAIR
LIAM DOWNEY - PLANNING COMMISSIONER
MOHAMMAD HABIB - PLANNING COMMISSIONER
PAUL LAKE - PLANNING COMMISSIONER
MALISHA KUMAR - PLANNING COMMISSIONER
JAMES WILSON PLANNING COMMISSIONER*

Tuesday, February 14, 2023 7:00 PM

**Council Chamber Building
17555 Peak Avenue, Morgan Hill, CA 95037**

Morgan Hill Planning Commission meetings are held in person with the option for the public to attend by teleconference/video conference. Information on how the public may observe and participate in the meeting is located below.

MEETING GUIDELINES AND PUBLIC COMMENT

Planning Commission meetings will be live-streamed on Channel 17, on the City's website, and on the City's Facebook page.

Those members of the community that would like to participate in the meetings remotely may do so by joining the virtual meeting at: <https://bit.ly/PlanningCommissionMtg> or by calling: (669) 900-9128, then enter the webinar ID#: 862 0324 6251#. Public comment may be provided in the following ways:

- Provide public comment in-person
- Join the Planning Commission meeting virtually via the link above. When public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes (YOU MUST BE RUNNING THE MOST CURRENT VERSION OF ZOOM TO BE UNMUTED)
- Join virtually by calling the number above, dial *9 to raise your hand, and be called upon to speak for up to 3 minutes
- Send public comments in writing to the Minutes Clerk at

* Please note that comments made on Facebook are not considered public comment.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

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 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

CONSENT AGENDA

1. DECEMBER 13, 2022 MEETING MINUTES

Recommendation:

1. Accept Minutes

2. JANUARY 25, 2023 MEETING MINUTES

Recommendation:

1. Accept Minutes

PUBLIC HEARINGS

None

OTHER BUSINESS

3. CONCEPTUAL REVIEW STUDY SESSION (SR2023-0001): BUTTERFIELD/EVERGREEN VILLAGE - RAISING CANES

Recommendation:

1. Planning Commission to provide preliminary input on the proposed change to the northwest corner of the Evergreen Village project. No action will be taken - comments are advisory only.

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the Planning Commission less than 72 hours prior to an open meeting, will be made available for public inspection at the front counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the Planning 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 Planning Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council 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 Planning Commission, but it is very helpful. When you are called, proceed to the podium and the Chair will recognize you. If you wish to address the Planning 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 Planning Commission.

Persons interested in proposing an item for the Planning 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 Planning's action, your request may be placed on the next appropriate agenda. Planning 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.

February 14, 2023

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 cityclerk@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 cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.



**Meeting Minutes
Planning Commission**

*JOSEPH MUELLER - CHAIR
WAYNE TANDA - VICE-CHAIR
LIAM DOWNEY - PLANNING COMMISSIONER
MOHAMMAD HABIB - PLANNING COMMISSIONER
PAUL LAKE - PLANNING COMMISSIONER
MALISHA KUMAR - PLANNING COMMISSIONER
JAMES WILSON - PLANNING COMMISSIONER*

Tuesday, December 13, 2022 7:00 PM

**Council Chambers Building
17555 Peak Avenue, Morgan Hill, CA 95037**

CALL TO ORDER

Chair Mueller called the meeting to order at 7:09 p.m.

ROLL CALL ATTENDANCE

Minutes Clerk Luna called the roll at 07:10 p.m.

STATUS	ATTENDEE
PRESENT	Joseph Mueller, Wayne Tanda, Mohammad Habib, Liam Downey, Malisha Kumar; Paul Lake
EXCUSED	James Wilson

DECLARATION OF POSTING

Minutes Clerk Luna declared the posting of the agenda at 7:10 p.m.

PLEDGE OF ALLEGIANCE

Planning Commissioner Lake led the Pledge of Allegiance at 7:10 p.m.

PUBLIC COMMENT

Chair Mueller opened the Public Comment Period at 7:11 p.m. Hearing no requests to speak, the Public Comment Period was closed.

ORDERS OF THE DAY

There were no changes made.

CONSENT AGENDA

Planning Commissioner Tanda pulled the items from the Consent Agenda at 7:13 p.m. to vote on each item separately.

1. OCTOBER 11, 2022 MEETING MINUTES

Recommendation:

1. Accept Minutes

MOTION:

Accept the October 11, 2022, Meeting Minutes.

RESULT:	Passed
MOVER:	Planning Commissioner Downey
SECONDER:	Planning Commissioner Lake
AYES:	Mueller, Habib, Downey, Lake, Kumar
NAYS:	None
ABSTAIN:	Tanda
ABSENT:	Wilson

2.

NOVEMBER 8, 2022 MEETING MINUTES

Recommendation:

1. Accept Meeting Minutes.

MOTION:

Accept the November 8, 2022, Meeting Minutes.

RESULT:	Passed
MOVER:	Planning Commissioner Downey
SECONDER:	Planning Commissioner Lake
AYES:	Mueller, Tanda, Habib, Downey, Lake, Kumar
NAYS:	None
ABSTAIN:	None
ABSENT:	Wilson

PUBLIC HEARINGS

3. **MONTEREY – CITY VENTURES (THE GATES): REQUEST FOR A GENERAL PLAN AMENDMENT FROM COMMERCIAL TO MIXED USE FLEX AND A ZONING AMENDMENT FROM GENERAL COMMERCIAL AND THE PLANNED DEVELOPMENT COMBINING DISTRICT TO MIXED USE FLEX TO ALLOW FOR THE FUTURE DEVELOPMENT OF A MIXED-USE PROJECT. THE 3.82-ACRE SITE IS LOCATED ON THE SOUTHWEST QUADRANT OF MONTEREY ROAD AND COCHRANE ROAD WITH ACCESS OFF SOUTHBOUND MONTEREY ROAD AND VIA THE INTERSECTION OF MONTEREY ROAD AND COCHRANE ROAD. THE PROPOSED CEQA ACTION IS AN ADOPTION OF A MIGRATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM. (ZA2021-0006/GPA2021-0005/EA2021-0015)**

Recommendation:

1. Open/close the public hearing;
2. Adopt a Resolution recommending the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project; and
3. Adopt a Resolution recommending the City Council approve amendments to the General Plan land use designation and the Zoning Map.

Chair Mueller and Planning Commissioner Downey announced their ex parte communications.

Associate Planner Joey Dinh presented the staff report at 7:15 p.m.

Chair Mueller opened the Public Hearing at 7:34 p.m. The following individuals addressed the Planning Commission:

- Samantha Houser, Applicant
- Jessie

Hearing no request to speak, the Public Hearing was closed at 7:52 p.m.

MOTION:

Adopt a resolution recommending City Council adopt the Mitigated Negative Declaration and the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

RESULT:	Passed
MOVER:	Planning Commissioner Downey
SECONDER:	Planning Commissioner Lake
AYES:	Mueller, Tanda, Habib, Downey, Lake, Kumar
NAYS:	None
ABSTAIN:	None
ABSENT:	Wilson

MOTION:

Adopt a resolution recommending City Council approve amendments to the General Plan land use designation and the Zoning Map.

RESULT:	Passed
MOVER:	Planning Commissioner Downey
SECONDER:	Planning Commissioner Lake
AYES:	Mueller, Tanda, Habib, Downey, Lake, Kumar
NAYS:	None
ABSTAIN:	None
ABSENT:	Wilson

The Planning Commission meeting recessed at 8:03 p.m.

The Planning Commission meeting reconvened at 8:08 p.m.

LEGAL BRIEFING

4. Brown Act Presentation

Assistant City Attorney Cynthia Hasson gave a presentation at 8:08 p.m.

No action was taken. The Planning Commission received the presentation and asked clarifying questions of staff.

DIRECTOR'S REPORT/ANNOUNCEMENTS

The Community Development Director Jennifer Carman made an announcement at 8:33 p.m.

ADJOURNMENT

There being no further business to discuss, Chair Mueller adjourned the meeting at 8:35 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk



**Meeting Minutes
Planning Commission**

JOSEPH MUELLER - CHAIR
WAYNE TANDA - VICE-CHAIR
LIAM DOWNEY - PLANNING COMMISSIONER
MOHAMMAD HABIB - PLANNING COMMISSIONER
PAUL LAKE - PLANNING COMMISSIONER
MALISHA KUMAR - PLANNING COMMISSIONER
JAMES WILSON - PLANNING COMMISSIONER

Tuesday, January 24, 2023 7:00 PM

Council Chamber Building
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

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

ROLL CALL ATTENDANCE

Minutes Clerk Luna called the attendance at 7:00 p.m.

STATUS	ATTENDEE
PRESENT	Joseph Mueller, Wayne Tanda, Mohammad Habib, Malisha Kumar; Paul Lake, James Wilson
EXCUSED	Liam Downey

DECLARATION OF POSTING

Minutes Clerk Luna declared the posting of the agenda at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Planning Commissioner Lake led the Pledge of Allegiance at 7:01 p.m.

PUBLIC COMMENT

Chair Mueller opened Public Comment Period at 7:01 p.m. The following individuals addressed the Planning Commission:

- Joe Baranowski - Miguel and Susie Jimenez ceded their time to Mr. Baranowski.

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

A Public Comment Supplement was provided by email and attached to the agenda.

ORDERS OF THE DAY

There were no changes made.

PUBLIC HEARINGS

None

OTHER BUSINESS

1. 2022 Legislative Update

Recommendation:
Receive Presentation

Community Development Director Jennifer Carman gave a presentation at 7:09 p.m.

Chair Mueller opened the Public Comment Period at 7:57 p.m. The following individuals addressed the Planning Commission:

- Rene Baez - Zoom

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

No action was taken. The Planning Commission received the presentation and asked clarifying questions of staff.

DIRECTOR'S REPORT/ANNOUNCEMENTS

Community Development Director Jennifer Carman made an announcement at 8:04 p.m.

ADJOURNMENT

There being no further business to discuss, Chair Mueller adjourned the meeting at 8:11 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk

PLANNING COMMISSION STAFF REPORT

MEETING DATE: February 14, 2023

PREPARED BY:
Jennifer Carman, Development Services Director
APPROVED BY: Jennifer Carman

CONCEPTUAL REVIEW STUDY SESSION (SR2023-0001): BUTTERFIELD/EVERGREEN VILLAGE - RAISING CANES

RECOMMENDATION(S)

1. Planning Commission to provide preliminary input on the proposed change to the northwest corner of the Evergreen Village project. No action will be taken - comments are advisory only.

LOCATION MAP/PROJECT INFORMATION:



- | | | |
|----|---------------|---|
| 1. | Location: | Butterfield Boulevard and Cochrane Road, APN: 726-58-002, -001 |
| 2. | Site Area: | 2.11 acre area of 20.43 overall site |
| 3. | General Plan: | Commercial |
| 4. | Zoning: | General Commercial - Planned Development (The Evergreen Village Master Plan PD) |

BACKGROUND:

The project site was previously part of the Morgan Hill Ranch Business Park Planned Unit Development. On August 8, 2014, the City Council adopted Ordinance No. 2109, N.S. amending the Morgan Hill Ranch PUD to include a Precise Development Plan, now known as a Master Plan for the approximate 20.43-acre site named The Villages (ZA-13-12). The Master Plan included site development standards and a list of permitted and conditional uses for the site.

On April 10, 2018, the Planning Commission conducted a Preliminary Plan Review for the

approximate 20.43-acre site to review conceptual changes to the approved Master Plan. On July 24, 2018, the Planning Commission considered an amendment to the Master Plan and Tentative Subdivision Map (AAE2017-0034, AAE2017-35), recommending City Council approval. The City Council approved the amendments on September 5, 2018 with Ordinance 2279. The project is now known as Evergreen Village. Administrative Design Permits have been processed for the following: 1) on and offsite improvements, 2) Starbucks, 3) 7/11 Gas Station with Car Wash, 4) Artis Senior Care Facility, 5) Taco Bell, and a Hotel.

The proposed project site is comprised of two parcels totaling approximately 2.11 acres approved for two 6,000 square foot shop buildings. The Evergreen Village PD Master Plan has been provided (Attachment 1). During the Planning Commission meeting for recommendation of the PD, there was significant discussion regarding the corner treatment of the Shops parcel located at the corner of Butterfield and Cochrane and the creation of a plaza between the two proposed buildings. This plaza served as one of the public benefits provided by the development. The other public benefit was a public plaza intended to be next to the proposed grocery store in the middle of the site near the roundabout. The finding made for the included public benefits is Ordinance 2279 (Attachment 1).

PROJECT DESCRIPTION:

This application is a conceptual review for potential revisions to the corner plaza treatment included in the Evergreen Village Master Plan. The applicant, Raising Cane's, LLC, may file for the following permits for a future Raising Cane's location: Conditional Use Permit, Lot Merger, Design Review Permit, and CEQA analysis. The PD requires a conditional use permit for any additional drive-through business above three - this would be the fourth. It is the intention of Raising Cane's to obtain Planning Commission feedback on the proposed site plan and treatment of the Butterfield/Cochrane corner with pedestrian amenities and areas. The applicant submitted a project narrative and conceptual site plan with conceptual drawings for review (Attachments 2 and 3).

Site Description

The approximate 2.11-acre site is located on the northwest corner of Butterfield Boulevard and Cochrane Road. The site is currently undeveloped with site access improvements and sidewalks around the site's perimeter in compliance with the PD Master Plan.

Surrounding Uses

	General Plan Land Use	Zoning	Existing Use
North	Industrial	Light Industrial	Single-family home, Undeveloped
South	Commercial	General Commercial, PD Evergreen Village	Undeveloped
East	Commercial	General Commercial, PD Evergreen Village	Undeveloped - Approved Taco Bell
West	Residential Attachment Med	Residential Attached Med	Attached Residential Homes

PROJECT ANALYSIS AND FINDINGS:

As a conceptual design review, the Planning Commission is not required to make any findings on the appropriateness of the proposed use or the overall design of the site. The applicant requests feedback on the proposed public improvements in the plaza area. The proposed improvements to

replace the approved pedestrian plaza include a large pedestrian area with covered tables and seating and several trellis canopies, lighting and landscaping. There are two different renderings from ground level and above in Attachment 3 as well as a comparison of the proposed plaza area to what was approved as part of the master plan. Attachment 3 also shows the evolution of the plans, including one site plan with significant amounts of landscaping and patio area closer to the parking lot. The proposed revisions to the northwest corner of Evergreen Village for a single building with a drive-through significantly change the original layout of the two parcels and shop buildings and would require a lot merger.

The Planning Commission should evaluate whether the proposed change to the northwest corner parcel of Evergreen Village would significantly alter the desired development pattern put forward with the approved PD. The PD had identified the public plaza as part of the substantial public benefit provided for the project. This plaza was meant to draw pedestrians into the site and allow seating for customers and the general public. The proposed design does include pedestrian connections onto the subject site from the public right of way and provides seating opportunities for customers and the public, but also lacks the pedestrian connection into the site as shown on the master plan and presents a potential conflict with the drive-through lanes. The proposed plaza is also smaller in area than what was included within the master plan.

CONCLUSION:

The Planning Commission should review the proposed redesign and consider whether it meets the intent of the public benefit identified in the PD, maintaining appropriate site circulation and connectivity with the rest of the shopping center, adjoining residential and commercial uses. Should the applicant choose to move forward, an application for a Conditional Use Permit and subsequent CEQA analysis will be the next step.

CEQA (California Environmental Quality Act):

Not a Project - Conceptual review only - no action to be taken

COMMUNITY ENGAGEMENT:

None

ATTACHMENTS:

1. Ordinance 2279- Planned development master plan for Evergreen Village
2. Raising Cane's Statement
3. Site Plans and graphics

ORDINANCE NO. 2279, NEW SERIES

**AN ORDINANCE OF THE CITY OF MORGAN HILL
APPROVING AN AMENDMENT TO A PLANNED
DEVELOPMENT MASTER PLAN FOR “EVERGREEN
VILLAGE” TO BE LOCATED ON A 20 ACRE SITE
LOCATED AT THE SOUTHEAST CORNER OF
BUTTERFIELD BOULEVARD AND COCHRANE ROAD
(APN’s 726-25-035 AND 726-32-021)**

WHEREAS, the City Council at its regular meeting of August 8, 2014, adopted Ordinance 2109 N.S. which approved a PD Master Plan and development standards for the Morgan Hill Business Park Planned Unit Development;

WHEREAS, Evergreen Development Co. proposes to develop the property, identified by Assessor Parcel Number(s) 726-25-035 and 726-32-021, on the southeast corner of Butterfield Boulevard and Cochrane Road, with a 12-parcel commercial development;

WHEREAS, the proposed project requires the adoption of an amendment to the Planned Development (PD) Master Plan prior to development on the site;

WHEREAS, findings must be made pursuant to Section 18.114.060 to support a request for an amendment to a PD Master Plan, and any Plan shall be found consistent with such findings;

WHEREAS, such request was considered by the Planning Commission at its regular meeting of July 24, 2018 at which time the Planning Commission recommended approval of Zoning Amendment application AAE2017-0035, amending application ZA 13-12; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE CITY COUNCIL OF THE OF MORGAN HILL DOES
ORDAIN AS FOLLOWS:**

SECTION 1. The proposed Zoning Amendment is consistent with the General Plan as required by Section 18.114.060 of the Municipal Code. The development plan established by this amended PD Master Plan will define an orderly and logical development plan and establish uses that are supportive of the surrounding development and future development permitted in the Morgan Hill Business Park PUD.

SECTION 2. The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.114.060 of the Municipal Code.

SECTION 3. The City Council of the City of Morgan Hill hereby finds that, on the basis of the whole record before it, there is no substantial evidence that the project as currently proposed will have a significant effect on the environment beyond what

was anticipated in the previously adopted Mitigated Negative Declaration (June 24, 2014) and the project specific Addendum to the Mitigated Negative Declaration prepared, and this finding reflects the City Council's independent judgment and analysis; therefore, the City Council recommends approval of the addendum to the Mitigated Negative Declaration. The custodian of the documents or other material which constitute the record shall be the Development Services Department.

SECTION 4. The City Council finds that the Planned Development (PD) Master Plan is consistent with the criteria specified in Chapter 18.30 of the Morgan Hill Municipal Code.

- A. The proposed development is consistent with the General Plan, Zoning Code and any applicable specific plan or area plan adopted by the City Council.

The proposed project is listed as Commercial in the Morgan Hill General Plan. The PD is the zoning code for the site. There are no specific plans for the site.

- B. The proposed development is superior to the development that could occur under the standards applicable in the existing zoning districts.

The proposed development is superior to the plan that was previously approved for the site, in that it incorporates plazas, pedestrian connections, and significant landscaping.

- C. The proposed project will provide a substantial public benefit. The public benefit provided shall be of sufficient value as determined by the Planning Commission to justify deviation from the standards of the zoning district that currently applies to the property.

The project will provide two public plazas located on the northwest corner of the site along with a public plaza between the market building and the retail building, which will provide opportunities for people to informally meet and gather. The project will provide improved pedestrian connection and enhanced circulation within the property and the surrounding neighborhood. The project will provide the opportunity for residents of the adjoining residential properties and users of the adjoining commercial properties to walk or bike to the center for daily needs rather than utilizing automobiles, reducing greenhouse gas emissions.

- D. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.

The site is approximately 20 acres in size and is able to accommodate the square footage of the proposed uses as well as the required parking and

infrastructure improvements.

- E. Adequate transportation facilities, infrastructure, and public services exist or will be provided to serve the proposed development.

The site will be serviced by six vehicle access points that connect to public right-of-way and one access point to adjoining commercial property. The developer will install an intersection turn signal at the main entrance to the site from Cochrane Road. Public infrastructure exists to service the site and the developer of the project will upgrade or install any additional infrastructure needed to provide service the site.

- F. The proposed development will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use character of the surrounding area.

An addendum to the previously approved Mitigated Negative Declaration was produced that analyzed the impact of the development on surrounding properties. It was determined that the project would not have any impacts on the surrounding properties as mitigated.

- G. Findings required for the concurrent approval of a Zoning Map Amendment can be made.

Concurrent approval of the zoning map can be made.

SECTION 5. The City Council hereby adopts the amendment to the Precise Development Plan on file at the Development Services Department entitled "Amended Tentative Map Evergreen Village" prepared by MH Engineering and the landscape plans entitled "Morgan Hill Development" prepared by Reed Associates, dated June 29, 2018; the plan includes 12 commercial parcels for the development of the project on the 20-acre site as illustrated in Exhibit A and the Development Standards for the site as described in Exhibit B.

THE FORGOING ORDINANCE WAS INTRODUCED AT THE MEETING OF THE CITY COUNCIL HELD ON THE 5th DAY OF SEPTEMBER 2018, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 26th DAY OF SEPTEMBER, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:	Larry Carr, Rich Constantine, Rene Spring Caitlin Robinett Jachimowicz
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Steve Tate

APPROVED:

RICH CONSTANTINE, Mayor Pro Tem

ATTEST:

DATE:

IRMA TORREZ, City Clerk

Effective Date: October 27, 2018

⌘ CERTIFICATE OF THE CITY CLERK ⌘

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2279, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 26th day of September 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

Exhibit A

Morgan Hill Business Ranch

“Evergreen Village” Master Plan



A-11
6-14-18

Proposed Site Plan

Evergreen Village
Morgan Hill California



Exhibit B

Morgan Hill Business Ranch

“Evergreen Village” PUD Development Standards

PUD Location:

The 20-acre “Evergreen Village” is located in the southeast quadrant of Butterfield Blvd. and Cochrane Road, and bound by Jarvis Dr. to the south. APN’s 726-25-035 & 726-32-021

PUD Objective:

The objective of planned development is to create and maintain a broad range of general office, medical office, light R & D and retail uses that would be supportive of the surrounding businesses, residential uses and the residents of the City of Morgan Hill.

Site development standards:

- A. Maximum building size shall be per the approved PD Master Plan
- B. Building location shall be per the approved PD Master Plan
- C. Building setbacks shall be per the approved PD Master Plan
- D. Maximum building height:
 - a. Hotels - 60 ft., including all architectural features and mechanical equipment.
 - b. All Others - 50 ft.
- E. Any subdivision must be consistent with the approved PD Master Plan

The following uses as defined in the Morgan Hill Municipal Code shall be permitted or conditional uses within The Village precise development boundary:

Permitted and Conditional Uses “The Village”

Use	Staff Recommendation
Business Support Services	P
Commercial Services	P
Commercial Recreation, Indoor <15,000 sq. ft.	P
Commercial Recreational, Indoor >15,000 sq. ft.	P
Drive-Thru (maximum 3)	P
Drive-Thru (4 or more)	C
Banks and Financial Institutions	P
Grocery Store	P
Home Improvement Center	P
Hotels & Motels	P
Professional Offices	P
Personal Services	P
Research & Development	P
Restaurants, fast food	P

Use	Staff Recommendation
Restaurants, sit-down	P
General Retail	P
Convenience Markets	P
Fuel and Service Station	P for parcel 5, C for additional parcels
Vehicle Repair and Maintenance, Minor	P for parcel 7, C for additional parcels
Residential Care Facility	P for parcel 12 C for additional parcels
Nursing Homes and Long-Term Care	P for parcel 12 C for additional parcels
Day Care Centers	C
Day Care Centers, Adult	P if ancillary to Elderly/Assisted Living Use, C if not ancillary
Kennel	C

P = Permitted Use

C = Conditional Use

Permitted and Conditional Uses shall be defined in accordance with Morgan Hill Municipal Code section 18.08.040. Uses not specifically listed may be considered as either permitted or conditional by the Planning Commission if found to be consistent in nature with other listed permitted or conditional uses.

All uses, whether permitted or conditional, shall be conducted in such a manner so as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic, as established by the commercial and industrial performance standards of Morgan Hill Municipal Code Chapter 18.76.

Additional required conditions.

- A. Parking standards for all uses within The Village PD shall be consistent with Chapter 18.72 Parking and Loading of the Morgan Hill Municipal Code.
- B. Sign limitations shall be satisfied in accordance with Chapter 18.88 of the Morgan Hill Municipal Code.
- C. Design Permit approval by the Community Development Director shall be required of all new construction, additions or substantial building or site alterations
- D. All development and landscaping shall be consistent with Chapter 18.108.040 Design Permit of the Morgan Municipal Code.

- E. Design Permit approval by the Community Development Director shall be required of all substantial landscape alterations.



January 25, 2023

City of Morgan Hill
Community Development Agency – Planning Division
17575 Peak Avenue
Morgan Hill, CA 95037

RE: Proposed Raising Cane's Restaurant – C0991
Butterfield Blvd. and Cochrane Rd., Morgan Hill, CA

This letter is being submitted by Nina Correia of Kimley-Horn, on behalf of Raising Cane's Chicken Fingers Restaurant and pertains to 1.96-acres of property located at Butterfield Blvd. and Cochrane Rd., Morgan Hill, CA - APN: 726-58-002, -001, is zoned as General Commercial (GC), and is a part of the Evergreen Village PUD. The information provided below is in accordance with the City of Morgan Hill requirements for the Preliminary Plan Review / Conceptual Plan Review checklists and Planning Submittal Matrix. It is the intention of Raising Cane's to submit this Preliminary Plan Review Application in hopes of obtaining staff and Planning Commission feedback on the proposed site plan and pedestrian amenities and areas. Based on the existing the Evergreen Village PUD, the project site was approved as a two (2) separate retail shop parcels which included a large pedestrian area to address the "Public Benefit" development criteria (see attached site plan, sheet 1). We believe the proposed and attached conceptual site plan incorporates the "Public Benefit" development criteria, while still maintain appropriate site circulation and connectivity with the rest of the Shopping Center as well as the Raising Cane's design standards.

Project Description and Operational Statement

The developer is seeking approval of the proposed new construction of a 2,899 sq. ft. Raising Cane's Chicken Fingers Drive-Thru Restaurant with an attached 247 sq. ft. corral, attached 410 sq. ft. pick-up window canopy, approximately 1,200 sq. ft. outdoor covered patio and standalone 1,372 sq. ft drive-thru canopy onsite. The existing site is being utilized as a parking area and fenced dirt lot within the Marketplace at Evergreen Shopping Center.

Site improvements will include new site lighting, menu preview boards, menu order boards with integrated speakers that will be located on the north side of the building layout, as well as new landscaping around the perimeter of the parcel. Improvements also include a very expansive and accommodating pedestrian area, with covered tables and seating, several trellis canopies, decorative lighting and aesthetically pleasing landscaping. The 12'-0" high standalone canopy over the menu boards is made of steel and colors matching restaurant's metal awnings. The proposed trash enclosure will be designed per City standards and will have a man door, walls that extends 9'-1" in height and materials and colors to match the restaurant as well. For security measures, cameras will be installed on the outside of the building, parking lot lights are on overnight, outdoor accessed utilities, corral and

trash enclosure are locked. Utility service extensions will be coordinated through the appropriate agencies during the design phase.

The new single-story building is designed with contemporary architecture with features that includes floor to ceiling storefront glass windows, use of standing seam metal awnings, composite and metal side panels, and stucco finish on the building accented with the use of full modular brick. The roof top equipment will be screened from the public by prefabricated aluminum parapet panels without detracting from the building's design and style. Furthermore, this restaurant will have outdoor dining on a covered patio and the maximum building height is 23'-6" +/- . Overall, the proposed building features are compatible with existing structures within the Shopping Center and is complementary to the surrounding Retail Commercial area, as it is detailed in the Evergreen Village PUD Agreement.

This project will provide 32 parking spaces including 2 accessible parking spaces, and 6 designated Clean Air/Vanpool stalls, of which 4 will be future EV. The double drive-thru lanes, with a by-pass lane, are designed to accommodate a combined total of 35 cars.

While there's no formulaic, one-size-fits-all approach to managing drive-thru stacking, Raising Cane's utilizes a cross-functional team made up of Property Development, Legal, Restaurant Excellence, and Risk Management personnel to mitigate the impact of excess drive-thru traffic. There are two factors that go into the methodical approach to addressing queuing concerns: preventative planning/solutions and speed of service.

Raising Cane's has employed the following solutions in the past and, contingent upon the severity, is willing to take the necessary measures to minimize drive-thru traffic impacts:

- Applying cones/signage/striping in the parking lot when sufficient.
- Deploying Crewmembers (weather- and safety-permitting) with handheld devices to take orders and direct traffic.
- Hiring off-duty police officers to direct traffic when needed.

Aside from temporary traffic mitigation efforts, Raising Cane's' speed of service is the best in the industry. Its handheld tablets increase traffic flow, and the rollout of the brand's mobile ordering app, coupled with the re- opening of dining rooms, contributes to successful management of the drive-thru stack.

- Typical Speed of Service is 2 minutes 28 seconds (this is from the time a customer is at the order board to their exit from the drive-thru lane).
- There is no "wait for your order" parking stall. Each item is cooked to order and plays a role in the speed of service.
- Raising Cane's' focused menu benefits its efficiency. Before a vehicle enters the drive-thru, Cane's Crewmembers already know what you are going to order – chicken fingers.
- As soon as the Crew observes a vehicle parking or pulling around into the drive thru on the cameras that are installed in the back-of-house area, fresh chicken fingers are put in the fryers to satisfy the customer's order.

Operating hours for walk-in and drive-through service will be from 9am to 3:30am seven days per week. This drive- thru restaurant is expecting to serve 1,500 customers per day. Raising Cane's will employ

approximately 50 to 75 full and part time employees with an average of 12 employees per shift. There will also be cameras on the outside of the building, parking lot lights are on overnight, outdoor accessed utilities, corral and trash enclosure are locked.

Attached with this letter is Raising Cane's Menu and Restaurant Operations, Traffic, Queuing and Speed of Service, Other Site and Building features, Community Involvement and Miscellaneous information.

About Raising Cane's Chicken Fingers

Raising Cane's was founded by Todd Graves in 1996 in Baton Rouge, LA. Raising Cane's is a restaurant company that has ONE LOVE – quality chicken finger meals. They have a “focused menu” which allows Raising Cane's to consistently receive the highest ratings in the industry for food order accuracy, speed of service, and food quality, and value. Cane's serves only fresh chicken tenders, premium center cut fries, homemade coleslaw, thick-buttered Texas Toast, freshly squeezed lemonade and freshly-brewed tea. There are no microwaves or heat lamps in the kitchen, and in addition to coleslaw and lemonade that are made daily, chicken is delivered every 24 hours to ensure freshness at all times. Cane's is known for its great crew, cool culture, and active community involvement.

We trust that the aforementioned explains and justifies City approval of this project. Much detail has been provided to demonstrate the passion that Raising Cane's puts into every one of their projects. Not only is the design of the project unique in its quality, but the operation of a Cane's restaurant is all about quality and hospitality. This project will be an excellent addition to the City of Morgan Hill.

Thank you for your time and consideration. If you have any questions, please do not hesitate to contact me.

Sincerely,



Nina Correia | Civil Project Manager

Kimley-Horn | Direct: 714 705 1364

Nina.Correia@Kimley-Horn.com

ATTACHMENTS:

Raising Cane's Operations Description

Raising Cane's Menu



About Raising Cane's

- Todd Graves founded Raising Cane's in 1996 at the north gates of LSU's Campus in Baton Rouge, LA.
- Raising Cane's is predominately a company-owned and -operated business, meaning a majority of Raising Cane's Restaurant locations are owned by the corporation

Menu and Restaurant Operations

- Raising Cane's has a "focused menu" which allows it to receive the highest ratings in the industry for order accuracy, speed of service, food quality, and value.
- Raising Cane's serves only fresh chicken tenders, premium center cut fries, homemade coleslaw, thick-buttered Texas Toast, fresh-squeezed lemonade and freshly brewed tea. The restaurant also serves Coke products and premium condiments, for example: Heinz ketchup.
- Raising Cane's receives deliveries of fresh chicken every 24 hours.
- Raising Cane's has drive-thru and dining room service, and its facilities are top of the line in the quick-casual restaurant environment.
- Standard hours of operation are:
 - **9:00am to 3:30am, seven days/week**
- 45 to 50 full and part-time employees will be employed with an average of 12 Crew members per shift. Raising Cane's prides itself on always paying higher than the minimum wage, with managers and upper-level employees earning executive-level salaries.

Traffic, Queuing and Speed of Service

Restaurant Crew steps for managing traffic/queuing:

- There's no formulaic, one-size-fits-all approach.
- Raising Cane's boasts a cross-functional team made up of Property Development, Legal, Restaurant Excellence, Risk Management, etc. to help address traffic and queuing concerns. Raising Cane's focuses a lot of effort, time, and expense on addressing these issues. The restaurant will even engage outside consultants when helpful.
- Raising Cane's will employ the following solutions as necessary:
 - Implementing cones/signage/stripping in the parking lot when sufficient.
 - Deploying Crew members to the parking lot (weather- and safety-permitting) with handheld devices to take orders and direct traffic.
 - Hiring off-duty police officers (at significant expense) to direct traffic when needed.
 - Working with landlords, property managers, adjacent tenants, and cities to design the optimal DT stack.
- Raising Cane's' speed of service is the best in the industry. The use of handheld tablets

increases traffic flow, while the rollout of its mobile ordering app and re-opening of its dining rooms will prove helpful in managing our drive-thru stack.

- Speed of Service is 2 minutes 28 seconds (this is from the time a customer is at the order board to retrieval of their order).
- The restaurant does not have a “wait for your order” parking stall. Each item is cooked to order and part of the speed of service time, aided by a “focused menu” that benefits our efficiency.
- As soon as the cameras capture a customer parking or pulling into the drive-thru, we start frying product. Thanks to Raising Cane’s’ “focused menu,” the Crew already knows what you are going to order – chicken fingers!
- Raising Cane’s’ current site plan, with multi-lane drive-thru and expo lane, allows for more efficient queueing and drive-thru.

Site and Building

- Each site is developed under the highest standards with wider drive aisles and heavy landscapes. The building is constructed using genuine brick and the highest building-grade materials.
- In addition to high quality materials, Raising Cane’s also implements the use of sustainable materials. For instance, the “1” architectural feature on the front of the building is constructed/created out of recycled metal from old cars.
- A muralist is hired to hand-paint a mural on the side of the restaurant, where the name of the town is prominently placed to promote a sense of pride and local community identity.
- Raising Cane’s bids each project to nationally approved General Contractors; however, individual trades are bid out to local subcontractors that source local labor.

Community Involvement

- Raising Cane’s is most proud of its ACI: Active Community Involvement. The Brand takes pride in quickly becoming the top supporters of local school districts through fundraisers and additional support.
- **Raising Cane’s’ commitment to the community (also referred to as the “Six Pillars” of community engagement):**
 - Education
 - Feeding the hungry
 - Pet Welfare
 - Active Lifestyles
 - Business Development & Entrepreneurship
 - & Everything Else (the catch all)

Miscellaneous Information

- **Avg # of Crew per location?**
 - 45-50
- **Avg # of Crew per shift?**
 - +/- 12 (including managers – 2 per shift)
- **Avg # of meals sold per shift?**
 - +/- 750 (lunch)
 - +/- 550 (Dinner)
- **Percentage of Dine in Vs. To go**
 - 60% Drive thru
 - 40 % Dine in
- **Avg # of Truck Deliveries?**
 - 3X-Week
- **Avg # of Apron Drop off?**
 - 3X-Week
- **Avg # of laundry pick up?**
 - 1-2X-Week
- **Avg # of trash pick up?**
 - 5X-Week
- **Areas surrounding the building will be kept clear of unnecessary litter, brush and boxes that could create harborage for rodents and pest by way of the Restaurant Image Position Crew member, who is tasked with ensuring the site is free of debris and that preventative monthly pest control is completed.**

COMBOS

Coleslaw, fries and toast can be substituted for one another or for an extra Cane's Sauce.



The **BOX COMBO**

4 Chicken Fingers

Crinkle-Cut Fries, 1 Cane's Sauce,
Texas Toast, Coleslaw,
Regular Drink (22oz)

**MOST
POPULAR!**



The **3 FINGER COMBO**

3 Chicken Fingers

Crinkle-Cut Fries, 1 Cane's Sauce,
Texas Toast, Regular Drink (22oz)



The **CANIAC COMBO**

6 Chicken Fingers

Crinkle-Cut Fries, 2 Cane's Sauces,
Texas Toast, Coleslaw,
Large Drink (32oz)



The **SANDWICH COMBO**

3 Chicken Fingers

Cane's Sauce, Lettuce, Kaiser Roll,
Crinkle-Cut Fries, Regular Drink (22oz)

DRINKS

Freshly-Brewed Sweet & Unsweet Tea

Kids 12oz Regular 22oz Large 32oz

Fountain Drinks

Kids 12oz Regular 22oz Large 32oz

Freshly-Squeezed Lemonade

Kids 12oz Regular 22oz Large 32oz



The Jug 1 Gallon
Perfect for Tailgates!

Tea Lemonade

LEMONADE REFILLS

TAILGATES

25 Fingers

50 Fingers

75 Fingers

100 Fingers

Each additional
100 Fingers

*Cane's Sauce included with
each Tailgate order!*



EXTRAS

Chicken Finger

Texas Toast

Cane's Sauce

Coleslaw

Crinkle-Cut Fries

KIDS COMBO

Ages 12 & Under

2 Chicken Fingers

Crinkle-Cut Fries, 1 Cane's Sauce,
Kids Drink (12oz Fountain Drink, Milk or Apple Juice), with Activity



Project site location











