

COATS | ROSE

A PROFESSIONAL CORPORATION

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August 19, 2019

City of McKinney, Texas
Planning Department
221 N. Tennessee Street
McKinney, TX 75069

Re: Variance Request – SEC of Hardin at US 380 – 380 Towne Centre at Headington Heights (the “Property”)

To Whom It May Concern:

Please accept this letter as McKinney SH II, Ltd.’s (“Developer’s”) formal request for a variance to Section 130-356 of the City of McKinney’s Code of Ordinances in relation to the existing stock pond dam on the shared property boundary between Raytheon and McKinney SH II, LTD. This variance request would permit staff to:

- Issue building permits for 380 Town Centre at Headington Heights prior to the completion of the stock pond dam removal/rehabilitation;
- Issue all but one Certificate of Occupancy for buildings constructed on Lot 5 on the conveyance plat filed in the real property records of Collin County as document number 20190507010002100.

Developer shall indemnify the City of McKinney for any disputes associated with this variance.

As you know, my client is currently working with the United States Army Corps of Engineers (“Corps”) and the Texas Commission on Environmental Quality (“TCEQ”) to develop a plan acceptable to both agencies to either 1) remove the existing dam; or 2) reconstruct it to current TCEQ standards. On May 21, 2019, Kimley-Horn, the project’s engineer of record, received direction from the Corps that the proposed improvements would require an individual permit which will result in an eight to ten month delay before dam removal/rehabilitation work can begin.

City staff is currently prohibited from issuing further Permits or Certificates of Occupancy on the Property until the dam removal/rehabilitation is fully completed. We cannot, however, begin construction of these improvements currently, as we seek the required permits from the federal

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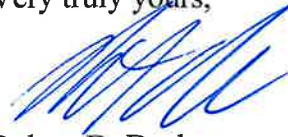
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and state agencies. Our current plight results in an untenable situation as we have retailer, hotel and restaurant commitments that must be delivered prior to when the dam issue will be resolved. Absent the City granting this variance request, we will be unable to develop the retail, hotel and restaurant sites as intended.

Currently, stormwater associated with the developed Property is detained in excess of City of McKinney requirements and, thus, is not detrimental to the public welfare or injurious to other property in the vicinity.

Very truly yours,



Robert D. Daake

Cc: McKinney SH II, LTD