



**CITY COUNCIL WORK SESSION**  
**Wednesday, January 22, 2025 at 6:00 p.m.**

**CITY HALL**  
**6090 Woodson Street**

**Meeting In Person and Virtually via Zoom**

*This meeting will be held in person at the time and date shown above. In consideration of the COVID-19 social distancing recommendations, this meeting will also be available virtually via Zoom (<https://zoom.us/join>). Information will be posted, prior to the meeting, on how to join at <https://www.missionks.org/calendar.aspx>.*

*If you require any accommodations (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-676-8350 no later than 24 hours prior to the beginning of the meeting.*

**AGENDA**

1. Gateway Discussion and Review of Mixed-Use Zoning Criteria - Laura Smith and Brian Scott

Staff and Council will review and discuss: the history of the Mission Mall/Gateway site, the components of Mission's MXD Zoning code, mixed use zoning and development practices generally, and examples of various developments in the Kansas City metropolitan area which are identified as mixed use.

<b>City of Mission</b>	Item Number:	1.
<b>INFORMATIONAL ITEM</b>	Date:	January 22, 2025
<b>ADMINISTRATION</b>	From:	Laura Smith/Brian Scott

Informational items are intended to provide updates on items where limited or no discussion is anticipated by the Committee.

**RE:** Gateway Discussion and Review of Mixed-Use Development Criteria

**DETAILS:** The former Mission Mall was purchased by developers in August 2005 with the intent to construct a mixed-use project on the approximately 17-acre site. Since 2005, various redevelopment plans and incentive packages, have been approved by Mission’s City Councils.

The project has had numerous starts and stops since 2005, and in July 2023, following the developer’s failure to cure an event of default, the Council terminated the project’s Redevelopment Agreement. Terminating the agreement nullified the City’s commitment to provide public incentives for the project. Additionally, when the project’s physical development did not proceed in accordance with the construction milestones included in the agreement, the approved zoning entitlements (Development Plan) expired as well.

Although the City does not, and has never, owned the property, with no zoning entitlements or incentives in place, any new project would need approvals from the Governing Body to proceed. Providing the history of and context for the site is an important step in educating the current members of the City Council on what the current Mixed-Use Zoning Code requires or prohibits and to engage in conversations about preferences for future development of the site.

A copy of excerpts from Mission’s current Land Use Code related to mixed-use zoning and overlay zoning districts is included in the packet. Specific provisions which prescribe or prohibit certain elements have been highlighted in red. The full text of Articles X and VIII of Title IV – Land Use, Chapter 410 District Regulations, including information on permitted uses can be accessed from the links included below:

- [Article X - “MXD” Planned Mixed Use District](#)
- [Article VIII – Downtown, West and East Gateway Overlay Districts](#)

Mixed-use development places different land uses (residential, commercial, office, etc.) in close proximity to one another with a strong, overall pedestrian orientation. Mixed-use development can occur on single or multiple parcels of property and can be of varying sizes, and the uses can be horizontal or vertical.

Related Statute/City Ordinance:	Title IV – Land Use Regulations, Mission Municipal Code
Line Item Code/Description:	NA
Available Budget:	NA

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There are generally two types of mixed-use developments:

- **Neighborhood Center** - Small, low-impact, limited use developments that are well integrated into the fabric of the surrounding neighborhood.
- **Commercial Center** - Mix of retail, office, service, civic, and attached residential uses on a parcel 10 to 30 acres that serve several residential areas.

Conversations surrounding mixed-use development will often include issues such as:

- Intensity of uses
- Design standards
- Open spaces
- Access and circulation
- Parking

Ultimately, projects may vary widely in composition and design based on the values, goals and objectives of the community as well as current market conditions.

During the work session we will share highlights from a detailed history of the site, review the City’s current mixed-use (MXD) zoning requirements, discuss other elements of mixed-use developments more generally. Additionally, Staff will highlight other projects within the Kansas City metro, or other cities, which are labeled as mixed-use to facilitate a conversation surrounding components the Governing Body might like to see in any future Mission Gateway project.

The Mission Gateway site is currently involved in litigation to which the City is not a party. Our discussion during this work session is not related to a specific plan or project but rather is intended to provide an opportunity for the Governing Body to proactively prepare for future development proposals.

**CFAA CONSIDERATIONS/IMPACTS:** Thoughtful discussion and consideration of priorities for redevelopment of the community in ways that support and enhance the lives of residents and visitors of all ages and abilities is an important responsibility of the Governing Body and City Staff.

Related Statute/City Ordinance:	Title IV – Land Use Regulations, Mission Municipal Code
Line Item Code/Description:	NA
Available Budget:	NA

# Title IV – Land Use

## Chapter 410 District Applications

### Article X “MXD” Planned Mixed Use District

The zoning of property to the "MXD", Planned Mixed Use District is intended to **encourage a variety of land uses in closer proximity to one another** than would be possible with more conventional zoning districts and to **encourage building configurations that create a distinctive and memorable sense of place**. Developments in this district are allowed and expected to have a **mixture of residential, office and retail uses, along with public spaces, entertainment uses and other specialty facilities that are compatible in both character and function**. Developments are also expected to **utilize shared parking facilities linked to multiple buildings and uses by an attractive and logical pedestrian network that places more emphasis on the quality of the pedestrian experience** than is generally found in typical suburban development. **Buildings are intended to be primarily multi-story structures with differing uses organized vertically rather than the horizontal separation** of uses that commonly results from conventional zoning districts. This planned zoning district is intended for those areas Master Planned as office or commercial, or where a special study has been undertaken that recommends a non-residential-focused mixed-use development. This district is not intended for areas Master Planned for residential development or for mixed use developments that are residentially focused.

#### Section 410.430 Height and Area Regulations

A. The maximum height of buildings and the minimum dimensions of lots and yards shall be as follows, except as otherwise provided in Section 415.010:

1. Height.

a. No height limit.

b. **At least fifty percent (50%) of the total floor area shall be located above the ground floor.**

2. Setbacks.

a. Minimum setback from right-of-way — zero (0).

b. **A minimum of thirty percent (30%) of the development site's perimeter public street frontage shall be occupied by a building wall located no further than thirty (30) feet from the perimeter right-of-way line.** This setback shall not include any parking areas, drives or drive-thru aisles.

c. The remaining percentage (excluding breaks for driveways and pedestrian connections) of the development site's perimeter public street frontage shall be occupied by:

- (1) A berm three (3) feet high with a maximum slope of three to one (3:1) in combination with coniferous and deciduous trees and shrubs; or
- (2) A low continuous landscaped hedge at least three (3) feet high, planted in a triangular pattern so as to achieve full screening at maturity; or
- (3) A low decorative masonry wall at least three (3) feet high in combination with landscaping; or
- (4) A combination of any of these methods.

d. Perimeter setbacks other than those adjacent to public right-of-way: No setback is required except that where a lot line abuts the lot line of residentially or office Master Planned property, a setback shall be provided which is at least equal to the minimum setback required in the district which the property abuts, plus one (1) foot for every six (6) feet of building height over thirty (30) feet or portion thereof. Additionally, during the rezoning or preliminary development plan approval process, the Planning Commission and City Council may require additional setbacks if it is determined that such yard is necessary to provide adequate open space, access to light and air, a healthful living environment, prevent visual obstruction of adjoining properties, or to ensure compatibility with existing adjacent development.

#### Section 410.440 Parking Regulations

A. Parking Setback. **No parking area shall be located within ten (10) feet of any street right-of-way.**

B. In District "MXD", parking shall be provided on the premises in the following amounts:

1. Minimum parking for non-residential uses shall be provided as follows: Three (3) spaces per one thousand (1,000) square feet of total floor area except for those uses as identified below:

LAND USES	KEY
Restaurants, cafeterias, armories, assembly halls, theaters, athletic fields and other seating facilities	C
Libraries	AF

Hotels, motor hotels, motels, apartment hotels, dormitories and similar boarding facilities	AB
Hospitals, nursing or convalescent homes or congregate care facilities	DE

KEY

- A One (1) space for each four (4) employees
- B One (1) space for each guest room
- C One (1) space for each four (4) seats
- D One (1) space for each four (4) beds
- E One (1) space for each two (2) staff persons or visiting doctors
- F One (1) space for each four hundred (400) square feet service floor area

2. For those developments with over one hundred fifty thousand (150,000) square feet of non-residential floor area, no additional parking shall be required for restaurants.

3. Parking for residential uses shall be provided as follows: One and one-half (1.5) spaces per dwelling unit.

4. Maximum grade level parking allowed per use or per project shall be one hundred fifty percent (150%) of the minimum parking required for such use. **Any new parking facility with a capacity over two hundred (200) spaces shall accommodate no more than sixty percent (60%) of the total parking at grade level.**

5. The Planning Commission and City Council may reduce the required parking after considering documentation and/or study provided by the applicant, staff's recommendation and giving decisive weight to all relevant facts including, but not limited to, the following factors: Availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or a small addition to an existing use.

C. On-street parking spaces may be counted towards the minimum requirements as set forth above, provided the on-street spaces are located on an adjacent or internal street that allows on-street parking. On-street parking spaces being counted towards the credit must be identified on plans at time of submittal to the City.

## Section 410.450 Development and Performance Standards

A. Merchandise, which may be appropriately displayed outside a building, shall be kept off the public sidewalks, parking lots, landscaped areas and streets and shall not occupy an area greater than ten percent (10%) of the ground floor area of the non-residential portion of the adjacent building. All merchandise shall be displayed on a concrete or similar harden surface. No merchandise (including motorcycles, scooters and automotives) may be left outdoors when the business is not open.

B. Drive-up service may be permitted as part of final development plan approval. The drive-up or walk-up restaurants shall be integrally designed into the development and the drive-thru lane and drive-thru window may not be located adjacent to the public street network or drives.

C. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

D. Eating/drinking establishments may have an outdoor eating area as designated on a plan. Any outdoor eating areas on public right-of-way shall be subject to a right-of-way maintenance agreement.

E. Communication antennas may be installed on any existing structure (such as a building, utility pole, water tower etc.) three (3) stories in height or greater but no less than thirty-five (35) feet, provided that the additional antennas shall add no more than twenty (20) feet to the height of said existing structure. Communication antennas which are architecturally compatible to the building architecture may locate on non-residential buildings less than three (3) stories or thirty-five (35) feet in height, subject to final development plan approval. Associated equipment may be in height, subject to final development plan approval. Associated equipment may be permitted on the roof so long as it is screened from view in accordance with Chapter 415, Article II.

F. Plan Approval. Prior to the issuance of any building permit for development, redevelopment, alteration, replacement or repair site plan approval shall be obtained as provided for in Chapter 440.

## Title IV – Land Use

### Chapter 410 – District Regulations

#### Article VIII - Downtown, West and East Gateway Overlay Districts

##### Section 410.340 Development Standards and Prohibited Uses

D. Discount stores and discount superstores shall abide by the following regulations:

1. Requirements of Sections 445.180 and 445.190 shall be satisfied.
2. **The building footprint of any development shall not exceed fifty percent (50%) of the gross square footage of the building or fifty thousand (50,000) gross square feet, whichever is less. When this requirement causes a conflict with height requirements in the corresponding zoning district, deviations in maximum height may be granted by the Planning Commission and City Council during the preliminary plan review stage as follows:**
  - a. When the proposed development is in harmony with neighboring buildings;  
and/or
  - b. As specified in Section 405.090(G).
3. **No more than twenty-five percent (25%) of the parking requirements of the use shall be satisfied with surface parking, with the remainder provided by structure or on-street parking, located within one thousand three hundred twenty (1,320) linear feet, which is considered to be a walking distance of the building.**
4. **Surface parking lots shall be prohibited between the building facade and a public street or at the intersection of two (2) public streets and shall be located to the side or rear of the building.**
5. **A total of no less than twenty percent (20%) of the site shall be open landscaped space. This space shall be for the most part one (1) or more exterior plazas, pocket parks or other areas of similar nature which encourage pedestrian activity and provide a place for public events, gathering of the community, etc.**
6. **Surface parking lots to the side or rear of a building visible from a public street shall be screened with approved landscaping or a masonry wall at least four (4) feet in height.**
7. The Planning Commission may grant exception to one (1) or more of these requirements in property specifically zoned "MXD" Planned Mixed Use District, where the overall intent of that zoning category has been clearly met.

# MISSION GATEWAY – PROJECT STATUS UPDATE AND FREQUENTLY ASKED QUESTIONS January 2025

The number one question anyone with a connection to Mission is sure to get is, “What’s going on with the Mission Gateway property?” Unfortunately, since July 2023, there hasn’t been much to report after the Developer defaulted on their property taxes and the City terminated the development agreement. The Gateway site is, and has always been privately owned, and it is now tied up in litigation with the Developer's lender, Metropolitan Commercial Bank.

In addition to the bank’s foreclosure action, there are also contractors and mechanics liens in dispute with respect to the property. The City of Mission is not a party to any of these legal actions and continues to wait for a decision from the court.

As we await progress in the Johnson County District Courts, the City’s efforts have been focused on consistently issuing code enforcement notices and abating issues when we can. Any costs for abatement are billed to the property owner and will be certified to a future tax bill if not paid.

Some of the more frequently asked questions and answers surrounding the project are included below. If you have a question which has not been answered, please feel free to email City Administrator Laura Smith at [lsmith@missionks.org](mailto:lsmith@missionks.org).

Q: Who owns the Gateway site?

A: Aryeh Realty, LLC (“Developer”), took ownership from Gateway Developer, LLC in 2016. The City of Mission has never had an ownership interest in the site.

Q: Why is nothing happening on the site?

A: In April 2023, the City learned that Metropolitan Commercial Bank filed an action to foreclose its mortgage on the Mission Gateway property. The City is not a party to this litigation. In May 2023, Aryeh Realty, LLC failed to make a tax payment, and the delinquent taxes created an event of default under the project’s redevelopment agreement. The City sent a notice of default, and when the taxes were not paid within the 60-day cure period, the redevelopment agreement was terminated. Termination of this agreement eliminated all incentives previously approved for the project.

Q: Why doesn’t the City just take over the property and turn it into a park or something else?

A: The only way the City could gain control of the property would be by purchasing it from the Developer as part of a standard real estate transaction or by using eminent domain to acquire the site for a public purpose, i.e., a park. In the eminent domain process, a property is appraised, and the City has to pay the appraised value determined through that process, which would likely be in the tens of millions of dollars. The City cannot “take” the property for free. Nor can the City acquire the property through eminent domain and then sell or use the property for a non-public activity.

Q: How long will it take for the foreclosure action to be resolved?

A: There is no way to determine how long it will take for the foreclosure action to ultimately be resolved. The current case has been active since April 2023 and could easily continue for quite some time.

Q: The property is such an eyesore, why isn't the City doing anything to clean it up?

A: The City does regularly monitor the condition of the site and has issued notices of code enforcement violations just like we do for other properties in the City. If the violations are not addressed, we will abate where it makes sense from both a safety and a cost perspective. Any costs incurred are billed to the property owner, and if not paid are certified on a future tax bill as a special assessment. The City will continue to explore more aggressive ways to address the site condition, but we want to be careful not to spend hundreds of thousands of tax-payer dollars - which could take years to be repaid – to make the site more presentable.

Q: How much money has the Developer received from the City over the years?

A: Although the City approved several redevelopment agreements that authorized various public incentives, because the project was never completed, NONE of those dollars have ever been paid to the Developer.

Q: Are the taxes current on the property?

A: No, although the taxes and special assessments were brought current in September 2024, the first half of the 2025 taxes and assessments were not made by the December 10, 2024 deadline.

Q: How much of the \$12 million special assessment for stormwater improvements has the Developer repaid to date?

A: Currently, the Developer has paid approximately \$5.4 million of the \$12 million stormwater special assessment. The annual payment is included on the tax bill each year and is due and payable in two installments, just like your residential property tax bill. The property is current on payment of the special assessment.