

PLANNING COMMISSION
July 11, 2023

A special session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Street, Edgerton, Kansas on July 11, 2023. The meeting convened when Chair John Daley called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	present
Charlie Crooks	present
Adam Draskovich	absent
John Daley	present
Jordyn Mueller	absent

With a quorum present, the meeting commenced.

Staff in attendance: Zachary Moore, Development Services Director
Chris Clinton, Planning and Zoning Coordinator/Deputy City Clerk

2. WELCOME Chairperson Daley welcomed all in attendance to the meeting.

3. PLEDGE OF ALLEGIANCE All present participated in the Pledge of Allegiance.

CONSENT AGENDA

4. Approve Minutes from the June 13, 2023 Planning Commission Meeting.
5. Approve Minutes from the June 20, 2023 Planning Commission Special Session.

Commissioner Crooks moved to approve the Consent Agenda. The motion was seconded by Commissioner Little. The Consent Agenda was approved, 3-0.

REGULAR AGENDA

6. DECLARATION

Chairperson Daley asked the Commissioners to declare any correspondence they have received or communication they have had regarding the matters on the agenda. If they have received correspondence or have had any communication, he asked if it may influence their ability to impartially consider the agenda items.

The Commissioners did not have anything to declare at this time.

BUSINESS REQUIRING ACTION

NEW BUSINESS

7. **PP2023-03: PRELIMINARY PLAT APPLICATION FOR NORTHPOINT DEVELOPMENT LOCATED SOUTHEAST OF THE INTERSECTION OF W. 191ST STREET AND KILL CREEK ROAD**

Commissioner Crooks moved to continue Preliminary Plat Application PP2023-03 to August 8, 2023 meeting. Commissioner Little seconded the motion. Preliminary Plat Application PP2023-03 was continued to the August 8, 2023 meeting, 3-0.

8. **FS2023-06: FINAL SITE PLAN APPLICATION FOR NORTHPOINT DEVELOPMENT LOCATED SOUTHEAST OF THE INTERSECTION OF W. 191ST STREET AND KILL CREEK ROAD**

Commissioner Crooks moved to continue Final Site Plan Application FS2023-06 to August 8, 2023 meeting. Commissioner Little seconded the motion. Final Site Plan Application FS2023-06 was continued to the August 8, 2023 meeting, 3-0.

9. **UDCA2023-02: AMENDMENTS TO ARTICLE 4 (COMMERCIAL ZONING DISTRICTS) AND ARTICLE 7 (CONDITIONAL USES) OF THE UNIFIED DEVELOPMENT CODE (UDC)**

Chairperson Daley opened the public hearing.

Mr. Zachary Moore, Development Services Director, stated that during a recent audit of the UDC, City staff identified an area of the UDC that should be updated for clarity to readers. Articles 3, 4, and 5 of the UDC list out uses that are permitted by right and uses that require a conditional use permit (CUP) in each zoning district. Article 7, which is titled 'Conditional Uses', has individual sections for each different zoning district, but only lists the uses that have specifically prescribed conditions required for consideration. City staff recommends an update to Article 7 to include the full listing of each use that is permitted with a CUP in that district. No changes to the conditions themselves are proposed, and only minor changes to language to align with current industry standards are proposed.

Mr. Moore explained City staff has been reviewing opportunities to help promote business in the Downtown Area along Nelson Street. One way to do this is to allow for sidewalk sales, which will draw attention to local businesses and will help invigorate the Downtown Area.

Chairperson Daley inquired to what a sidewalk sale is. Mr. Moore explained it is when a business places merchandise for shoppers to look at and purchase on the sidewalk.

Mr. Moore explained the UDC currently requires a Temporary Sales Permit to allow outdoor displays and sales of merchandise in the Downtown District. Chairperson Daley asked if the sidewalks was wide enough for the sales. Mr. Moore explained new sidewalk that will most likely be installed will be around six (6) feet in width. He said if a Temporary Sales Permit is approved under the current code, the outdoor display and sales of merchandise would be approved for up to four (4) times per year, up to seven (7) days per each permit. These permits may run consecutively, therefore allowing outdoor displays and sales for a total of twenty-eight (28) days, but the business owner would not be permitted to have additional Temporary Sales Permits for outdoor displays and sales throughout the year. With this

recommended update to the UDC, City staff is recommending that sidewalk sales be permitted with approval of a Sidewalk Sales Permit, which must be obtained annually. Mr. Moore stated City staff is also recommending the following amendment regarding the Sidewalk Sales Permit:

Businesses in the C-D District that are immediately adjacent to a sidewalk may display merchandise on the public sidewalk for sale, pursuant to the following conditions:

1. A Sidewalk Sales Permit must be reviewed and approved by the Zoning Administrator prior to the display of merchandise for sale or storage on a Downtown sidewalk.
 - i. Sidewalk Sales Permits must be renewed annually.
 - ii. Sidewalk Sales Permits run with the business, not the property. If a new business moves into a Downtown storefront, a new Sidewalk Sales Permit must be obtained prior to sidewalk sales occurring.
 - iii. Additional conditions may be added to the Sidewalk Sales Permit, as determined by the Zoning Administrator.
2. A sketch identifying the merchandise display area must be provided with the Sidewalk Sales Permit.
 - i. Clear ingress and egress a minimum of 4 feet in width must be maintained from the entry of the structure to the curb.
 - ii. A clear 4-foot path must be maintained in front of the store along the public sidewalk. Mr. Moore stated City staff might require a diagram be provided.
 - iii. All ADA requirements must be met.
3. All material displayed outdoors during business hours must be moved indoors upon the close of business.

Commissioner Crooks stated that the Dollar General store, which is zoned C-1, has had items outside. Mr. Moore replied that he has been in contact with the manager of that store to correct that issue. Commissioner Crooks asked if outdoor sales were allowed at all for that district. Mr. Moore stated that the Temporary Sales Permit can be applied for in that zoning district.

Commissioner Little moved to close the public hearing. The motion was seconded by Commissioner Crooks. The public hearing was closed, 3-0.

Commissioner Little moved to recommend approval of the amendments of Article 4 and 7 to the City Council. Commissioner Crooks seconded the motion. The amendments to the UDC outlined in Application UDCA2023-02 were approved, 3-0.

10. FUTURE MEETING REMINDERS

Chairperson Daley stated that the next regular sessions are scheduled for August 8, 2023; September 12, 2023; and October 10, 2023.

11. ADJOURN

Commissioner Little moved to adjourn the meeting. Commissioner Crooks seconded the motion. The meeting was adjourned at 7:10 PM, 3-0.