

My name is Maureen Griffin. My home is at 832 Chapel Hill Lane in McKinney and I am here tonight, along with my neighbors, to state my opposition to the re-zoning and approval of Vintage Place.

As you have heard from others in my neighborhood, our little community of approximately 150 homes is unique and special. Without deed restriction, we find our residents are almost entirely empty-nesters and/or retirees. We have a number of single female seniors. It is a quiet, safe community with residents who support and care for one another. For many, their home represents a large portion of their life savings and will be the last home they will own. Not a month goes by without one of our residents being hospitalized with a serious illness or being treated for cancer. We sadly lost our first resident to a form of dementia in December.

Ours is an eclectic population, coming from many parts of this country, some outside the United States, and from many professions. Some came to McKinney to be near family members, while others chose McKinney because of its reputation as a small town that valued nature and the quality of life of its residents. Based upon recent events, we see McKinney drifting away from quality of life concerns for CURRENT residents, focusing instead on competing with neighboring cities for housing developments and retail. In the process, we fear City government is losing its way and resident concerns are of little or no consequence.

The elderly population is often one that is brushed aside. Decision makers and power players haven't reached that stage of life and have little appreciation of how important quiet, privacy, security and safety are to us. They don't grasp our vulnerabilities and fear. Please think about that as you deliberate.

I want to take a few minutes to be more specific and share with you my story. More often than not, my husband and I lived in the country on parcels ranging from 5-100 acres. We enjoyed the privacy, quiet and nature that such a lifestyle provides. In 2011, my husband was treated for cancer of the larynx - a result of exposure to Agent Orange while serving in Viet Nam. He had been previously treated for Hodgkin's Lymphoma, a brain tumor and numerous skin cancers, all linked to that exposure. It was a difficult process coming to the realization that we needed to downsize, but we knew we could no longer physically manage a country life. In 2013, the prestigious home, my husband's prized tractor and other material trappings accumulated over a lifetime had to be disposed of. The most emotional was selling the horses who had become family members. It was like holding an estate sale, but we were present to witness the death of our life. The night before the sale, I saw my husband standing in the barn crying. This man never shed a tear or had one moment of self pity when he was diagnosed, or when he endured 9 months of chemotherapy in 1989, or when he suffered through daily doses of radiation for the entire summer of 2011. He saw moving as the first step in his dying process.

Our journey to Chapel Hill and McKinney was an emotional one. Thinking of moving to a designated retirement community in Frisco or Denton did little to dispel the ominous feeling that death was right around the corner and we simply could not go there. There was no visual privacy and very limited gardening was possible. After hearing about Chapel Hill from a Tina Marr and friend, Teresa Williford, McKinney realtors, we moved here in 2013 and have made a nice life for ourselves. We have friends inside and outside Chapel Hill; we are involved in social and charitable activities. It doesn't feel like the end of the line for us. We gave up many things to move here, but as a whole, it was a necessary and good move for us. While we have no auditory privacy, we do have some visual privacy and I have an area of approximately 15 by 40 feet in which I can indulge my passion - gardening. For 10 months of the

ear I toll in my garden, growing flowers, herbs and watching my small dogs play. The other two months, I plan for the season ahead. I have a large tree behind my rear fence that are inhabited by beautiful and vocal birds and a large, active squirrel population. It is my little piece of heaven and one that without over statement, is vital to my mental and physical well-being. I will wither and die without it.

I spent over 30 years working on 87 death penalty cases. I witnessed the worst things humans do to one another and in doing the social histories of defendants, learned how truly depraved some people are. The things I saw, learned about and discussed on a daily basis, are not topics in McKinney polite society. My escape from the ugliness and stress of my work has been the beauty of my garden. I've included photos of my garden and a Chapel Hill dinner party in that garden, so you can better understand what is at stake for me.

I extended an invitation through Mr. Lockley on December 10th for each of you to visit Chapel Hill to be able to see how we will be impacted. I'm truly sorry you didn't care enough to do that ... My tiny backyard is approximately 6-8 feet below the grade of the proposed Vintage Place 2 story homes/garages to be positioned very close to my rear fence. I would ask you to imagine standing in my yard, no longer partially shaded by a mature pecan tree and staring up 38-44 feet to see homes squeezed together – to my left, behind and to my right. The developers' proposal to plant 10 foot trees will do little to mitigate the visual blight and if you look at the color of my hair, you will understand how I will not be a beneficiary of that "solution" in the near future.

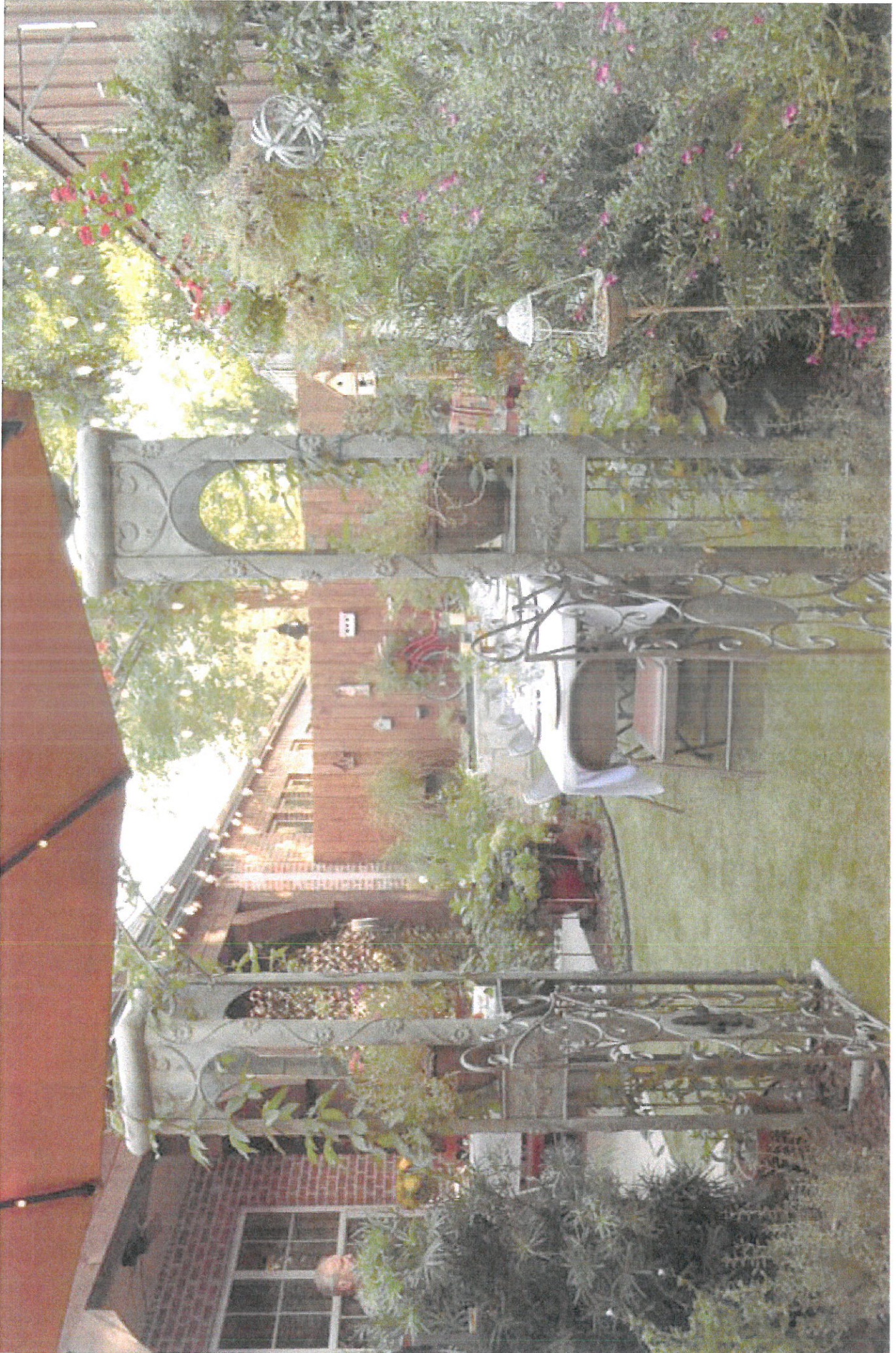
We moved to Texas from Washington State because I developed symptoms consistent with MS. It was suggested a sunny location might mitigate my symptoms. I did improve. Patio homes, by their design, are often dark. My home is no exception, though it enjoys afternoon sun in our family room, bedroom and backyard. I spend the bulk of my time in those areas. The proposed homes of 35 foot elevation (plus 6-8 feet to allow for grade) will also deprive me of much of the natural light I receive each afternoon, impacting not only my garden, but the interior of my home and quite possibly, my health. My life will be changed and I cannot imagine the value of my property will not be adversely impacted. In its planning, Chapel Hill went to great pains to provide visual privacy to its residents. Granting this request will wipe that out for the residents along Chapel Hill Lane and a portion of Steepleview.

As you deliberate, assuming you have not already made a decision adverse to our interests, I hope you will think about how your decision will impact my life; that you will recall the story Mr. Barta and others told you when they appeared before you in December and this evening. I hope you will think about my dear friend Connie Sampsell, who has mobility issues and NEEDS to use her pool, but would not for privacy reasons, so they are selling and moving; the Thomas' who are members of Hillcrest Church and oppose the development for the same pool/privacy issues. We understand there is always a balancing of rights and interests, but we fail to see how ruling in favor of developers who are not McKinney residents, who are only interested in squeezing in as many houses as possible in order to maximize their profit, outweighs the quality of life and financial interests of the residents of Chapel Hill, who bought homes here, invested their life savings in those homes and ask only to share in what McKinney offered to them – a small, charming, caring community that is "Unique by Nature".

We hope you will make the morally correct decision.











Samantha Pickett

Subject: FW: 15-113Z. Vintage Place

From: Greg Griffin

Sent: Wednesday, June 17, 2015 7:09 PM

To: Samantha Pickett

Cc: Robert Sampsell

Subject: 15-113Z. Vintage Place

Dear Ms. Pickett:

I am a Chapel Hill resident whose property borders the portion of the proposed subdivision behind the church. I have several concerns:

With CH adding Phase 2 homes (in process of build-out) and the townhouse development on Rockhill/Graves/Wilson Creek beginning, has McKinney studied the impact on traffic from an additional 58 homes?

My property is about 3.5-4 feet below the grade of the new subdivision. With the new 2 story homes planned 15 feet from the property line, I have concerns about the current retaining wall's integrity, run-off issues and my property being impacted by the height of the proposed home(s).

We enjoy 2 mature trees planted approx. 6 feet from the property line on the former church property. They shade our property and provide a habitat for squirrels, cardinals and blue jays. We planned our landscaping keeping in mind the shade those trees provide. I would appreciate it if the City would prohibit the developer from destroying the trees.

We live in a PD of patio homes. Outside space is limited and privacy is a major concern. Our homes have been designed so that our neighbors cannot look out/down, into our private space. I am concerned that a new subdivision of 2 story homes bordering our yards would have a clear view into our private outdoor space and homes, depriving us of the enjoyment we now have. In my case, with my property below grade, the problem is worse.

The planned 6 foot white vinyl fencing is NOT consistent with the feel of the Historic District. It is loud and garish. Simply look at "Savannah" on 380 west of Prosper to see an example of what this developer has planned. Is this how you envision our Historic District?

My husband and I, like most of the CH residents, downsized to spend our retirement years here. Few neighborhoods like ours exist in this area. I hope you can appreciate that we are not trying to be difficult or fight progress, rather we are trying to live out our lives in a quiet, private community in a wonderful city. We lived in Southern California in the 1940s-1980s and saw how uncaring developers and hands-off planners contributed to the miserable mess they now find themselves in. I sincerely hope McKinney doesn't proceed down the same path.

I appreciate the consideration you will give these matters as you review the developer's proposal.

Kind regards,
Maureen Griffin

832 Chapel Hill Lane

Samantha Pickett

Subject: FW: Tree preservation concerns 15-113Z

From: Francis Griffin
Sent: Monday, June 15, 2015 4:48 PM
To: Emily Braht
Subject: Tree preservation concerns

Dear Ms. Braht:

I am a resident of Chapel Hill, a small community of patio homes bordering the Historic District, occupied primarily by residents over the age of 55. A tract bordering CH is being rezoned (15-113Z). Quite a few of us have concerns regarding water run-off issues, privacy and tree retention. I understand and wholly support the City's commitment to preserve trees and set an aesthetically pleasing standard for all new development. I joined the McKinney Garden Club when I moved here to assist in some of the projects intended to enrich the park experience for residents.

It is my understanding workers on the subject property recently informed a CH resident they were marking trees on the large tract for removal. I would like to speak with you and perhaps even meet with you to discuss the City's position on the existing trees. Specifically, the CH residents have an interest in trees bordering the property line which provide shade and other benefit to the CH residents (habitat for squirrels, birds ...). These trees will also provide some privacy, with two story construction being planned. Many of us landscaped our yards with the shade of those trees determining the turf and plant choices. In my case, I spent \$30,000.00, not a small investment for a retiree.

I look forward to discussing this matter with you.

Kind regards,

Maureen Griffin
832 Chapel Hill Lane

"NO" to 15-113Z

From: Taxpaying Citizen Opponents of Planning Case No. 15-113Z Vintage Place

Date: January 13, 2016

Subject: Opposition to Planning Case No. 15-113Z Vintage Place

To: City of McKinney City Councilpersons, Planning & Zoning Commissioners, City Secretary (McKinney), City Attorney (McKinney)

1. Please review the attached as it relates to the 15-113Z Vintage Place zoning change application. Regrettably, it is a lot to absorb, but the applicants have a long history of forming corporations and the relationships between the various entities are complex. This report was previously hand-delivered to City Council members in November and the City Attorney in December. However, there has been no acknowledgement or response from the City to date.
2. The developer's misrepresentations and embellishment of his experience are disconcerting and easily discoverable. He no doubt mis-read the Chapel Hill residents. We are not passive or gullible. We are current/past doctors, nurses, lawyers, engineers, business owners, bank executives ... virtually all areas of business are represented. We are active; involved in charitable causes throughout Collin County; network in social, sports, political, religious circles; participate in social media and we vote.
3. In addition to our concerns about the ability of this particular developer to successfully complete the project, the residents of Chapel Hill, almost entirely empty-nesters and seniors, are concerned about the potential development's impact upon their property values and their ability to enjoy their property. The developer met with the residents and advised that the homes will be two stories, so he can build 2500-4000 square foot homes on the maximum number of lots. Due to the elevation discrepancy between the land to be developed and the existing homes (8-10 feet in some areas), the new homes will virtually entomb the current zero lot line homes on Chapel Hill Lane and deprive those existing homeowners of the small amount of visual privacy and beauty they now enjoy. Some homeowners have installed therapeutic pools that will be in clear view of the proposed new homes. Residents on other streets have additional concerns related to traffic, drainage, trees.
4. When a recent meeting with residents did not go as the developer might have wanted, he scheduled meetings with individual homeowners — divide and conquer — preying upon their fears and making promises to overcome their individual objections, all in hopes of pacifying them long enough to get the re-zoning through without opposition. To some he promised lush, tall evergreen plantings to screen them. To others, veiled threats that should his project not proceed, Chapel Hill would have townhomes on the land, bringing a less desirable type of person living behind us, driving down our property value and making our community less safe. When pressed about the townhomes, as we are aware one of our current builders, Adolphus, was interested in the property, Developer Schell stated Adolphus planned

"NO" to 15-113Z

to build "cracker boxes," "their plans were terrible, just terrible" and would erode our property values. Schell advised, "You don't know how lucky you are with me. Most builders wouldn't meet with you, they would just build what they want."

5. Consistent with all meetings was Schell's stated intent to absorb the land behind our homes (on average 3 feet), a part of Chapel Hill, but designated a HOA drainage easement. In exchange for our land, Schell intends to take down our existing rear 6 foot fence and install a 8 foot fence, generously giving us more privacy. Further, he kept insisting that his homes, with a projected sales price in the \$400-500,000 range, would raise our property value. By his own admission, his projected sales price would be equal to \$140 per square foot. Current new Chapel Homes exceed that price by \$20-30.00 per square foot. Moreover, it is questionable he could build homes of the quality he claims, with the cost of his lots double those of our current home builders, at \$140 square foot. Clearly, anyone who has even purchased a home is aware it is the price per square foot that is a major factor in appraisals/comps, and obtaining financing, so attempting to get the residents to focus on the sale price of much larger homes rather than the price per square foot, makes one question the experience of the developer or his intentions. We are a more sophisticated population than he gives us credit for.
6. We are advised the City has opted to forgo their policy – *Under the city's parkland dedication program developers must provide one acre for parks development for every 50 dwelling units. Such a mandate acts as a built-in buffer between density and natural serenity.* Based upon a review of the P&Z file to date, it appears the developer is paying a fee in lieu of including a park. With his lots anticipated to sell for \$100k each (developer's representation), this represents quite a savings for the developer, but does nothing to conform to the city's parkland dedication program. *Is this a municipal policy for the beautification of McKinney or a way to extract additional funds from developers?*
7. At a recent meeting with Chapel Hill residents, the developer suggested he leave an opening between Chapel Hill and Vintage Place so his residents could use Chapel Hill's parks and access the trail. When he met with firm resistance, he stated his intent to talk the City into deeding him a small parcel of City-owned land, near the entrance to his new development, to create a park for his residents. Seriously! A builder doesn't want to give up lots/\$ to build a park for his development, but expects the citizens of McKinney to "gift" him land for a park? *Unjust enrichment?*
8. Formal Written Zoning Change Protest petitions were signed by 93% of the 44 private homeowners within the 200 foot notification area and submitted to the City Secretary on November 28, 2015. We sincerely hope we can count on your NO vote.

3 ATTACHMENTS

1. Applicant's Vintage Place Business Interests
2. Applicant's Non-Vintage Place Business Interests
3. Applicant's Litigation History

Report on 15-113Z Applicant

1. Initial Applicant (Schell)

Gary Schell dba SC&D, Inc.
7033 Coverdale Drive, Plano Texas 75024
214-533-8233

2. Initial Business Entity Making Application (Sc & D, Inc.)

- a. Sc & D, Inc. filed as a Domestic For-Profit Corporation in the State of Texas on Tuesday, January 21, 2003, and is approximately twelve years old, as recorded in documents filed with Texas Secretary of State. The filing is currently active as of the last data refresh which occurred on Wednesday, June 3, 2015.
- b. Gary Schell serves as the President and has interests in other corporate entities including Momentum Asset Management Group, LLC, Windsor Capital Group, LLC, Csfs Interests LLC Luxus Homes Inc. and Hallmark Equity Partners, LLC. Gary's past corporate affiliations include Gills Inc., Gary Schell Custom Homes, Inc. and two others.
- c. Linda Schell is the Director of Sc & D, Inc.. Linda's past corporate affiliations include Apropos Designs, Inc.
- d. The registered agent for the company is William T. Schell. Also known as a statutory or resident agent, the registered agent is responsible for receiving legal notifications regarding court summons, lawsuits, and other legal actions involving the corporate entity.
- e. At a recent meeting with Chapel Hill residents, Schell represented himself as the President Of "Urban Past," yet another entity he links to this project. No information could be found on Urban Past in an internet search.

3. Vintage Place Partners LLC: Current Business Entity

- a. It has recently been learned that Schell has formed Vintage Place Partners LLC (4/07/15) with Boone Nerren, introduced to Chapel Hill residents as "the money man" to develop this project. It was further represented that Nerren was a Principal in Sapien Capital LLC, a Texas corporation filed on February 24, 2015, who would be financing the development. An internet search revealed Boone Nerren sold advertising for Liberman Media in Arlington until 2010 and is currently the President of AMZ Equity Partners (see his Facebook page), a sole proprietorship run out of his home.
- b. A search of Nerren's name reveals quite a few current business connections, all appearing to be sole proprietorships in the Private Equity arena. Wikipedia describes Private Equity Real Estate Funds as

"an asset class of equity and debt investments in property... Investments are typically made via private equity real estate fund, a collective investment scheme, which pools capital from investors... Private equity fund investment is for those who are able to risk losing significant amounts of money."

Report on 15-113Z Applicant

These funds are designed for ventures who cannot obtain traditional financing. Among those funds found linked to Boone Nerren to date:

- Realty Investment Opportunities LLC;
- Realty Investment II LLC;
- Mabank Enterprises;
- AMZ Equity Partners (see also this FB page);
- Zamtap Capital LLC;
- Texas Dst Capital LLC;
- AMZ – Gsc LLC;
- Windcrest MM LLC;
- Ranchito Sapient LLC;
- Windcrest Dev Group LLC;
- Holly Lakes MM LLC;
- Cdre Ventures LLC;
- Cd Realty Partners LLC;
- Ranchito Dallas Apts LLC;
- AMZ Windcrest Village LLC;
- Westlake Entrada LLC;
- Bella Vita Fund #1;
- Dakota Place Apartments.

It is interesting that several of Nerren's investment offerings are shown to have a business address of 14850 Montfort Drive, Suite 230 in Dallas – the address of Nathaniel Dodson, Attorney. At least 44 of such companies show this as their address. On April 23, 2015, Vintage Place Fund went public (seeking 1.2 million dollars to develop Vintage Place). For his services to this fund, Nerren and perhaps Schell, will each draw a salary of \$30,000 from investors' money. (See www.sec.gov). On www.octafinance.com, the offering for Vintage Place shows a photo of a large commercial construction site, not the 56 lot residential development.

4. Schell's Business Address

- a. The business address, as reflected on the request for re-zoning, is his residence in the Denton County area of Plano. As revealed by a search of the Denton County CAD records, the home is owned by SER Texas LLC dba Hyperion Homes, a Chicago Illinois corporation. Hyperion is a real estate firm, active in several states. According to their web site:

Hyperion Homes is a company designed to get displaced Texas Families back into homeownership. ... If you went through a foreclosure, short sale, or your credit score falls a little low of getting a traditional loan. This program may be good for you also if you are going through a divorce and don't want to purchase a home until the divorce is final, or maybe you have relocated to the area and not sure if you are staying long term. Then this program may be for you."

Report on 15-113Z Applicant

- b. Hyperion doesn't focus highly on your credit score; you will have to fill out an application and provide proof of employment and can pay the monthly lease. They do a credit check and a background check (you will not qualify if anyone over the age of 18 in your house hold has had a felony conviction).

5. Nerren's Business Address

Nerren operates out of his residence at 320 Beechwood Lane in Coppell, valued by the Dallas Central Appraisal District at \$420,590.

6. Financing of Vintage Place

- a. Inasmuch as it is apparent neither Schell nor Nerren have the liquidity to do this project on their own or through traditional financial channels, it appears the financing of Vintage Place is being provided by funds raised through Vintage Place Fund solicitation. Interestingly, an invoice in the P&Z zoning file reflects the "customer" as Momentum Asset Management. See this company's information in the next section.
- b. When challenged about the wisdom of building two story homes, 2500-4000 sq feet, for an aging down-sizing population, Schell advised the Chapel Hill residents he was "willing to gamble" on the project. He has reiterated that statement several times.
- c. Clearly, when you are using investment money from others, have no "skin in the game" yourself and are drawing management fees from the investment fund whether it is successful or not, you can gamble. The residents of Chapel Hill do not want to participate in Schell's gamble. Chapel Hill residents own their homes and can't recoup financially if Vintage Place drives down their property values. Schell and Nerren can walk away and wash their hands of McKinney – we cannot.

7. **Schell's Other Business Interests** are reported in Attachment 2.

Schell's Other Business interests

SOURCES. All information contained herein has been obtained through public, non-proprietary sources which include:

- a. Documents filed with the City of McKinney by the Applicant for re-zoning 15-113Z;
 - b. A resume posted online (<http://www.aecprofessional.com/resumedetails/2144/President.html>) seeking a "Project Management Position utilizing vast experience for the benefit and development of your companys [sic] real estate portfolio;" and
 - c. Related research on the public Internet.
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1. Adriatica

Despite an article cited by Schell, www.bizjournals.com/dallas/stories/2005/07/18/story4.htm, George Fuller's office (972-540-5955) stated that although Adriatica negotiated with Schell initially, the talks "never went anywhere" and Schell never built in Adriatica. Mr. Fuller has been "with the project since day one."

At a recent meeting with Chapel Hill residents, Adriatica was one of two projects Schell offered as a bona fide of his ability to develop and build quality developments.

2. Harbor Light Villas

All web inquiries to Harbor Lights are routed to Don. Don (903-467-7449), who has been with Harbor Lights since its beginning 8 years ago, stated Schell was not the developer, has never built in their community to his knowledge and Don has never heard of Gary Schell.

3. Craig Ranch

- a. David Craig (214-232-0626) checked his records and stated that Gary Schell was a Project Manager with Innovative Custom Homes in 2009-2010 (see information below). Innovative Custom Homes was an approved builder at the time. They built some of the townhomes in the Craig Ranch development. When the economy took a downturn, Innovative went under. Craig Ranch has had no further dealings with Schell.
- b. At a recent meeting with Chapel Hill residents, Craig Ranch was one of two projects Schell offered as a bona fide of his ability to develop and build quality developments. He claimed to have worked side by side with David Craig, a statement David Craig was uncomfortable with.

4. Innovative Custom Homes

- a. The web page cited by Schell www.ichomes.net directs to Integrity Care Residential Group Homes, not related to the home building industry. Further checking revealed Innovative Custom Homes Genpar LLC is a Texas Limited-Liability Company filed on July 16, 2004.
- b. The company's filing status is listed as Not In Good Standing and its File Number is 0800366363. The Registered Agent on file for this company is Tim Hagen and is located at 2200 One Galleria Tower 13355 Noel Road, Dallas, TX 75240. The company's principal address is 7549 Stonebrook Pkwy Apt 1010, Frisco, TX 75034-5491. The company has 1 principal on record. The principal is Larry Rochelle from McKinney TX.

Schell's Other Business interests

Innovative Custom Homes Genpar LLC sued Gary Schell in Collin County on 9/2006, case #4160298506.

5. Schell Properties Personal Acquisitions

- a. Properties listed include:
 - 234 Unit Oakshire Apartments, Dallas, Texas; Construction/Management
 - 100 Unit The Willows Apartment, Arlington, Texas - Condo Conversion;
 - Eules-Bedford Tom Thumb Retail Center;
 - Various apartment project: [sic]
- b. A search of Dallas CAD records revealed NO property (residential, commercial, mineral or otherwise) in the name of Gary Schell. Giving Schell every benefit, a possible match might be Schell Investment Trust, who owns a SFR at 103 Thompson Drive, Richardson, valued at \$317,540.00.
- c. A search of Tarrant CAD records revealed NO property in the name of Gary Schell. A possible match might be Schell Family Trust with 2 SFRs valued at \$77,800.00 and \$214,600.00.
- d. A search of Denton County CAD revealed NO possible match.
- e. Collin County lists NOTHING in the name of Gary Schell and one property that could be a possibility – Schell Family Trust B, a commercial property at 1001 East 15th Avenue, Plano TX, valued at \$476,913.00, with Shirley Carter Schell as Independent Executor.

6. Sc&D (first time listed on resume) Verde Village, Frisco:

- a. Denton County Building Department stated Verde Village lies within the jurisdiction of the City of Frisco.
- b. A check of building permits in the City of Frisco for Verde Village in Frisco revealed two homes were built by Sc&D/Schell: 4398 Verde Lane, a 3414 sq ft SFR and 4445 Verde Lane, a 3956 sq ft SFR, both built in 2006-07.
- c. Schell is not reflected to be the developer of the project known as Verde Village. Verde Village homes are currently in the \$400-450k range. A contractor verification was on file with the City of Frisco. The address listed for Schell was 7237 Kasko Drive, Plano. That home was foreclosed by the lender on 5/22/09 for \$190,514. Assessed value was \$323,562.

7. Sc&D (second time listed)

Appears by the language used on the resume to be a small scale operation making repairs and securing foreclosed homes for the financial institutions after owner vacated.

8. Rayzor Ranch:

The web page directs you to Hodges & Associates (972-387-1000), an architecture firm in Dallas. The person handling Rayzor Ranch is Charles Hodges, who has proven difficult to contact.

9. Momentum Asset Management Group

- a. (This is also the "customer" reflected on the Dietz Engineering documents). Could not locate sec filing.

Schell's Other Business interests

- b. Momentum Asset Management Group, LLC is a Texas Limited-Liability Company filed on January 19, 2012. The company's filing status is listed as Active and its File Number is 0801537994.
- c. The Registered Agent on file for this company is Thomas C. Washmon and is located at c/o Hajjar, Sutherland, Peters and Washmon, LLP 12 Austin, TX 78701. The company's principal address is 1205 Rio Grande St. % Hajjar Sutherland Austin, TX 78701-1709.
- d. The company has 2 principals on record. The principals are Gary Schell from Plano TX and Sacha Patin from Austin TX.
- e. From their web page:

"Momentum Asset Management Group, LLC provides real estate note solutions for asset managers, investors, and equity fund specialists. Given our extensive experience, we offer direct expertise for each situation and transaction, whether you have individual property needs or large portfolio requirements.

Our services promote owner and tenant growth, increased property values, and community redevelopment. We are uniquely situated to provide dedicated asset management solutions and disposition services designed to advance effectiveness for real estate investors.

Acquisition and Disposition Services

As a stable provider of acquisition and disposition solutions for the distressed real estate and mortgage note industry, we work directly with you, attending to the needs of our investors. By providing nationwide purchasing power and access to lender asset managers and trade desks, we are able to present a wide variety of real estate assets that will fit any investor's needs.

Whether your requirements are wholesale or retail, a single property or large portfolio, local or nationwide, we can customize a solution for you. If you're looking to acquire or dispose of residential or commercial real estate assets, contact Momentum to learn how we can help fulfill your requirements.

Investment Opportunities

Momentum provides opportunities for investors looking for a secure income stream with diversification and a higher yield than what is currently being offered in the traditional marketplace. Momentum manages mortgage and real estate acquisition funds for investors who are looking to ensure capital preservation, minimize credit risk and diversify their portfolio.

Momentum has proven success of staying ahead of market conditions by developing a niche within the alternative investment community for investors who want to depend on safety, transparency, and dependable income.

Diversification – Safety – High Yield Returns

Mortgage pool investments with Momentum achieve above average yields and open to individuals including those with a self-directed IRA or other retirement arrangements, trusts and corporations. Staying ahead of the mortgage meltdown, the banking industry, and the economy, Momentum has continued to provide steady returns for its investors.

With proven underwriting guidelines in our lending funds and our extensive sources for acquisition of discounted bulk loan and REO portfolios directly from lending institutions or investment funds, we have been able to achieve the consistent returns and preservation of capital that investors have come to expect from Momentum."

- f. If the Dietz document filed with the City accurately reflects the "customer," Momentum's funds paid for the engineering report for this project. Schell is a fiduciary of Momentum, has directed investment funds to this project and is acting as the developer and builder of the project.
- g. At a recent meeting with Chapel Hill residents, Schell advised his development of 2 story homes ranging from 2500-4000sq. ft and priced from \$400k-500k would be marketed to empty nesters and seniors. When challenged by his audience composed of that demographic, Schell stated three times "I am willing to take that gamble."His willingness to gamble appears to be in opposition to the mission statements on Momentum's web page. (See Italics above)

Schell's Other Business interests

10. Windsor Capital Group LLC

- a. Not a clue what their business is.
- b. Windsor Capital Group, LLC filed as a Domestic Limited Liability Company (LLC) in the state of Texas on Friday, February 17, 2012, and is approximately three years old, according to public records filed with Texas Secretary of State. The filing is currently active as of the last data refresh which occurred on Wednesday, June 3, 2015.
- c. **Key People**
 - (1) Suresh Gupta serves as the Member and has interests in other corporate entities including Omni Hotels, Inc., Park Square Enterprises, LLC and eleven more corporations. Suresh's past corporate affiliations include Orlando Gastroenterology Associates, PA.; Ambaji, Inc.; and twenty-two others.
 - (2) Gary Schell is the Member of Windsor Capital Group, LLC. Gary's additional corporate interests include Sc & D, Inc. located in Frisco, TX Gary's past corporate affiliations include Glls Inc., Gary Schell Custom Homes, Inc.
 - (3) The Member of Windsor Capital Group, LLC is Sacha Patin.
 - (4) The registered agent for the company is Thomas C. Washmon. Also known as a statutory or resident agent, the registered agent is responsible for receiving legal notifications regarding court summons, lawsuits, and other legal actions involving the corporate entity.
 - (5) The agent of service is the same as for Momentum
 - (6) When questioned about his involvement with this group at a meeting with Chapel Hill residents, Schell denied any knowledge of this entity.

11. Hallmark Equity Partners

- a. Not a clue what their business is.
- b. Hallmark Equity Partners, LLC filed as a Domestic Limited Liability Company (LLC) in the state of Texas on Thursday, July 26, 2012, and is approximately three years old, according to public records filed with Texas Secretary of State. The filing is currently active as of the last data refresh which occurred on Wednesday, June 3, 2015.
- c. Gary Schell serves as the Manager and has interests in other corporate entities including Sc & D, Inc., Windsor Capital Group, LLC , and Momentum Asset Management Group, LLC. Gary's past corporate affiliations include Glls Inc., Gary Schell Custom Homes, Inc. and two others.
- c. Varun Mittal is the Manager of Hallmark Equity Partners, LLC.
- d. Varun Mittal is also the registered agent for the company. Also known as a statutory or resident agent, the registered agent is responsible for receiving legal notifications regarding court summons, lawsuits, and other legal actions involving the corporate entity.

12. Apropos Designs Inc. INACTIVE

Schell's Other Business interests

- a. Apropos Designs , Inc. filed as a Domestic For-Profit Corporation in the state of Texas and is no longer active. This corporate entity was filed approximately eleven years ago on Friday, April 23, 2004, as recorded in documents filed with Texas Secretary of State. There are a couple of officers known to have been associated with this organization.
- b. Linda Schell served as the Director and has interests in other corporate entities including Sc & D, Inc. located in Frisco, TX
- c. Gary Schell was the Vice President of Apropos Designs, Inc. Gary's additional corporate interests include Sc & D, Inc., Momentum Asset Management Group LLC, and two more corporations. Gary's past corporate affiliations include Glls Inc., Gary Schell Custom Homes, Inc., and Csfs Interests, LLC.
- d. Linda B. Schell is also the registered agent for the company. Also known as a statutory or resident agent, the registered agent is responsible for receiving legal notifications regarding court summons, lawsuits, and other legal actions involving the corporate entity.

13. Csfs Interests LLC INACTIVE

- a. Not a clue what their business was ...
- b. Csfs Interests, LLC filed as a Domestic Limited Liability Company (LLC) in the State of Texas and is no longer active. This corporate entity was filed approximately fourteen years ago on Thursday, November 29, 2001 , according to public records filed with Texas Secretary of State. There are a couple of officers known to have been associated with this organization. The company's filing status is listed as No Standing, Franchise Responsibility Ended and its File Number is 0800031665.
- c. Gary Schell served as the Director and has interests in other corporate entities including Sc & D, Inc., Momentum Asset Management Group, LLC and two more corporations. Gary's past corporate affiliations include Glls Inc., Gary Schell Custom Homes, Inc. , and Apropos Designs, Inc.
- d. James Crowther was the Director of Csfs Interests, LLC. James's additional corporate interests include Cns Holdings, LLC; J. Aviation, LLC. James' past corporate affiliations include Synchro Group, LLC .
- e. The Registered Agent on file for this company is James B. Crowther Jr and is located at 5612 Hillsborough, Plano, TX 75093. The company's principal address is 5612 Hillsborough Dr Plano, TX 75093-8504.
- f. The company has 3 principals on record. The principals are:
 - James B. Crowther from Plano TX,
 - James Edward Fariss from Flower Mound TX, and
 - James Edward Machok from Carrollton, TX.

14. Gary Schell Custom Homes Inc. INACTIVE

- a. Gary Schell Custom Homes, Inc. filed as a Domestic For-Profit Corporation in the state of Texas and is no longer active. This corporate entity was filed approximately twenty years ago on Wednesday, August 16, 1995 , according to public records filed with Texas Secretary of State. The company's filing status is listed as Not In Good Standing and its File Number is 0136633000.

Schell's Other Business interests

b. Key People

- (1) Gary Schell served as the President and has interests in other corporate entities including Sc & D, Inc., Momentum Asset Management Group, LLC and two more corporations. Gary's past corporate affiliations include Glls Inc., Csfs Interests, LLC , and Apropos Designs, Inc.
- (2) Gary L. Schell is also the registered agent for the company. Also known as a statutory or resident agent, the registered agent is responsible for receiving legal notifications regarding court summons, lawsuits, and other legal actions involving the corporate entity.
- (3) The Registered Agent on file for this company is Gary L. Schell and is located at 5150 Spanish Oaks Frisco, TX 75034. The company's principal address is Po Box 2027 Frisco, TX 75034-0035.
- (4) The company has 1 principal on record. The principal is Gary Schell from Dallas TX.

15. Gary Schell Custom Homes, Inc

- a. One website (<http://www.ehardhat.com/directory/home-security/TX/frisco/gary-schell-custom-homes-inc/1084032>) states:

"Home security pros in Frisco, Collin county [sic]. Committed to offering prompt, superb quality service to all of our buyers, we execute local home security service every day. Gary Schell Custom Homes, Inc is locally managed and run. We service the Frisco area. It's always pricey to do home security upgrading, therefore why expend more than is required? It is not hard to find many skilled home security alarm redesigning contractors in Frisco, Collin county [sic] and it can be hard to determine which is the right one for use on your job.

Our customers will find us at 5243 Spicewood LN, Frisco. Selecting the perfect home security alarm redesigning company for your job could save you considerable time and money. Gary Schell Custom Homes, Inc: a recognized certified home security small business, fully licensed, bonded and insured, registered to perform home security work in the state of TX. Exactly what is our specialty? Our specialty: security alarms, home security alarm redesigning, home alarm remodeling and residential security alarm renovations.

Your full satisfaction is Gary Schell Custom Homes, Inc's main aim. Any time house owners opt to upgrade the look and feel of the house, most begin with home security issues."

- b. There are 4 building permits for Gary Schell, under the name of Gary Schell Custom Homes, not Sc&D, in Starwood Village, Spanish Oaks. These are dated 1998-2001:
 - (1) 2001-06-22 - 5174 Brandywine Ln, Frisco, TX ;5933 ac, 8636 sq ft, SFR / 2 story
Business on permit: Gary Schell Custom Homes | Type: Building | Parcel number: C2128159 | Fees: \$3,458 | Permit #: B01-1423
 - (2) 2000-06-09 - 5150 Spanish Oaks, Frisco, TX ;6270 ac, 7939 sq ft SFR / 2 story;
Business on permit: Gary Schell Custom Homes, Inc | Type: Building | Parcel number: C2037475 | Fees: \$3,223 | Permit #: B00-1324. This home is shown as the address for service with documents filed with Texas re Gary Schell Custom Homes
 - (3) 1998-07-15 - 5246 Spanish Oaks, Frisco, TX;4922 ac, 5938 sq ft SFR / 2 story;
Business on permit: Gary Schell Custom Homes | Type: Building | Parcel number: C2037465 | Fees: \$2,615 | Permit #: B98-1044.
 - (4) Also: 5243 Spicewood Lane, Frisco, TX. This home is shown as his place of business on www.ehardhat.com/directory/home-security/TX/frisco/gary-schell-custom-homes-inc/1084032

Schell's Other Business interests

16. Glls Inc.

- a. Glls Inc. filed as a Domestic For-Profit Corporation in the state of Texas and is no longer active. This corporate entity was filed approximately twenty-five years ago on Friday, May 11, 1990, as recorded in documents filed with Texas Secretary of State. The company's filing status is listed as Not In Good Standing and its File Number is 0115327700.
- b. Gary Schell served as the president and has interests in other corporate entities including Sc & D, Inc., Momentum Asset Management Group, LLC and two more corporations. Gary's past corporate affiliations include Gary Schell Custom Homes, Inc., Csf's Interests, LLC , and Apropos Designs, Inc.
- c. The Registered Agent on file for this company is Cyril David Kasmir and is located at 2001 Bryan Tower, Ste. 2700 Dallas, TX 75201.
- d. The company's principal address is Po Box 796816 Dallas, TX 75379-6816.

17. Lupus Homes Inc. INACTIVE

- a. Luxus Homes Inc is a Texas Corporation filed on April 4, 1990. The company's filing status is listed as Not In Good Standing and its File Number is 0114885600.
- b. The Registered Agent on file for this company is Cyril David Kasmir and is located at 2001 Bryan Tower, Ste. 2700, Dallas TX 75201.
- c. The company's principal address is Po Box 796816 Dallas, TX 75379-6816.

18. Schell Construction

- a. Gary Schell has a minimal page on Houzz.com as Schell Construction.
- b. The only other reference found on the Web (http://www.citysearch.com/profile/47364527/plano_tx/schell_construction.html) states as follows:

"Categories: Metal Roofing Contractors

Roofing & Siding Services: Asphalt Shingle Installation, Flat Roof Installation, Install Composite Roofs, Install Slate Roofs, Metal Roof Repair, Roof Repair, Slate Roof Repair, Tile Roof Installation, Tile Roof Repair"

19. Schell Ventures Inc. INACTIVE

- a. Schell Ventures Inc is a Texas Corporation filed on June 4, 1984. The company's filing status is listed as Not In Good Standing and its File Number is 0070740300.
- b. The Registered Agent on file for this company is Gary Schell and is located at 2001 Bryan Tower, Suite 2700 Dallas, TX 75201.
- c. The company's principal address is 5702 Bent Trail, Dallas, TX 75248-2707.

20. Town and Country Homes LLC INACTIVE

Couldn't locate any information

"NO" to 15-113Z

Litigation: No representation is made regarding the nature or outcome of the litigation, rather it shows disputes and litigation between customers and Schell's various building ventures. Files are available in the respective courthouses.

Date	Case#	Litigants
COLLIN COUNTY		
02/2010	219004672010	Allegiance Stone Oak v Gary & Linda Schell dba Apropose Design
09/2006	4160298506	Innovative Custom Homes Genpar v. Gary Schell
10/2005	040CV060001101	Steve Brown v. Gary Schell
06/2005	4010190105	Sharon Burpo v. Gary Schell
11/2003	004173303	North Texas Stone v, Gary Schell Custom Homes
08/2003	3800251103	Kurt Novey v. Gary Schell
08/2003	005109703	American Express v. Gary Schell
05/2003	3660138603	Wetco Enterprises v. Gary Schell Custom Homes
11/2001	3660244001	Peter & Stephanie Alba v. Gary Schell Custom Homes
01/2001	4010001801	Antonio & Rute deSouza v. Gary Schell Custom Homes
09/1999	001107299	Fenwick & Associates Realtors v. Gary Schell Custom Homes
04/1991	296-0049791	David and Shirley Lenz v. Town & Country Homes (Schell)
04/1990	002-C8990	Texas Door & trim v. Gary Schell Custom Homes
DENTON COUNTY		
02/1990	90300100211	Wayne & Marjorie Yarbrough v. Gary Schell, Schell Ventures Inc,
Town		& Country Homes
DALLAS COUNTY		
08/2003	DC0309377	Texas Door & Trim v Gary Schell Custom Homes
08/1992	DC0208148	Equitable Bank of Dallas v. Gary Schell
11/1990	DC9013679	Campbell Sanders v. Schell Ventures Inc.
11/1990	DC9013249	ane Pardue v. Schell Ventures Inc.
08/1990	DC9010078	Resolution Trust Corporation v. Schell Ventures Inc.
TARRANT COUNTY		
07/1995	19950634842	Neotek Inc. v Gary Schell
LITIGATION involving wife, Linda Schell		
COLLIN COUNTY		
10/2012	04JC1200650	Midland Funding v. Linda Schell
07/2010	04EV1001182	Legacy North v. Linda Schell (eviction)
06/2010	04EV1000956	Legacy North v. Linda Schell (eviction)
04/2010	04EV1000690	Legacy North v. Linda Schell (eviction)
03/2010	04EV1000500	Legacy North v. Linda Schell (eviction)
03/2010	04EV1000353	Legacy North v. Linda Schell (eviction)
02/2010	2190046729010	Allegiance Stone v. Linda Schell/Apropos Design
02/2010	04Evv1000191	Legacy North v. Linda Schell (eviction)
12/2009	04EV0903913	Legacy North v. Linda Schell (eviction)
01/2008	4160031808	CitiBank v. Linda Schell
09/2000	3800138500	Frisco ISD v. Linda Schell (taxes)

Who We Are

Concerned CITIZEN Property Owners of

the Historic District

Lee Street

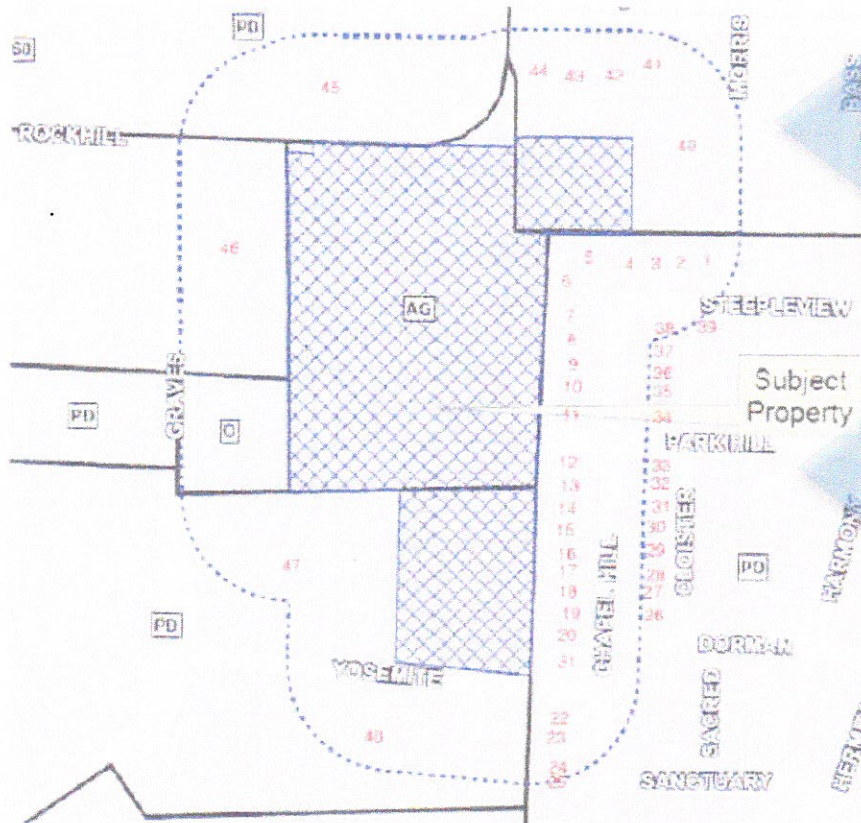
Chapel Hill Subdivision

**Who want to make certain the City Planning & Zoning
Commission and the City Council are fully aware of
our overwhelming opposition to approval of 15-113Z
Vintage Place Rezoning to PD (Planned
Development) District**

15-113Z Zoning Change Written Protest

In accordance with Subsection 146-164(5) "Negative Recommendations; Written Protest Procedures" of the Zoning Ordinance

Chapel Hill & Lee Street: 35 of the 39 private property owners have formally recorded opposition to 15-113Z with the City of McKinney



Lee Street:

- 5 properties within 200 ft
- Signatures from 5 of 5 property owners

Chapel Hill:

- 39 properties within 200 ft
- 3 properties are leased
- Signatures from 30 of 34 non-lease property owners

Planning & Zoning Report - Discussion Topics

PLANNING & ZONING COMMISSION MEETING OF 12-08-15 AGENDA ITEM #15-11322

AGENDA ITEM

TO: Planning and Zoning Commission
THROUGH: Matt Robinson, AICP, Planning Manager
FROM: Samantha Pickett, Planner II
SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" – Agricultural District, "RS

7 APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the January 5, 2016 meeting.

8 STAFF RECOMMENDATION: Staff recommends approval of the proposed rezoning request with the following special ordinance provision:

1. The subject property shall develop in conformance with the attached development regulations.

1 APPLICATION SUBMITTAL DATE: April 27, 2015 (Original Application)
 May 18, 2015 (Revised Submittal)
 June 1, 2015 (Revised Submittal)
 June 9, 2015 (Revised Submittal)
 June 30, 2015 (Revised Submittal)
 September 29, 2015 (Revised Submittal)
 October 19, 2015 (Revised Submittal)
 October 26, 2015 (Revised Submittal)
 November 17, 2015 (Revised Submittal)
 November 23, 2015 (Revised Submittal)

2 On June 23, 2015 the Planning and Zoning Commission voted 6-0-0 to close the public hearing and table the item indefinitely per the applicant's request.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"AG" – Agricultural District (Agricultural Uses), "RS 50" – Single Family Residence District (Single Family Residential Uses), and "PD" – Planned Development District Ordinance No. 1498 (Residential Uses)	Single Family Homes and Undeveloped Land
North	"PD" – Planned Development District Ordinance No. 2000-08-058 (Single Family Residential Uses)	First Baptist Church of McKinney
South	"PD" – Planned Development District Ordinance No. 1498 (Residential Uses)	Hillcrest Christian Church and Community Life Church of Collin County
East	"RS 50" – Single Family Residence District and "PD" – Planned Development District Ordinance No. 2004-08-087 (Single Family Residential Uses)	Chapel Hill Subdivision and Single Family Homes
West	"PD" – Planned Development District Ordinance No. 1498 (Residential Uses) and "O" – Office District (Office Uses)	McKinney Bible Church and Undeveloped Land

4 PROPOSED ZONING: The applicant is requesting to rezone the subject property to "PD" – Planned Development District generally for single family residential uses. The proposed development standards would generally follow "SF5" – Single Family Residential District, with modifications.

	"SF5" District	Proposed Zoning
Minimum lot area	5,000 SF	5,500 SF
Minimum mean lot size	7,200 SF	6,995 SF
Minimum median lot size	7,200 SF	5,509 SF
Maximum height	35'	38'
Minimum front yard setback	20'	15'
Maximum density	3.2 du/ac	4.9 du/ac
Encroachment zone	10'	3'

*Garages shall be set back a minimum of 20' from the property line

Given that the Future Land Use Plan (FLUP) designates the property for medium density residential uses, and the surrounding and adjacent properties are designated or zoned for residential uses, Staff feels that the proposed rezoning request will be compatible with existing and future adjacent and surrounding uses, and as such, recommends approval of the proposed rezoning request.

5 The applicant has indicated in their intentions to develop a neighborhood that will blend with the surrounding newer neighborhood to the east as well as the older, Town Center neighborhoods to the north. Accordingly, the applicant has proposed that in order to satisfy the PD provision ensuring exceptional quality or innovation, each home built on the subject property shall follow one of four architectural styles (Victorian, Cottage, Colonial, or Craftsman), which will be dispersed throughout the development. Additionally, the City's Historic Preservation Officer will review each elevation to ensure that all homes feature at least three (3) key elements of the chosen style.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for medium density residential and low density residential uses. The FLUP modules diagram designates the subject property as Town Center within a significantly developed area. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

6 OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received two letters and a petition in opposition to this request.

ATTACHMENTS:

- PZ Minutes 06.23.15
- Location Map and Aerial Exhibit
- Letter of Intent
- Letters of Opposition
- Petition of Opposition
- Comprehensive Plan Maps
- Land Use and Tax Base Summary
- Existing "PD" – Planned Development District Ordinance No. 1498
- Proposed Renderings – Informational Only
- Proposed Zoning Exhibit – Development Regulations
- PowerPoint Presentation

The Morass We've Had to Wade Through

Record Type	# files	# records	Submittal #									
			1 4/27	2 5/18	3 6/1	4 6/9	5 6/30	6 9/29	7 10/19	8 10/26	9 11/17	10 11/19 11/23
TOTAL SUBMISSIONS	58	100	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
APPLICATIONS	3	7	✓						✓			
ADDRESSED COMMENTS	3	7			✓						✓	
DEED	4	4							✓			
ELEVATIONS	11	18			✓						✓	✓
LEGAL DESCRIPTION	9	9		✓	✓						✓	✓
LETTER OF INTENT	15	15	✓	✓	✓	✓	✓				✓	✓
LOT SIZE ANALYSIS	2	2		✓	✓							
SURVEYS & PLATS	8	19	✓								✓	✓
REVISED SUBMITTAL PACKAGE	2	23	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
TREE SURVEY	3	3		✓								
STAFF COMMENTS	17	~ 75	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗

The Official Planning Department Schedule



2015 PLANNING APPLICATION SCHEDULE PD - PLANNED DEVELOPMENT DISTRICT (RE)ZONING REQUESTS

		Application Submittal	Staff Cmts eMailed	Revised Plans Resubmitted	Post Zoning Signs on Property	P&Z Commission Meeting	Zoning Sign Maintenance	City Council Meeting
		Due by 12 PM	Due by End of Day	Due by 3 PM	Due by 5 PM	6 PM	Due by 5 PM	6 PM
Submission #								
#Weeks								
—	1	04/13/15	04/21/15	05/04/15	05/19/15	05/26/15	06/30/15	06/16/15
		04/27/15	05/05/15	05/18/15	06/02/15	06/09/15	N/A	07/07/15
2	2,3,4	05/11/15	05/19/15	06/01/15	06/16/15	06/23/15	07/28/15	07/21/15
4		05/26/15	06/02/14	06/22/15	07/07/15	07/14/15	08/11/15	08/03/15
6	5	06/15/15	06/23/15	07/06/15	07/21/15	07/28/15	08/25/15	08/18/15
8		06/29/15	07/07/15	07/20/15	08/04/15	08/11/15	09/08/15	09/01/15
10		07/13/15	07/21/15	08/03/15	08/18/15	08/25/15	09/29/15	09/15/15
12		07/27/15	08/04/15	08/17/15	09/01/15	09/08/15	10/13/15	10/06/15
14		08/10/15	08/18/15	08/31/15	09/15/15	09/22/15	10/27/15	10/20/15
16		08/24/15	09/01/15	09/21/15	10/06/15	10/13/15	11/10/15	11/03/15
18		09/14/15	09/22/15	10/05/15	10/20/15	10/27/15	11/24/15	11/17/15
20	6	09/28/15	10/06/15	10/19/15	11/03/15	11/10/15	12/08/15	12/01/15
22	7	10/12/15	10/20/15	N/A	N/A	11/24/15	12/29/15	12/15/15
24	8,9,10	10/26/15	11/03/15	11/17/15	12/01/15	12/08/15	01/12/16	01/05/16
26		11/09/15	11/13/15	N/A	N/A	12/22/15	01/26/16	01/19/16
28	9,10	11/23/15	N/A	12/14/15	01/05/16	01/12/16	02/09/16	02/02/16
		12/14/15	12/18/15	01/04/16	01/19/16	01/26/16	02/23/16	02/16/16
		12/28/15	N/A	01/18/16	02/03/16	02/09/16	03/08/16	03/01/16

*PD Rezoning Requests may require additional review time depending on the complexity of the request.

In an effort to ensure that the best customer service levels are provided to all of our applicants, incomplete submittals cannot be accepted.

Chapel Hill PD Ordinance 2004-02-017

Changes Made by Applicant for Vintage Place LOI

Planned Development District for the “Chapel Hill” Tract McKinney, Texas

Purpose Statement

This site is located between the older historic urban fabric of McKinney to the east, and the newer vehicular oriented types of development to the west including large churches and the high school. The site lies within the Town Center District and thus replication of the street patterns, architectural patterns, and setbacks are appropriate in this context. Also, the proposed development is intended to appeal to residents who would choose as often to walk or bike as drive to the town square. The proposed PD district allows for a variety of moderately sized lot sizes and common open space. Front yard maintenance will be provided by a master homeowners association, which will also care for private common areas. Houses will orient to the front streets with architectural features such as front porches, or other embellishments known as “gifts to the street”. These elements are allowed to project or encroach into the front yard setbacks to provide a more urban pedestrian scaled walking experience. ~~Sidewalks will be 5 feet wide to allow two people to walk side by side. Street trees are required to provide shade to pedestrians, slow traffic, and create outdoor rooms between porches and street.~~

Chapel Hill PD Ordinance 2004-02-017

Changes Made by Applicant for Vintage Place LOI

Residential Architecture

The intent of this Planned Development is to create a wide variety of architectural texture within the public streetscape of the community. To achieve this, the following patterns shall be implemented:



1. The Porch Zone allows the furnishing of a street with people places such as unscreened porches, footed bay windows, stoops, balconies, and masonry-faced chimneys. The furnishing of the street with these architectural elements should be encouraged. The allowance for these elements to be built up to five feet (5') into the front setback removes the penalty of reducing private back yard space that a single front setback would impose. The Porch Zone wraps around the street elevation of homes built on corner lots. A minimum of seventy-five percent (75%) of the lots served by alleys shall have a porch having a minimum depth of six feet (6') and not be less than fifty (50) square feet in area. Porch columns shall be appropriate to the architecture of the structure and will include a variety of round columns, square box columns with or without brick or stone bases, hewn timber posts, and/or turned wood columns.



2. In order to encourage a variety of architectural styles, and to introduce color to the streetscape, cement fiberboard (such as Hardi-Plank or equivalent) will be considered a qualified masonry equivalent as long as it is in plank form and covered by a minimum twenty-five (25) year manufacturer's warranty.



3. Detached garages are allowed. The detached garage and main building may be connected by an unenclosed breezeway. Detached garages shall observe the same side and rear setbacks as the main structure as described previously herein. If the rear garage utilizes an alley, the rear setback shall be as set forth previously herein. The area covered by the detached garage will count toward the calculation of the overall lot coverage area of the home on the lot. Accessory rooms (Granny Flats) of no more than 660 sf may be built above detached garages.



4. Roof pitches and roof shingle colors will be varied per architectural style. Uniform roof shingle colors will not be permitted.



5. Seventy-five percent (75%) of the homes will be predominantly single story. This will allow a bonus room or guest room and bath on the second floor, however the predominant scale of the house will be single story to achieve a predominant cottage street scale to the community.



6. Homes will be built in a variety of exterior materials including cementations plank siding, stucco, real or man-made stone, and/or brick. The choice of materials will be consistent and appropriate to the architectural style of the house. No single exterior material shall be used exclusively.



7. No identical elevation shall be built on adjacent lots or on opposing lots on the same street or within three (3) consecutive lots on the same street.



8. The builder(s) shall employ a range of historically based styles, varying rooflines, exterior materials and colors, and varying front setbacks to achieve a rich built environment suggestive of established neighborhoods built over time representative of the diversity within City of McKinney's Historic District.

Chapel Hill PD Ordinance 2004-02-017

Changes Made by Applicant for Vintage Place LOI

	SF5 District	Vintage Place	Chapel Hill
Minimum lot area	5,000 sq ft (4)	5,500 sq ft	4,000 sq ft
Minimum lot width	40 ft (6)	✓	✓ 35 ft cul de sac
Minimum lot depth	80 ft (3)	✓	100 ft
Minimum front yard setback	20 ft (3)	15 ft 20 ft (to garage)	10 ft (5 ft to porch) 25 ft (street facing)
Minimum rear yard setback	15 ft (7)	✓	12 ft (rear alley lots) 20 ft (front entry lots)
Minimum side yard setback (interior lots)	0 ft (10)	✓	3 ft / 7 ft (zero lot line)
Minimum side yard setback (corner lots)	15 ft (7)	✓	10 ft (5 ft to porch)
Maximum height of structure	35 ft	38 ft	✓
Maximum density (dwellings / gross acre)	3.2 units (5)	4.9 units	
Maximum lot coverage	n/a	72% (calculated)	65%
Maximum floor area ratio	n/a	-	-
Encroachment Zone	10 ft	3 ft *	

* 3-foot zone between the building setback and property line in which porches, footed bay windows, stoops, balconies, and masonry faced chimneys shall be permitted

- (3) 10 ft encroachment zone
- (4) Minimum Mean and Median shall be 7,200 sq ft (Vintage Place: Min Mean = 6,509 sq ft, Min Median = 6,509)
- (5) Density may be increased to 3.4 dwellings / gross acre if "design for density" criteria satisfied (Comprehensive Plan)
- (6) Lots < 50 ft in width: (a) No front-facing garages; (b) Rear-entry garage requires 20 ft driveway minimum

Chapel Hill PD Ordinance 2004-02-017

Changes Made by Applicant for Vintage Place LOI

The architectural styles of the houses shall feature styles prevalent between approximately 1915 and 1935 in American cities and generally represented by Exhibit "A" but inclusive of European revival styles in addition to American

Victorian

- i. Prominent covered front porch
- ii. Wrap-around front porch
- ~~iii. Gables on multiple sides~~
- iv. Dormer(s)
- ~~v. Steep roof pitch~~
- ~~vi. Tower element~~
- vii. Turned wood porch columns
- viii. Gingerbread porch or gable trim
- ix. Minimum of three (3) exterior paint colors
- x. Multiple roof shingle patterns
- xi. Multiple siding patterns
- xii. Divided panes in top sash of windows

Craftsman Bungalow

- i. Low pitch gabled or hipped roof
- ii. Single or one-and-a-half story
- iii. Prominent covered porch
- ~~iv. Transoms over windows and doors~~
- v. Gables or dormers covered in shingles with body of house covered in lap siding
- vi. Exposed rafter tails
- vii. Divided or single large window panes
- viii. Masonry porch base
- ix. Tapered square columns with or without masonry pedestals

European Revival

- i. Tall gable(s) on front
- ii. Curved window frames
- iii. Window shutters
- iv. Steep roof pitch
- v. Porte-cochere
- vi. Asymmetrical elevation
- vii. Turret or tower element
- viii. Mixture of stone and brick and/or stucco on elevation
- ix. Multiple gables on one elevation
- x. Variety of window sizes and pane patterns on elevation
- xi. Dormers may be decorative attic vents
- xii. Diminutive or no front porch
- xiii. Hewn timber posts and brackets
- xiv. Timber lintels over window and door openings

Vernacular Cottage

- ~~i. Low pitched hipped roof~~
- ii. Asymmetrical or symmetrical elevation
- iii. Two-story component
- iv. Devoid of gingerbread
- v. Turned wood porch columns or simple square or round columns
- vii. Small or prominent covered porch
- ~~viii. Top sash of windows may have divided panes or both sashes may be single panes~~

Colonial Revival

- ~~i. Multi-pane windows in both top and bottom sashes~~
- ii. Round or square box columns
- iii. Decorative front doorway with or without pediment
- iv. Centered large or small portico/porch with gable or arch
- v. Gabled dormers symmetrically arranged on roof
- vi. Window shutters
- vii. Full or partial symmetrical elevation
- ~~viii. Palladian window or fan light in gable~~
- ~~ix. Painted brick~~
- x. Singular use of lap siding with or without brick on chimneys, foundations, porch floors, and/or front elevation

***Chapel Hill PD Ordinance 2004-02-017
Changes Made by Applicant for Vintage Place LOI***

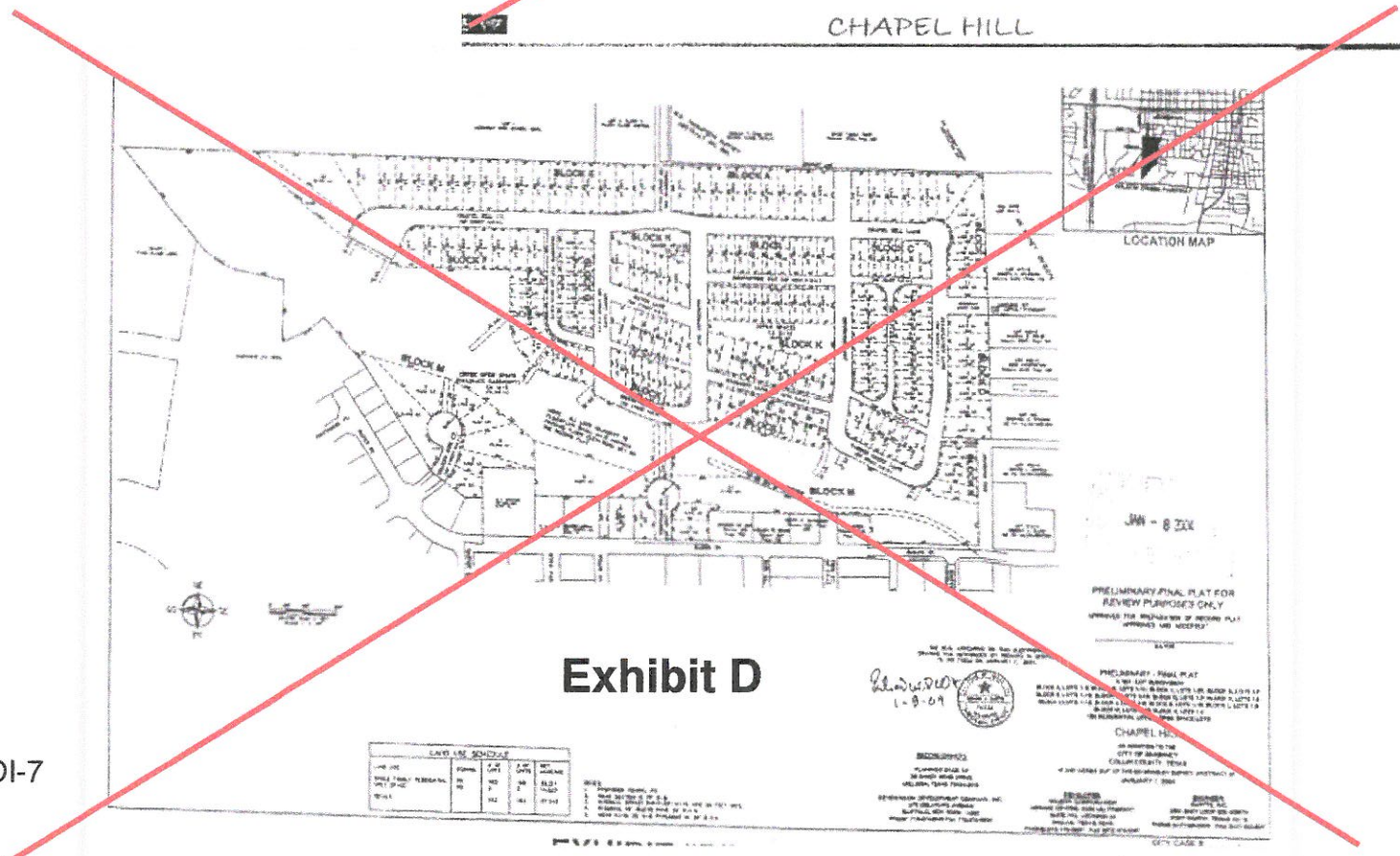
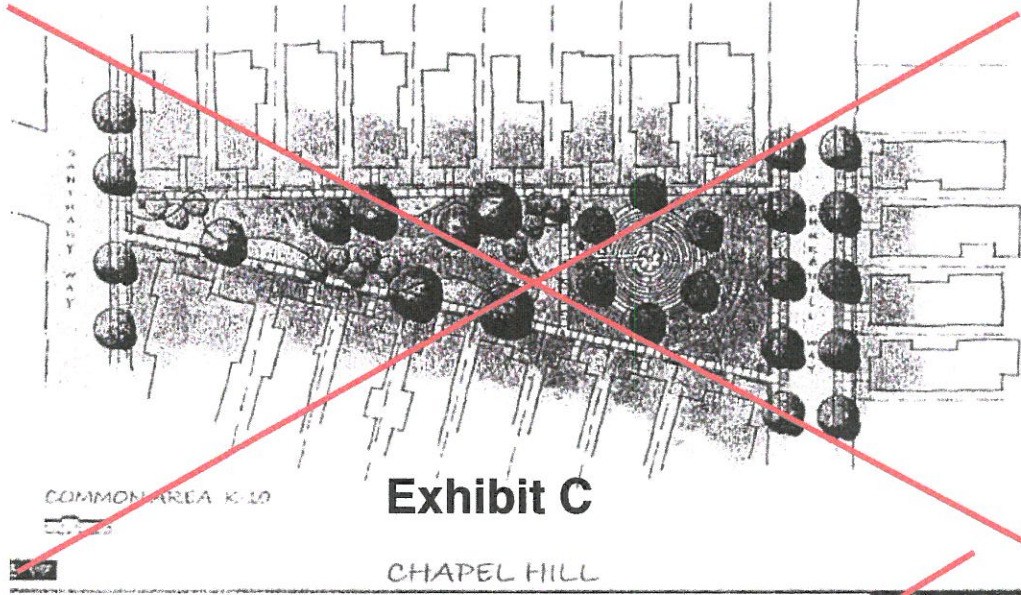
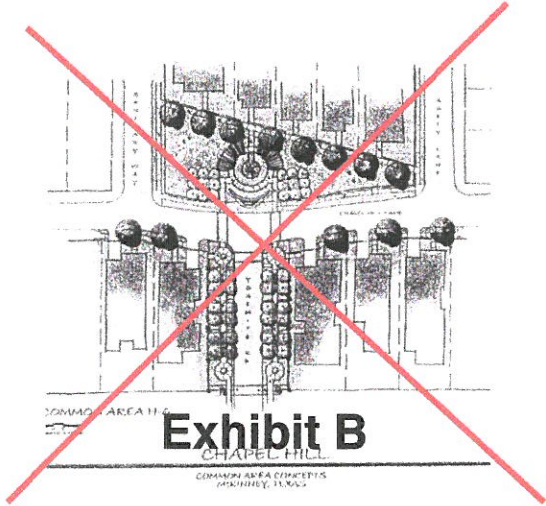
Accessory dwellings shall be allowed on lots less than 12,000 square feet in size and may be built above the detached garage.

I have attached several pictures of homes that are examples of the architectural styles. These pictures are included for informational purposes only.

The City's Historic Preservation Officer shall approve building elevations prior to the issuance of a building permit to ensure Key features of the selected architectural style have been included.

Chapel Hill PD Ordinance 2004-02-017

Changes Made by Applicant for Vintage Place LOI



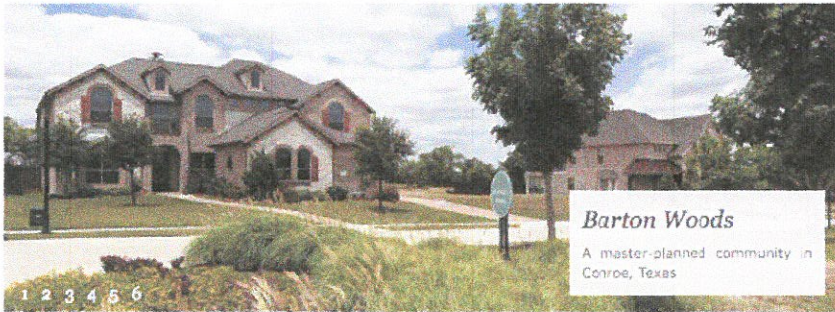
Chapel Hill: Wilbow Development Corporation



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Communities



Fairway Ranch



Villae at Wellington



Reganry Park



The Overlook at Colleyville



Waterford Place



Providence Grove

NEW DEVELOPMENTS

Located in Prosper, Texas, The rolling hills in prestigious East Prosper provide the ideal setting for your custom home. Homes here generously exceed \$600,000 in value. Nearby lake, golf course,...

Buy Now, Build Later - The Estates at Gr... [READ MORE](#)

LATEST NEWS

Morningstar breaking ground in April 2016

06/11/15 Highland Homes featured in DMN article

05/10/15 - Larry Corson noted in DMN Executive feature

04/03/15 Wilbow's Larry Corson interviewed by DPW Estate blog

04/02/15 - Review of new Villas of Lake Highlands on industry blog

Now Selling in McKinney/McKinney ISD

This is the only new home community in McKinney that provides direct pedestrian connection to the thriving historic residential district and vibrant downtown square where you can find unique shops, cafes, wine bars and the newly restored performing arts center. Building in the first of two phases totaling 166 homes offers luxury patio homes featuring historic American architecture with front porches and European architecture with courtyards. The beautifully landscaped community parks, woodland hike and bike trail and front lawns are maintained for your convenience by the homeowners association featuring Harmony Homes and Cambridge Home.



Chapel Hill McKinney

Chapel Hill McKinney



Chapel Hill Brookside

Chapel Hill Brookside



Chapel Hill Trail

Chapel Hill Trail



Chapel Hill Trail & Park

Chapel Hill Trail & Park



Chapel Hill Brookside

Chapel Hill Brookside



Chapel Hill Oaks

Chapel Hill Oaks



Chapel Hill Oaks

Chapel Hill Oaks



Chapel Hill Oaks

Chapel Hill Oaks



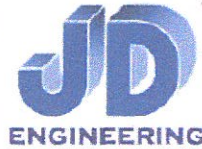
Chapel Hill Oaks

Chapel Hill Oaks

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Chapel Hill: James deOtte Engineering



James
DeOtte
Engineering
Inc.

Civil Engineering

Land Surveying

Construction Management

Hydrologic and Hydraulic Modeling

About Us

Services

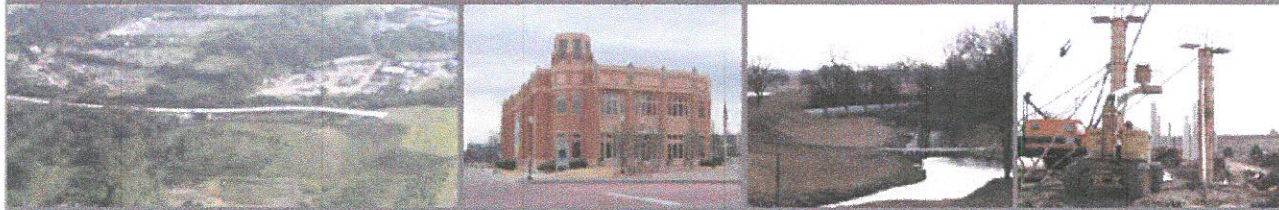
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Clients

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FTP Access

JDEI is hiring! Click [here](#) and [here](#) for our ads



Founded in 2005...

James DeOtte Engineering, Inc., is a full service civil engineering, land surveying, planning, and construction services firm. Jim DeOtte, the principal, has over 30 years of experience in the Fort Worth/Dallas metroplex and surrounding areas. The firm stresses client satisfaction, responsiveness, and utilization of effective and efficient technology. The firm's personnel are also members of the following organizations.

- Texas Floodplain Management Association (TFMA)
- American Society of Civil Engineers (ASCE)
- Society of American Military Engineers (SAME)
- Texas Society of Professional Land Surveyors (TSPS)
- Water Environmental Federation (WEF)
- Water Environmental Association of Texas (WEAT)
- American Water Works Association (AWWA)
- Commercial Real Estate Development Association (NAIOP)

The firm is registered with the State of Texas and maintains a professional liability insurance policy with the DPIC as well as standard general liability insurance.

James DeOtte Engineering's consulting team consists of Senior Engineering personnel, certified floodplain managers, registered land surveyors, and technical specialists. Our Engineers utilize state-of-the-art software including AutoCAD Civil 3D 2013, HEC-HMS, HEC-RAS, and ARC-GIS. Our staff has been through extensive professional training in Civil 3D, HEC-RAS steady and unsteady state modeling, and HEC-HMS modeling including dam break analysis.

Mission Statement

To provide responsive and cost effective engineering solutions to municipalities, governmental agencies, and industrial and commercial developers by teaming talented, creative people with the most current software, hardware and technology.

Vision Statement

To grow our firm by exceeding our client's expectations and making our client's successful.



FORT WORTH



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James DeOtte Engineering, Inc.
2201 Dottie Lynn Parkway Suite 119
Fort Worth, Texas 76120
ph: 817-445-6577 fax: 817-930-0445
TBPLS Firm Reg No. 10101400
TBPE Firm Reg. No. 8917

Applicant Has No Demonstrated Capability to Perform

Companies presented to the City of McKinney TX (via rezoning application) and Chapel Hill Homeowners (via 10/27 meeting at Hillcrest Church) that have absolutely “zero” web presence.

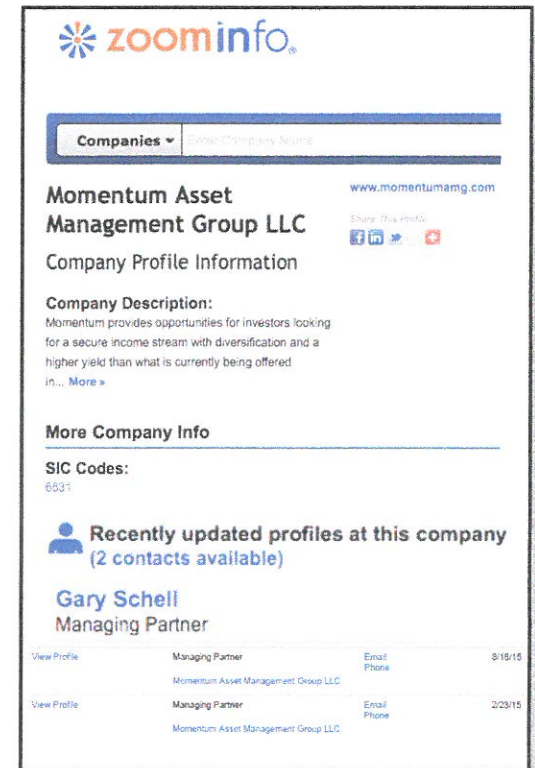
- **Vintage Place Fund, LP**
- **Vintage Place Partners, LLC**, a Texas LLC, as General Partner
- **Urban Past Development, LLC**, a Delaware LLC, as Co-Manager
- **SC&D**, 7033 Cloverdale Drive, Plano TX 75024 (214) 533-8233

Companies presented and for which there is a online presence

- **shellcon.com**
 - Roofing contractor
 - Applicant owns and is also associated with 10 other domain names
- **Momentum Asset Management Group, LLC**
 - *“Momentum provides opportunities for investors looking for a secure income stream with diversification and a higher yield than what is currently being offered in the traditional marketplace. Momentum manages mortgage and real estate acquisition funds for investors who are looking to ensure capital preservation, minimize credit risk and diversify their portfolio. Momentum has proven success of staying ahead of market conditions by developing a niche within the alternative investment community for investors who want to depend on safety, transparency, and dependable income.”*

References presented to Chapel Hill Homeowners at 10/27 meeting at Hillcrest Church were fact-checked but discredited:

- **Builder at Adriatica in McKinney TX**
- **Builder at Craig Ranch in McKinney TX**



The screenshot shows a ZoomInfo profile for Momentum Asset Management Group LLC. The profile includes the company name, website (www.momentumamg.com), and social media links. The company description states: "Momentum provides opportunities for investors looking for a secure income stream with diversification and a higher yield than what is currently being offered in... More". Under "More Company Info", the SIC Code is listed as 6631. A section titled "Recently updated profiles at this company (2 contacts available)" lists Gary Schell as a Managing Partner, with two entries showing his profile was updated on 8/19/15 and 2/23/15.

View Profile	Managing Partner	Email Phone	8/19/15
	Momentum Asset Management Group LLC		
View Profile	Managing Partner	Email Phone	2/23/15
	Momentum Asset Management Group LLC		

15-113Z PD (Rezoning) Request Submittal Requirements

“Rezoning Request Requirements Revised 10/30/2015” & Sec. 146-94

Requirement	Source	15-113Z Vintage Place
APPLICATION & FEE	Ord. & C/L	✓
LETTER OF INTENT (Straight & PD Rezoning) <ul style="list-style-type: none"> ● Define acreage of subject property ● Describe in detail the location of the property ● Specify the existing zoning district ● Specify the requested zoning district 	Checklist	✓ ✓ ✓ ✓
<ul style="list-style-type: none"> ● The letter of intent must provide the signature and contact information of the owner and applicant 		(X)
<ul style="list-style-type: none"> ● Describe any other special considerations or unique characteristics of subject property 		(X)
LETTER OF INTENT (PD REZONING) <ul style="list-style-type: none"> ● Provide detailed justification and/or supporting documentation as to why the applicant is requesting to rezone the subject property to a specific zoning district, including justification for each special ordinance provision being requested ● Provide justification as to why a straight zoning district cannot satisfy the development needs thereby requiring the request for a “PD” District ● “PD” District requests must provide a special ordinance provision(s) that ensures a level of exceptional quality or innovation for the associated design on development (see Section 146-94 of the Zoning Ordinance for more info). 	Checklist	X
		X
		X
General Development Plan (Ordinance)	Ordinance	X
Elevation Renderings all sides (Ordinance)	Ord. & C/L	X
Metes & bounds description (Ordinance)	Ordinance	✓
Other relevant information requested by Director of Planning	Ordinance	None Req'd

Review of Section 146-94 (e) Submission Requirements

No proposed PD District ordinance may be approved without ensuring a level of exceptional quality or innovation for the associated design or development.

- enhanced landscaping? Not addressed
- creative site designs? Not addressed
- creative architectural designs? 38-ft tall 2-story homes from houzz.com & Southern Living (front only)
- some other innovative element(s)? Nothing proposed

All rezoning requests for a "PD" district shall be required to submit the following information:

1. **Application with appropriate application fee** ✓
2. **Letter of intent detailing the various aspects and merits of the request, and other pertinent information** ✓ (space limits)
3. **A general development plan reflecting the broad details of a development proposal including, but not limited to**
 - sub-zoning areas N/A
 - densities **4.9 dwellings/acre (SF5: 3.2 (3.4))**
 - building placement Not addressed (except for space limits/setbacks)
 - any other pertinent details Not addresses (e.g., impact of 3/4 acre pond; handling increased drainage from 1st Baptist Church; interface with existing Chapel Hill Phase 1A storm sewer)
 - vehicle and pedestrian circulation and access Not addressed
 - coordination and integration of all of the land included within the request Not addressed

The director of planning may request more or less detail based on complexity of the request Nothing requested
4. **Elevation renderings for all sides of any proposed structure(s) (for PD Districts requesting modifications to the architectural and site standards of this chapter)** None proposed (front pictures only from houzz.com & Southern Living)
5. **A metes and bounds description** of the property to be governed by the proposed district ✓
6. Any other relevant information as requested by the director of planning Nothing requested

Is the Code of Ordinances for Real? Is Compliance Required of Everyone?

ADOPTING ORDINANCE

ORDINANCE NO. 2007-12-126

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS; ADOPTING AND ENACTING A NEW CODE OF ORDINANCES FOR THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED HEREIN; PROVIDING A PENALTY CLAUSE; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Chapter 53 of the Texas Local Government Code, as amended, authorizes the City of McKinney, Texas, to adopt a new code of ordinances; and

WHEREAS, Section 53.001(c) of the Texas Local Government Code provides that the new code of ordinances is effective on its adoption.

NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

Section 1. The Code entitled "Code of Ordinances, City of McKinney, Texas," published by Municipal Code Corporation, consisting of chapters 1 through 146, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before June 5, 2007, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00; however, a fine for violation of provisions of such code or ordinance sections that govern fire safety, zoning, or public health and sanitation, including dumping of refuse, may not exceed \$2,000.00. Each act of violation and each day upon which any such violation shall

shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code, when passed in such form as to indicate the intention of the city to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after June 5, 2007, that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This Ordinance shall become effective immediately upon its adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 18TH DAY OF DECEMBER, 2007.

OPPOSITION

**Overlook of Chapel Hill / Lee St.; Loss of Privacy & Tranquility;
Declining Property Values; Drainage; Traffic; Risk**

City shifts all risk to Citizens; Wants us to trust the Planning Dept. and “the process”



The image shows an aerial view of a residential development. A red grid is overlaid on the left side of the image, indicating a specific area of concern. A red circle highlights a specific point of interest within the grid. The text on the left lists various concerns related to the development.

- *Direct overlook of 27 properties*
- *Invasion of Privacy*
- *Appearance (dev. standards)*
- *Development risk*
- *Declining property values*
- *Traffic*
- *Negative Appearance to Church and Motorists*
- *Privacy*
- *City's lack of due diligence*
- *City's unwillingness to enforce compliance*
- *Applicant's lack of credentials*



The site plan on the right side of the image is titled "11.75 Acre Tract" and "60 Residential Lots". It includes a north arrow, a scale bar, and a legend. The plan shows the layout of the residential lots and the location of the development. The text "11.75 Acre Tract" is written vertically on the right side of the plan. The text "60 Residential Lots" is written horizontally below the title. The text "City of Chapel Hill" is written vertically on the left side of the plan. The text "C2.0" is written at the bottom of the plan.

What We Want

- **Planning Department to do the job that's mandated by Zoning Regulations (Municipal Code Section 146) by:**
 - *Enforcing the ordinance requirements*
 - *Enforcing the PR (Re)Zoning Checklist requirements*
 - *Enforcing the submittal schedule*
 - *Enforcing some modicum of application discipline and responsiveness*
 - *Enforcing acceptable level of accountability for civil employees*
 - *Enforcing an acceptable of transparency*
 - *Facilitating citizen access to reasonably structured public records*
 - *Hold the Developer accountable to reasonable professional standards and compliance requirements*
- **City Council to hold the Planning Department accountable by:**
 - *Enforcing the ordinance requirements*
 - *Relaxing arbitrary and counterproductive production quotas and activity durations*
 - *Emphasizing quality not quantity*
 - *Emphasizing quality of life for existing citizens before "rolling the dice" on ill-defined and/or poorly-conceived development projects*
 - **NEVER REZONE TO PD WITHOUT KNOWING WHAT'S BEING PROPOSED**