



**MINUTES OF THE  
OCTOBER 15, 2024  
LENEXA CITY COUNCIL MEETING  
COMMUNITY FORUM, 17101 W 87<sup>th</sup> STREET PARKWAY  
LENEXA, KS 66219**

**CALL TO ORDER**

Mayor Sayers called the meeting to order at 7 PM.

**ROLL CALL**

Councilmembers Eiterich, Charlton, Nicks, Arroyo, Williamson, Denny, and Herron were present with Mayor Sayers presiding. Councilmember Karlin was absent.

Staff present included Todd Pelham, Deputy City Manager; Mike Nolan, Assistant City Manager; Scott McCullough, Community Development Director; Sean McLaughlin, City Attorney; Jennifer Martin, City Clerk; and other City staff.

**APPROVE MINUTES**

*Councilmember Denny made a motion to approve the October 1, 2024 City Council meeting draft minutes and Councilmember Eiterich seconded the motion. Motion passed unanimously.*

**MODIFICATION OF AGENDA**

There were no modifications to the agenda.

**PROCLAMATIONS**

Color the World Orange Day & AMPS/CRPS Awareness Month

**CONSENT AGENDA**

1. Acceptance of the Belmont Estates, 2nd Plat, public improvements for maintenance  
*This project constructed public street, stormwater, and streetlight improvements in the Belmont Estates, 2nd Plat subdivision. The work was privately funded.*
2. Approval of the 2024-2025 insurance program and authorization for the City Manager to execute all documents necessary to procure property and liability insurance and associated lines of coverage  
*The proposed 2024-2025 self-insured retention program is substantially similar to the 2023-2024 policy; however, due to market conditions and the addition of the Justice Center and the renovated Sar-Ko-Par Aquatic Center, the program has increased in cost by approximately 40%, for a total cost of \$689,278.*
3. Acceptance of sidewalk easements as shown on AdventHealth Lenexa City Center, Second Plat  
*AdventHealth Lenexa City Center, Second Plat is a final plat for a medical office*

*campus located at the southwest corner of 86th Street & Renner Boulevard. Sidewalk easements are being dedicated to the City with this plat.*

4. Encroachment agreement with Shawnee Mission Medical Center Inc. d/b/a AdventHealth Shawnee Mission  
*To accommodate development of the new hospital at 16950 W. 86th Street in Lenexa City Center, AdventHealth is requesting an encroachment into public right-of-way for underground conduit, cables, and handholes.*
5. Amendment One to the encroachment agreement with Adam and Ziyang Pessetto for a stormwater inlet  
*This amendment to the original encroachment agreement accurately identifies the location of the stormwater inlet as built.*
6. Resolution declaring it necessary to appropriate private property for the construction of the 87th and Bluejacket Stormwater Improvements Project  
*This project will rehabilitate existing stormwater infrastructure in the area near 87th Street Parkway & Bluejacket Street, as well as in the Pine Ridge Business Park. The estimated project cost is \$2.1 million with the City receiving \$424,000 in cost-share funding from Johnson County.*
7. Resolution approving the annual investment policy for operating funds  
*The Pooled Money Investment Board for the State of Kansas requires government entities with expanded investment powers to review and adopt an investment policy on an annual basis. Staff and the City's investment consultant have reviewed the existing policy and are recommending no changes.*

### **END OF CONSENT AGENDA**

*Councilmember Williamson made a motion to approve items 1 through 7 on the consent agenda and Councilmember Nicks seconded the motion. Motion passed unanimously.*

### **BOARD RECOMMENDATIONS**

8. Ordinance approving a three-year special use permit for a daycare, general use for The Learning Playhouse located at 8115 Acuff Lane in the R-1, Residential Single-Family District  
*The applicant proposes to operate an in-home daycare for up to 12 children, classified as a daycare, general use, within the R-1 District, which requires a special use permit.*

Stephanie Sullivan, Planning Manager, said this application is for a three-year special use permit (SUP) for The Learning Playhouse at 8115 Acuff Lane to operate an in-home daycare for up to 12 children. She presented the location map and described the property location, saying that the zoning and future land use maps reflect this property is zoned R-1 single family residential and is suburban density residential use.

Ms. Sullivan said that staff reviewed the 13 criteria for an SUP. She said there would be two employees caring for up to 12 children, Monday through Friday from 7 AM to

4:30 PM. She noted that code allows limited daycare for up to six children without an SUP, but that caring for seven to 12 children requires an SUP.

Ms. Sullivan specifically discussed two of the criteria that were considered: Character of the neighborhood and Traffic Impact. She presented an aerial map of the property showing it in a single family neighborhood. She said that staff believes this business will not have a negative impact on the neighborhood because of the staggered pickups and drop offs, as well as driveway availability and on-street parking. She added that the applicant's own children are included in the 12 total.

Ms. Sullivan said that the Oak Hill Homeowners Association (HOA) has expressed opposition to the SUP application's approval stating that this is against the HOA restrictions. She pointed to City Code Section 4-2-A-8: Relationship to private restrictions - private restrictions shall not be interpreted, followed, or enforced by the City.

Ms. Sullivan said both staff and the Planning Commission recommend approval.

Megan Todd, Applicant, said she has obtained her state license to operate and both she and the other employee have degrees and experience in early childhood education. She said her goal is to get started on this smaller scale in her home until she can secure a commercial location, hopefully by next school year. She acknowledged obstacles with the HOA and asked for approval of the SUP, noting this will allow her to earn a living and provide a reliable and necessary service to the families.

Councilmember Eiterich asked how many children Ms. Todd has and she answered that two are counted in the 12 total. Her additional two teenagers do not count in the total. Councilmember Eiterich asked what ages she would care for and she said infant to pre-K. Ms. Todd talked about having several families interested in part time care that would fill the 12 spots and how some families would have multiple children, which would reduce vehicles.

Councilmember Nicks asked how long Ms. Todd has been operating the limited daycare and she said just this school year, since August, but she applied for the SUP before that, knowing she wanted to care for up to 12 children. Councilmember Nicks asked staff if there had been any problems reported with the limited daycare and Scott McCullough, Community Development Director, said that no complaints have been received.

Steven Chernoff, 14905 W. 82nd Ter, said he is president of the Oak Hill HOA. He talked about how he felt the City approving this SUP with the awareness that the business does not meet the HOA's restrictions is making an exception to a pre-existing R-1 zoned area. He talked about reaching out to other Lenexa HOAs, saying many of them have responded and are upset about the City disregarding legally valid deed restrictions. He said that Council's approval of the SUP does not trump the restrictions and asked why the City would allow this to proceed knowing the restrictions are enforceable and require the Oak Hill HOA to expend money in legal proceedings.

Sean McLaughlin, City Attorney, explained how private restrictions are not interpreted, followed, or enforced by the City and the City is not party to them. He said the Council's role is to review the application against the Golden criteria and the zoning, like it would with any other SUP, and determine if this would be an allowed land use in R-1 zoning. He added that this issue has occurred before and the matter was handled the same way.

Ms. Sullivan reviewed the permitted uses in R-1 district, which include churches, limited daycare, group homes, and public parks, as well as others that are allowed with an SUP. She added that the primary use of the property remains residential as they live there and this is considered a supplementary use.

Joann Weger, 14929 W. 82nd Ter, said that the added traffic is a hazard on this street and that the HOA has received complaints about it. She said the property is on a curve where the street is also an incline. She added that the driveway is an incline as well and people do not park in it, they park in the street.

Councilmember Nicks asked if Acuff is a through-street and Ms. Sullivan said that Acuff goes through the neighborhood from 79th Street to 83rd Street.

Councilmember Nicks said he feels this changes the character of the neighborhood and he does not plan to support it.

Councilmember Eiterich talked about the need for more daycares and how the City Council would have no say in it if the applicant did not want to care for more than six children. She also said the Council is not responsible for navigating the HOA regulations, and she will support it.

Councilmember Williamson said she concurred with Councilmember Eiterich and that having a limited three-year SUP would allow staff to monitor the situation. She added that this is intended as a temporary location. She said she does not see any conflict with the Golden criteria, but she wants the applicant to utilize the driveway and maximize it as much as possible. She concluded that it is not the Council's responsibility to get involved in any potential civil litigation. She will support it.

Councilmember Herron said he is also in support of the application due to staff's recommendation.

Councilmember Denny said that per the staff report and the Planning Commission minutes that he reviewed, he is in support of the SUP.

Councilmember Arroyo said she is in agreement with the recommendation.

Councilmember Charlton talked about being torn on this decision because his mother was a daycare provider and he saw how that changed kids' lives. He said the neighborhood safety is a factor and when he drove past he did notice the driveway's incline, noting that he would probably not want to park in the driveway. He said this affects the character of the neighborhood and he will not support it.

Mayor Sayers talked about R-1 zoning and how there are many uses allowed. She added that denying uses like churches, schools and other uses would go against the community's foundation.

*Councilmember Denny made a motion to approve Item 8 and Councilmember Eiterich seconded the motion. Motion passed 5-2 with Councilmembers Nicks and Charlton voting against.*

9. Ordinance approving a three-year special use permit for a personal instruction, general use for The Piotrowski Indoor Facility located at 13720 & 13722 W. 108th Street in the BP-2, Planned Manufacturing District  
*The applicant proposes to operate an indoor youth training facility, classified as a personal instruction, general use within the BP-2 District, which requires a special use permit.*

Ms. Sullivan said this facility would be for a sports use on 108th Street and presented the location map reflecting the tenant space in the overall building. She said the zoning and future land use maps reflect the property is zoned BP-2 and business park use. She added that this type of use is allowed in limited degree or with an SUP depending on the size of the facility.

Ms. Sullivan said this would be a 2,640 square foot facility, taking up more than 20% of the entire building, requiring an SUP.

Ms. Sullivan presented the floor plan reflecting a weight room, indoor soccer area, restrooms, open space, and training area.

Ms. Sullivan said that staff reviewed the 13 criteria for an SUP. She talked specifically about the traffic and parking analysis saying the required parking is 17 and there are more than 47 spaces provided. She noted the hours of operation would be alternate of school hours and on weekends, adding that this is a private use for family and friends only.

Ms. Sullivan said both staff and the Planning Commission recommend approval.

Andrew Piotrowski, owner, said he and his wife wanted to open this facility in memory of their daughter Olivia for kids to get athletic training and mentorship. He said that different clubs would be allowed to use it for various sports. He said it would operate after school. He added that there would be summer clinics and parent/child clinics for youth. He said that all adults would have the SafeSport certification as well.

*Councilmember Nicks made a motion to approve Item 9 and Councilmember Arroyo seconded the motion. Motion passed unanimously.*

10. Preliminary plan for Renner 87, a mixed-use development in City Center, located at the northeast corner of 87th Street Parkway & Renner Boulevard in the CC, Planned City Center District - **WITHDRAWN BY THE APPLICANT**

Item 10 was withdrawn at the applicant's request.

## **NEW BUSINESS**

There was no new business.

## **COUNCILMEMBER REPORTS**

Councilmember Eiterich said she missed the Chili Challenge, but attended the Arts Council's show on Saturday night and it was phenomenal.

Mayor Sayers thanked Council President Arroyo for filling in at ribbon cuttings for her.

## **STAFF REPORTS**

Todd Pelham, Deputy City Manager, said there would be no Committee of the Whole meeting on October 22nd. He reminded the Governing Body of Unconscious Bias training that would take place October 22nd from 6 PM to 7 PM.

## **END OF RECORDED SESSION**

## **BUSINESS FROM FLOOR**

Jon Robbins, Lenexa Masonic Lodge #135, invited the Governing Body to attend the 58th Annual Smorgasbord and the 150-year re-dedication on October 19th.

Barb McEver, Project 1020, requested that the City Council consider increasing the maximum number of homeless individuals allowed to stay overnight in the shelter to 50 and to reduce the number of staff required between the hours of 11 PM and 6 AM.

## **ADJOURN**

*Councilmember Eiterich made a motion to adjourn and Councilmember Charlton seconded the motion. Motion passed unanimously.*

The meeting adjourned at 7:55 PM.

/s/ Jennifer Martin  
City Clerk