

Larkin Hoffman

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June 8, 2023

Mayor Matt Lehman, City Council, and
City Planning Commission
City of Shakopee
Attn: Mark Noble, Sr. Planner
485 Gorman Street
Shakopee, MN 55379

Via Email

Mayor Lehman mlehman@shakopeemn.gov
CM Contreras acontreras@ShakopeeMN.gov
CM Whiting jaywhtng@aol.com
CM DuLaney jdulaney@ShakopeeMN.gov
CM Lara jlara@ShakopeeMN.gov
Michael Kerski, Dir. of Planning and Development
mkerski@ShakopeeMN.gov
Ashlee Sepulvado, Noreen Reding, Josh Forsythe
Daniel Olson, Kent Robbins, Jen Schleck
James Weller

Re: 1760 4th Avenue East – Opposition to City-Initiated Rezoning of Prairie Pointe

Dear Mayor Lehman, City Council, and City Planning Commission:

We represent Beacon Interfaith Housing Collaborative and Prairie Pointe, LLC (collectively “Beacon”), the owner of the property at 1740 4th Avenue East (“Property”) located in the City of Shakopee (“City”). This letter is regarding the proposed City-initiated rezoning (the “Rezoning”) of the Property, which serves to revoke the land use approvals for the proposed 46-unit Prairie Pointe affordable housing planned unit development (“Project”). On behalf of Beacon, we strongly object to the Rezoning as an unlawful action and in direct conflict with Minnesota law.

BACKGROUND

In June 2020, the City approved several land use applications related to the Project, which will establish affordable housing for families within the City and the surrounding community. The applications included a Preliminary and Final Plat (“Plat”) of the Property; a rezoning of the Property from Highway Business (B-1) to Planned Unit Development Zoning District #4; and approval of a Planned Unit Development (the “PUD”) for the 46-unit Project. The City approvals included Resolution No. R.2020-077 (“Plat Resolution”), Ordinance No. O2020-005 (“Rezoning Ordinance”), and Resolution No. 02020-006 (the “PUD Ordinance”).

Following approval of the Project, the Plat was recorded and Beacon acquired the Property. Acting in reliance on the Project approvals, Beacon has raised more than \$14 million in Project financing and has spent approximately \$909,000 towards Project design and pre-construction expenditures and obligations. Attached to this letter is an updated status letter from Kevin Walker, Beacon’s Vice President of Housing Development, to the City and County officials. This is one of many in a series of updates provided to the City by Beacon over the last 3 years.

The Rezoning and PUD Ordinances include 13 combined conditions of approval. Beacon has met every condition or will do so once Project construction has commenced in 2024. The PUD Ordinance did not establish an expiration date or impose a time period during which the PUD must commence construction. Beacon has provided regular updates to the City as to the status of the Project. On January 31, 2023, Beacon provided a written update (enclosed) to Michael Kerski stating that Beacon has continued to make significant efforts towards fundraising with approximately 94% of the Project costs raised. The letter reiterated Beacon's commitment to completing the Project and identified a target construction start date in 2024.

The Rezoning comes entirely as a surprise to Beacon. The City has made no effort to contact Beacon regarding any concerns about moving the Project forward and failed to provide any written notice of the Rezoning. As of the date of the writing of this letter, Beacon has still not received the legally required notice under Minnesota law and City Code. Beacon was only made aware of the Rezoning by a sign placed on the Property that was noticed by a neighbor within the community. The City's deliberate intent to not contact Beacon prior to this proposal and failure to follow City Code or state law 10-day notice requirements reflects a bad faith effort to surreptitiously rezone the Property and revoke Project approvals. The City's actions to withhold publication of a staff report until two days before the hearing further demonstrates the arbitrary and capricious nature of the City's actions. The staff report dated June 6, 2023 ("Staff Report") was only published online on June 6, two days before the hearing, and no effort was made to provide Beacon a copy. Such a deliberate intent to covertly revoke Project entitlements is egregious and unprecedented.

The Staff Report baselessly asserts that the original rezoning of the Property to the PUD District was in error. Staff concludes that because the City Code requires an applicant to hold a public meeting *before* the City hearing, and because Beacon was allegedly asked to hold a neighborhood meeting during the City Council meeting, that the failure to hold such a meeting constitutes an error. The Staff Report fails to acknowledge the local, state, and federal declarations of emergency in place at the time, which prohibited social gatherings, and mischaracterizes the comment by the Mayor as a condition of approval. The conclusions in the Staff Report are without any legal merit and further demonstrate the City's bad faith attempt to support this unlawful revocation of project approvals.

DISCUSSION

1. City Staff's Claim that 2020 Zoning Approvals were in "Error" Because it "Requested" there be a Neighborhood Meeting is Unsupported Factually and Legally.

The Staff Report states that "During the Public Hearing and at the city council meeting, Beacon was asked to hold a neighborhood meeting to address the neighbors [sic] concerns." It further concludes that because holding a neighborhood meeting is required prior to a PUD hearing under City Code section 151.018, that the failure to have held a meeting means the rezoning was somehow in error. This is unsupported factually and under Minnesota law.

During the June 2, 2020 City Council meeting, Mayor Mars did inquire with Beacon as to whether a public meeting would be possible. Beacon's representative indicated that given the public

emergency declarations in place such a meeting was difficult. Neither the Rezoning Ordinance nor the PUD Ordinance required any further public meetings under their respective conditions of approval. This is consistent with the fact that state and federal guidelines during the spring and summer of 2020 discouraged, and in some instances, prohibited public gatherings. Per the then-Mayor and City Council, the City itself was subject to a state of emergency.

Prior to the May 2020 public hearing, on April 3, 2023, City Planner Kyle Sobota confirmed what the neighborhood meeting under the City's declared state of emergency would entail: "For the neighborhood meeting, staff will be putting together a Power Point or PDF presentation with the materials that were submitted with the application. We will have a spot on the website for people to submit comments and or emails. We [City staff] will be sending letters to neighbors by mail with instructions for providing comments along with a staff phone number." On April 6, 2020, in an email from Matt Soucek at Beacon to Mr. Sobota, Mr. Soucek asked to confirm that this 'alternative process' would take the place of the regular meeting process, saying "This replaces the neighborhood open house we were otherwise to have done and we do not need to do our own neighborhood open house, in-person or virtually, and send our own invitation, at a point in the future, correct?" In a response email, dated April 7, 2020, Mr. Sobota confirmed: "This will replace the neighborhood meeting requirement. If social gathering restrictions are lifted prior to the May meeting, you would be allowed to have an open house / meeting." (See enclosures.) The social gathering restrictions were not lifted prior to the May meeting. At the June 2, 2020 City Council meeting, Mayor Mars reiterated the City's position that the notice met the ordinance requirement, stating: "I want to make sure that we all understand that the proper notice went out to the addresses within five hundred feet." Item 9.B.2, 1:30:58. Accordingly, both City staff and elected officials had confirmed that due to the unprecedented circumstances of a global pandemic, and the suspension of normal meeting protocol, that the ordinance meeting requirements had been met. City staff subsequently confirmed in an email to Beacon staff that the City had duly sent out the notices to properties within 500 feet of the Property on April 21.

The City's assertion that the failure to hold a public meeting prior to a public hearing somehow invalidates the City Council's actions three years later has no legal basis. Under Minnesota Statutes Section 15.99, the City has 60 days to deny a request, otherwise it is approved by operation of law. The 60 day-period commenced upon receipt of the application and the City has 15 business days from receipt of a zoning application to determine that the application is incomplete. As noted above, City staff had previously confirmed that the mailed notice to neighbors was sufficient to meet the requirements of the public meeting. Even if it had not, the City's failure to deem the application incomplete within 15 days, as well as the City's subsequent approval and adoption of the Plat Resolution, Rezoning Ordinance, and PUD Ordinances, serves as a waiver of this requirement. The City's assertion that the Project could be approved under the B-1 District is irrelevant and ignores the fact that the proposed Rezoning would revoke the Project-specific approvals, which are not subject to any time limit under the City Code or prior approvals.

2. The Rezoning is Arbitrary and Capricious.

When reviewing the validity of a rezoning, the standard under Minnesota law is “Is there a ‘reasonable basis’ for the decision? or is the decision ‘unreasonable, arbitrary or capricious’? or is the decision ‘reasonably debatable?’” *Honn v. City of Coon Rapids*, 313 N.W.2d 409, 417 (Minn. 1981). For rezoning, the standard is whether the classification is reasonably related to the promotion of the public health, safety, morals or general welfare. *State, by Rochester Association of Neighborhoods*, 268 N.W.2d at 888 (Minn. 1978). Here, the City is seeking to covertly and without a lawful basis rezone the Property and thereby revoke entitlements for the Project. To rezone the Property (back to a B-1 designation), the City would need to make findings that directly contradict the findings it affirmatively made in 2020. Any such findings by the City reversing its own decision would be wholly unsupported, arbitrary and capricious. There has been no change to the Project, to the underlying Comprehensive Plan policy or City goals, or City Code. The only thing that has changed is the politics of the City Council and apparent opposition led by City staff.

The City, instead, purports to support this self-initiated Rezoning by contending that Beacon failed to meet an ordinance requirement that requires a public meeting to be held *before* a public hearing. As stated in City Code section 151.018, subd. 4.1, “Meetings shall be held at least eight calendar days before the scheduled public hearing. Failure to do so can result in delay or denial of the application.” The City’s recourse for failure of an applicant to hold a public meeting is to delay or deny an application. Here, the City neither delayed nor denied the requests and granted them in full. The City’s actions waived any such defects under Minnesota law. For the City staff to covertly initiate a rezoning and revocation of Project entitlements three years later, based solely on this purported application defect is absurd and deprives Beacon of its rights.

3. The Rezoning is Inconsistent with the City Code and Comprehensive Plan and Unlawful.

State law and the City’s Zoning Code require all zoning regulations and controls to be consistent with the City’s adopted Comprehensive Plan (the “Comp Plan”). Minn. Stat. Sec. 473.858, subd. 1. The Comp Plan is the City’s controlling zoning and land use policy document and includes a Planned Land Use map that designates every property in the City with a future land use. Under the Comp Plan, the Property is guided for Mixed Residential, which is guided as follows:

New residential development should include a mixture of housing types to fulfill Shakopee’s diverse housing needs. Mixed residential neighborhoods may include a variety of single-family (detached and attached) and multi-family building types. Housing types should be designed as a cohesive, connected neighborhood, rather than isolated subareas. Buildings should be of a high-quality design and developments should include common neighborhood amenities and open space connections.

Comp Plan 148. This designation specifically calls for residential development as a primary use, including single family and multiple family dwellings. Neighborhood commercial is allowed, but only as a secondary use. The PUD Ordinance, as approved, only allows for development consistent with the Project, which is a multiple family dwelling. This is consistent with the Mixed Residential

designation, as well as several other provisions of the Comp Plan, as described in detail under the PUD Ordinance.

Minnesota law requires that a municipality should not adopt zoning in conflict with its comprehensive plan, and a zoning ordinance that does conflict with a comprehensive plan must be amended. Minn. Stat. Sec. 473.865, subs. 2, 3. As proposed, the City intends to rezone the Property to B-1 Highway Commercial District. The B-1 District allows a broad range of intensive commercial uses as of right, including fast food, banks, and hotels. While multiple family dwellings are also allowed, single family uses are prohibited and there are no requirements that residential uses are the primary land use. Accordingly, the proposed B-1 District is inconsistent with the Comp Plan.

4. The Rezoning is Inconsistent with City Code.

City Code of Ordinance (“City Code”) Section 151.009 requires that all rezoning actions “shall promote the public health, safety, and welfare and be consistent with the comprehensive plan.” The City Code further states that the City Council may only grant a zoning ordinance amendment when it finds that one or more of the following criteria exists:

1. The original zoning ordinance is in error;
2. Significant changes in community goals and policies have taken place;
3. Significant changes in city-wide or neighborhood development patterns have occurred; or
4. The comprehensive plan requires a different provision.

Sec. 151.009. The Staff Report makes the spurious claim that the original zoning ordinance was in error based on the failure to meet a public meeting requirement prior to the City’s public hearing and council action. This assertion is baseless and unsupported by the facts or the law. Further, there have been no changes in neighborhood development patterns, goals, policies, or the Comp Plan. The Comp Plan is the City’s primary policy document with respect to community goals and policies, and land use and development patterns. In 2020, the City Council’s adoption of the PUD Ordinance found that the Project met all of the PUD criteria described under the City Code, including Criteria No. 1, which asks “Is the proposed development consistent in all respects with the comprehensive plan.” The Project has not changed since the PUD Ordinance was approved, and the City’s Comp Plan has remained the same with respect to the guidance of the Property. Accordingly, absent an amendment to the Comp Plan, the Rezoning would be unlawful and in direct conflict with this provision of the City Code as it does not meet any of the required findings.

5. The City is Estopped From Rezoning the Property.

Where justice demands, equitable estoppel may be applied against a local government exercising its zoning powers. A local government exercising its zoning powers will be estopped when a property owner, (1) relying in good faith (2) upon some act or omission of the government, (3) has made such a substantial change in position or incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights which he ostensibly had

acquired. *Ridgewood Dev. Co. v. State*, 294 N.W.2d 288, 292 (Minn.1980). Here, Beacon has invested approximately \$845,000 in out-of-pocket expenditures related to the construction and development of the Project. This is in addition to three years of staff time and efforts. Beacon made these expenditures relying in good faith on the City's adoption of the PUD Ordinance and approval of the Project entitlements. The arbitrary and capricious Rezoning and revocation of Project approvals would be highly inequitable and unjust.

6. The Rezoning is an Unconstitutional Taking.

Rezoning the Property and revoking the Project approvals would constitute a regulatory taking under Minnesota law. The United States Supreme Court has held that a zoning action may constitute a regulatory taking if not reasonably necessary to the effectuation of a substantial public purpose, or perhaps if it has an unduly harsh impact upon the owner's use of the property. *Penn Cent. Transp. Co. v. New York City*, 438 U.S. 104, 127(U.S.1978). The Court in *Penn Central* described the factors that must be balanced in determining whether a regulation, such as the denial of nonconforming rights, would constitute a regulatory taking. In applying the *Penn Central* balancing test, Minnesota courts will look to: (1) the economic impact of the regulation; (2) the extent to which the regulation interferes with the property owner's distinct investment-backed expectations; and (3) the character of the governmental action. *Wensmann Realty, Inc. v. City of Eagan*, 734 N.W.2d 623, 632-642 (Minn.2007). The Rezoning and the revocation of Project entitlements would cause a substantial economic impact, result in the rescission of all land approvals and entitlements of the Project, and reflect an unprecedented, arbitrary, and capricious act that would support Beacon's assertion of a regulatory taking.

Conclusion

In 2020, the City approved the Project, finding that the 46-unit multiple family housing development was consistent with the City's Comp Plan and City Code. Despite no changes to City policy or Comp Plan, the City is now attempting to covertly rezone the Project and revoke all Project entitlements without any notice or consultation with Beacon, the Property owner. The City's assertion that Beacon failed to meet the public meeting requirements of the City Code is wholly unsupported by the facts in the record or Minnesota law. This bad faith act is in direct conflict with the Comp Plan, City Code, and state and federal law. If the City follows through with this Rezoning, Beacon will pursue any and all legal action to preserve its entitlements and substantial investment in the Project.

Please contact me with any questions about this letter or the information contained herein.

Sincerely,



Jacob W. Steen, for
Larkin Hoffman

City of Shakopee

June 8, 2023

Page 7

Direct Dial: 952-896-3239

Direct Fax: 952-842-1738

Email: jsteen@larkinhoffman.com

Enclosures

cc: Lee Blons, Beacon Interfaith Housing Collaborative (via lblons@beaconinterfaith.org)
Kevin Walker, Beacon Interfaith Housing Collaborative (via KWalker@beaconinterfaith.org)
James Thomson, City Attorney (via jthomson@kennedy-graven.com)
Bill Reynolds, City Administrator (via breyolds@shakopeemn.gov)
Rob A. Stefonowicz (via rstefonowicz@larkinhoffman.com)



June 8, 2023

Michael Kerski
Director of Planning and Community Development
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

Dear Mr. Kerski:

I write to provide a further update on our progress in assembling capital resources to build Prairie Pointe. This provides an update since my last letter in late January; I'd waited a little longer from my quarterly update schedule, as we'd been advised that a decision on supplemental tax credits from Minnesota Housing was forthcoming in late May so that this update could share the results of that decision.

We have been advised that an additional 92,000 tax credits will be awarded later this month, which will generate another \$750,000 in equity toward the capital gap.

In addition, the Shakopee Mdewakanton Sioux Community recently committed an additional \$250,000 to the development, bringing their total commitment to \$350,000.

Additional tax credits are expected this fall and another capital funding award later this year. Between these pending awards and additional value engineering, we expect, consistent with the timing I shared in my January 31, 2023 letter, to be on track to start construction next spring.

Please let me know if you have any additional questions or concerns or if you would like to meet to discuss further.

Thank you,

A handwritten signature in blue ink that reads "Kevin A. Walker".

Kevin Walker
Vice President, Housing Development

CC: Lezlie Vermillion, Scott County Administrator
Julie Siegert, Executive Director, Scott County Community Development Agency



January 31, 2023

Michael Kerski
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

Dear Mr. Kerski:

I had shared an email a couple weeks ago proposing an update meeting on Prairie Pointe. Our congregations are excited to see forward progress on this long-awaited project and I was thinking that your team would appreciate an update as well. As I have not heard back, I expect that you're busy with other priorities and I thought I could cover the needed ground in a letter.

Last year, with Minnesota Housing's December tax credit award, an expanded commitment from Scott County CDA, a commitment from Shakopee Mdewakanton Sioux Community, a Federal Home Loan Bank award, we have secured an additional \$14.4 million in committed funds with \$900,000 left to raise toward getting to closing and start of construction. We expect to assemble remaining sources later this year; if it goes as we expect, we anticipate that we would close early in 2024 and anticipate opening the building early in 2025.

As we await securing final funds, we have continued to prepare for this development.

Last fall, we hosted Prairie Homeless Companion in Prior Lake, an event that focused on the effects of family homelessness and housing instability in Scott and Carver County, especially as we have seen it in our family shelter program serving Scott and Carver County families. We invited immediate neighbors to the Prairie Pointe site; the event attracted over 100 attendees.

Over the last 18 months, with a planning grant that we received from the Corporation for Supportive Housing, we have partnered with Scott and Carver County housing and human services staff, the CAP Agency, Volunteers of America-Minnesota (VOA-MN), Corporation for Supportive Housing staff and other stakeholders to develop best practices approaches to support the families who will live at Prairie Pointe.

We anticipate that our service provider, VOA-MN, would begin coordination planning with the school system several months before our building's opening. We also would expect to start to develop our public safety and fire protection plan in consultation with Police Chief Tate and the City's fire department leadership at least six months before the building opens.

Let me know if you would be interested in a meeting and I would be happy to put something on the calendar. Otherwise, we will continue to keep you apprised of progress with quarterly updates.

Thank you,

A handwritten signature in blue ink that reads "Kevin A. Walker".

Kevin Walker
Vice President, Housing

CC: Emily Goldthwaite, Director of Congregational Organizing
Matt Soucek, Senior Project Manager

Matt Soucek

From: Matt Soucek
Sent: Wednesday, April 8, 2020 4:29 PM
To: Kyle Sobota
Cc: Chris Dettling
Subject: RE: Beacon development - neighborhood meeting
Attachments: About Beacon 420_Prairie Pointe.pdf; Project Description 420_Prairie Pointe.pdf

Hi Kyle, it seems Gia has the permits zoning/planned unit development folder closed off now so I am unable to upload it to e-permits. I'll correspond with her to see if I can get it opened up for upload, but in the name of meeting your deadline, attached are the documents we would like to include. Do let me know of any concerns.

Beacon Interfaith Housing Collaborative | Matt Soucek (Pronouns: he/his/him) Senior Project Manager | 651.789.6260 ext. 239 | 2610 University Avenue West, Suite 100, St. Paul, MN 55114 | www.beaconinterfaith.org



From: Kyle Sobota <KSobota@ShakopeeMN.gov>
Sent: Wednesday, April 8, 2020 3:27 PM
To: Matt Soucek <MSoucek@beaconinterfaith.org>
Cc: Chris Dettling <CDettling@beaconinterfaith.org>
Subject: RE: Beacon development - neighborhood meeting

Hi Matt-

E-permits is fine.

Kyle

From: Matt Soucek <MSoucek@beaconinterfaith.org>
Sent: Wednesday, April 8, 2020 11:30 AM
To: Kyle Sobota <KSobota@ShakopeeMN.gov>
Cc: Chris Dettling <CDettling@beaconinterfaith.org>
Subject: RE: Beacon development - neighborhood meeting

Thanks Kyle, we'll have any additional material to you by 4:30 today. I would plan to submit via e-permits. Do let me know if you'd prefer me to e-mail them to you.

Beacon Interfaith Housing Collaborative | Matt Soucek (Pronouns: he/his/him) Senior Project Manager | 651.789.6260 ext. 239 | 2610 University Avenue West, Suite 100, St. Paul, MN 55114 | www.beaconinterfaith.org



From: Kyle Sobota <KSobota@ShakopeeMN.gov>
Sent: Tuesday, April 7, 2020 3:41 PM
To: Matt Soucek <MSoucek@beaconinterfaith.org>
Cc: Chris Dettling <CDettling@beaconinterfaith.org>
Subject: RE: Beacon development - neighborhood meeting

Hi Matt—

My responses are below.



Kyle Sobota

Senior Planner, City of Shakopee
485 Gorman Street, Shakopee MN 55379
952-233-9349 | www.ShakopeeMN.gov

From: Matt Soucek <MSoucek@beaconinterfaith.org>
Sent: Monday, April 6, 2020 10:26 AM
To: Kyle Sobota <KSobota@ShakopeeMN.gov>
Cc: Chris Dettling <CDettling@beaconinterfaith.org>
Subject: RE: Beacon development - neighborhood meeting

Hi Kyle, thanks to you and the city for finding a way to get this done. I do have a few follow-up questions:

- Is there a deadline by which we would need to submit any supplemental items for you to include in what is presented to the community? What we have on e-permits was generated for the purposes of the applications and isn't necessarily a complete representation of what we were going to present at a neighborhood open house.

If you would like to have additional materials included, please send them to me by tomorrow at 4:30.

- Will mailings and notifications be limited to the 500-foot area, as it would if we were running the neighborhood meeting? Will comments also be so restricted or is that open to a wider audience?

It will be to the standard 500' area.

- This replaces the neighborhood open house we were otherwise to have done and we do not need to do our own neighborhood open house, in-person or virtually, and send our own invitation, at a point in the future, correct?

This will replace the neighborhood meeting requirement. If social gathering restrictions are lifted prior to the May meeting, you would be allowed to have an open house / meeting.

- Can you please send me a copy of the notification you are sending to residents about the proposed development and opportunity to comment, once it is generated?

Yes, I can do that.

- Note that what I have on e-permits right now, at least in my estimation, are complete submittals for the purposes of the rezoning and platting applications. Please let me know if you're hearing otherwise.

Yes, We are moving forward with review on these applications.



From: Kyle Sobota <KSobota@ShakopeeMN.gov>
Sent: Friday, April 3, 2020 5:02 PM
To: Matt Soucek <MSoucek@beaconinterfaith.org>
Cc: Chris Dettling <CDettling@beaconinterfaith.org>
Subject: RE: Beacon development - neighborhood meeting

Hi Matt—

For the neighborhood meeting staff will be putting together a Power Point or PDF presentation with the materials that were submitted with the application. We will have a spot on our website for people to submit comments and or emails. We will be sending letters to neighbors by mail with instructions for providing comments along with a staff phone number. If you have any questions, or have something you would like us to add to the presentation, let me know.



Kyle Sobota

Senior Planner, City of Shakopee
485 Gorman Street, Shakopee MN 55379
952-233-9349 | www.ShakopeeMN.gov

From: Matt Soucek <MSoucek@beaconinterfaith.org>
Sent: Friday, April 3, 2020 10:30 AM
To: Kyle Sobota <KSobota@ShakopeeMN.gov>
Cc: Chris Dettling <CDettling@beaconinterfaith.org>
Subject: Beacon development - neighborhood meeting

Hi Kyle, I wanted to follow up with you on the phone conversation we had last week about neighborhood meeting requirements, in light of the public health considerations out there now, and whether alternative means of accomplishing neighborhood meetings would be acceptable to the city.

At this point we're planning on broadcasting a virtual meeting from the KC Hall relating to our proposed development. We will be able to record registered attendance, take comments and respond to questions. Would a forum like this meet the city's requirements? I know when we talked about it you had said you weren't sure yet, the city was looking into and considering options for those of us trying to move forward with developments. Has anything definitive come of those discussions as of yet?

