

## CITY COUNCIL REGULAR MEETING

FEBRUARY 1, 2022

The City Council of the City of McKinney, Texas met in regular session in the City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, February 1, 2022, at 6:00 p.m.

Council Present: Mayor George Fuller, Mayor Pro Tem Rainey Rogers, and Council Members Charlie Philips, Geré Feltus, Patrick Cloutier, and Justin Beller.

Council Absent: Council Member Rick Franklin.

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Manager Barry Shelton, Assistant City Manager Kim Flom, Assistant City Manager Steve Tilton, City Attorney Mark Houser, Strategic Services Director Trevor Minyard, City Secretary Empress Drane, Deputy City Secretary Joshua Stevenson, City Secretary Administrative Assistant Blenda Sims, City Secretary Records Specialist Juametta Terrell, Chief of Fire Danny Kistner, Chief of Police Greg Conley, Assistant Chief of Police Matthew Kasmerski, Police Officer Carl Severan, Police Financial Analysis Cammie Martin, Director of Libraries Spencer Smith, Director of Engineering Gary Graham, Director of Planning Jennifer Arnold, Planning Paula Nasta, Planning Manager Aaron Bloxham, Planning Manager Caitlyn Strickland, Planner I Jacob Bennett, Planner II Kaitlin Sheffield, and Service Desk Technician II Logan Atwood, President of McKinney Community Development Corporation (MCDC) Cindy Schneible

There was approximately twenty-eight (28) members of the public present.

Mayor Fuller called the meeting to order at 6:00 p.m. upon determining a quorum of the Council was present.

Mayor Fuller called for the Invocation, by Pastor Louis Rosenthal of McKinney First Baptist Church, and Pledge of Allegiance led by McKinney Lacrosse Club.

Mayor Fuller called for the following Information Sharing items.

- 22-0001M** Presentation of "Certificate of Achievement for Richard R. Lillie, FAICP Program for Planning Excellence"
- 22-0100** Proclamation for McKinney Lacrosse Club, State Champions
- 22-0101** Presentation on Black History Month by Calvin Maxwell, J. W. Webb Elementary School Student

**22-0102** Proclamation for Black History Month

Mayor Fuller called for Public Comments on Non-Public Hearing Agenda items.

There were none when called for.

Mayor Fuller called for the Consent Agenda.

Council Member Beller requested Agenda Item #21-0002C2 to be considered separately.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Cloutier, to approve the following Consent items:

- 22-0103** Minutes of the City Council Regular Meeting of January 4, 2022
- 22-0104** Minutes of the City Council Work Session of January 18, 2022
- 22-0105** Minutes of the City Council Regular Meeting of January 18, 2022
- 22-0106** Minutes of the City Council Special Meeting and Work Session of January 25, 2022
- 22-0026** Minutes of the McKinney Economic Development Corporation Special Meeting of November 30, 2021
- 22-0027** Minutes of the McKinney Economic Development Corporation Meeting of December 21, 2021
- 22-0053** Minutes of the Visit McKinney Regular Meeting on December 7, 2021
- 22-0054** Minutes of the Visit McKinney Special Meeting on January 5, 2022
- 22-0107** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a Grant to the U.S. Department of Justice, Administered through the State of Texas, Criminal Justice Division for a Victims of Crime Act (VOCA) Grant. Resolution caption reads as follows:

**RESOLUTION NO. 2022-02-016 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, ADMINISTERED THROUGH THE STATE OF TEXAS, CRIMINAL JUSTICE DIVISION, FOR A VICTIMS OF CRIME ACT (VOCA) GRANT; AND PROVIDING AN EFFECTIVE DATE**

- 22-0108** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Escrow Agreement with British American Properties of Texas,

Inc. for the Construction of a Traffic Signal at University Drive (US 380) and the Entry to 380 McKinney C & D Landfill. Resolution caption reads as follows:

**RESOLUTION NO. 2022-02-017 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ESCROW AGREEMENT BETWEEN THE CITY OF MCKINNEY, TEXAS, AND BRITISH AMERICAN PROPERTIES OF TEXAS, INC. FOR THE CONSTRUCTION OF A TRAFFIC SIGNAL AT UNIVERSITY DRIVE (US 380) AND THE ENTRY TO 380 MCKINNEY C & D LANDFILL**

**22-0109** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Greeniverse Construction, LLC, for the Construction of the Craig Ranch Intersection Improvements Project. Resolution caption reads as follows:

**RESOLUTION NO. 2022-02-018 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$63,240.49 WITH GREENIVERSE CONSTRUCTION, LLC, FOR THE CONSTRUCTION OF THE CRAIG RANCH INTERSECTION IMPROVEMENTS PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$79,000**

Mayor Fuller called for the Consent item to be considered separately.

**21-0002C2** Consider/Discuss/Act on a Concept Plan for Tivona Event and Retail Center, Located on the Southwest Corner of South Lake Forest Drive and Virginia Parkway

Council approved the motion made by Mayor Pro Tem Rogers, seconded by Council Member Cloutier, to approve a Concept Plan for Tivona Event and Retail Center, Located on the Southwest Corner of South Lake Forest Drive and Virginia Parkway with a vote of 5 - 0, Council Member Beller abstaining.

Mayor Fuller called for the Regular Agenda and Public Hearing items.

**22-0110** Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Certain Properties (in Fee Simple) for Public Use by Eminent Domain and Associated with the Municipal Complex Project and Said Certain Properties are Identified as Block 3 Lot 4 and Block 6 Lots 1R,

7 & 8 of the H&TC Railroad Addition Generally Located Along Main Street Between Lamar Street and East Virginia Street and Authorizing the City Manager to Establish Procedures for Acquiring the Property in Fee Simple, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

Council Member Philips made the following motion:

“I move that the City of McKinney, Texas, City Council approve this item as written and adopt the Resolution described in this agenda item and authorize the use of power of eminent domain to acquire for public use the necessary property in fee simple from the owner of the properties depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes associated with the Municipal Complex Project.”

Mayor Pro Tem Rogers seconded the motion made by Council Member Philips.

Council approved the motion to approve an Adoption of a Resolution Determining a Public Necessity to Acquire Certain Properties (in Fee Simple) for Public Use by Eminent Domain and Associated with the Municipal Complex Project and Said Certain Properties are Identified as Block 3 Lot 4 and Block 6 Lots 1R, 7 & 8 of the H&TC Railroad Addition Generally Located Along Main Street Between Lamar Street and East Virginia Street and Authorizing the City Manager to Establish Procedures for Acquiring the Property in Fee Simple, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions, by roll call as follows:

Council Member Philips – Yes

Council Member Feltus – Yes

Mayor Pro Tem Rogers – Yes

Mayor Fuller – Yes

Council Member Cloutier – Abstain

Council Member Beller – Yes

Resolution caption reads as follows:

**RESOLUTION NO. 2022-02-019 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES (IN FEE SIMPLE) FOR PUBLIC USE BY EMINENT**



**DOMAIN ASSOCIATED WITH THE MUNICIPAL COMPLEX PROJECT AND SAID CERTAIN PROPERTIES ARE IDENTIFIED AS BLOCK 3 LOT 4 AND BLOCK 6 LOTS 1R, 7 & 8 OF THE H&TC RAILROAD ADDITION GENERALLY LOCATED ALONG MAIN STREET BETWEEN EAST LAMAR STREET AND EAST VIRGINIA STREET; AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE PROPERTIES (IN FEE SIMPLE), AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS**

- 20-0146Z4** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District, to Allow Multi-Family Uses and to Modify the Development Standards, Located on the North Side of Wilson Creek Parkway and Approximately 150 West of Big Bend Drive (WITHDRAWN BY APPLICANT)

Council unanimously approved the motion by Council Member Cloutier, seconded by Council Member Feltus, to close the public hearing on a Request to Rezone the Subject Property from "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District, to Allow Multi-Family Uses and to Modify the Development Standards, Located on the North Side of Wilson Creek Parkway and Approximately 150 West of Big Bend Drive.

- 21-0006Z3** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C1" - Neighborhood Commercial District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow Multi-Family and Commercial Uses, Located on the Northwest Corner of Carlisle Street and Virginia Parkway (REQUEST TO BE TABLED)

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Cloutier, to close the public hearing and table a Request to Rezone the Subject Property from "C1" - Neighborhood Commercial District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow Multi-Family and Commercial Uses, Located on the Northwest Corner of Carlisle Street and Virginia Parkway.

This item will be presented to the City Council at the Regular Meeting of February 15, 2022 at 6:00 p.m.

**21-0177Z2** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from AG - Agricultural District to LI - Light Industrial District, Located on the Southeast Corner of State Highway 5 (McDonald Street) and McIntyre Road, and Accompanying Ordinance

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Feltus, to close the public hearing and approve a Request to Rezone the Subject Property from AG - Agricultural District to LI - Light Industrial District, Located on the Southeast Corner of State Highway 5 (McDonald Street) and McIntyre Road, and Accompanying Ordinance. Ordinance captions reads as follows:

**ORDINANCE NO. 2022-02-020**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 8.77 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF STATE HIGHWAY 5 (MCDONALD STREET) AND MCINTYRE ROAD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "LI" – LIGHT INDUSTRIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**21-0015SUP2** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request to Allow for an Independent Living Facility (Watermere at McKinney), Located on the Southeast Corner of Hardin Boulevard and Virginia Parkway, and Accompanying Ordinance

The applicant letter of tabling request will be included in the appendix of these minutes as "Appendix A – 21-0015SUP2 Applicant Tabling Request Letter".

Additional letters of opposition will be included in the appendix of these minutes as "Appendix B – 21-0015SUP2 Letters of Opposition".

The following individuals spoke in opposition to the request:

G.R. Mortenson, 2804 Aubany Dr., McKinney, TX 75072

René Cabeza, 2744 Albany, McKinney, TX 75072

Joy Wood, 620 Denton Creek Dr., McKinney, TX 75072

The following individual declined to comment when called:

Mark C. Schroeder, 412 Preston Creek Dr., McKinney, TX 75072, may request to speak at a later meeting regarding this item.

Council unanimously approved the motion by Council Member Feltus, seconded by Council Member Cloutier, to table a Specific Use Permit Request to Allow for an Independent Living Facility (Watermere at McKinney), Located on the Southeast Corner of Hardin Boulevard and Virginia Parkway, and Accompanying Ordinance.

This item will be on the Agenda for the City Council Regular Meeting of February 15, 2022.

**22-0111** Consider/Discuss/Act on Appointing a Member to the Library Advisory Board (LAB)

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Beller, promote current Alternate Board Member Kelly Juntunen to fill the Regular Member vacancy, and appoint Elizabeth Michel as an Alternate Member to the Library Advisory Board (LAB).

Kelly Juntunen will serve as a Regular Member until September 30, 2022, at the will of the City Council.

Elizabeth Michel will serve as a Alternate Member until September 30, 2023, at the will of the City Council.

Mayor Fuller called for Citizen Comments on matters not on the Agenda. There were none when called for.

Mayor Fuller called for Council and Manager Comments.

Council Member Philips spoke regarding being COVID positive. Philips thanked Maylee Thomas-Fuller for the "care package" that she brought him during that time.

Council Member Feltus spoke regarding Black History Month & events, Calvin Maxwell, and the Harlem Renaissance Event.

Mayor Pro Tem Rogers spoke regarding the passing of George Webb

Council Member Beller spoke regarding Black History Month, and the passing of George Webb and Shan Luton.

Council Member Cloutier spoke regarding the passing of George Webb.

City Manager Grimes spoke regarding the Winter storm and stated that information and resources will be available on the City of McKinney Webpage.

Mayor Fuller spoke regarding Calvin Maxwell, his late Father's birthday, and the passing of George Webb, Don Dozier, Shan Luton and Skylar Barch.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Cloutier, to adjourn the meeting at 6:56 p.m.

The video recording of this meeting is available online through the City of McKinney video archives.

These minutes were approved by the City Council on February 15, 2022.

SIGNED:

\_\_\_\_\_  
GEORGE C. FULLER, Mayor

ATTEST:

\_\_\_\_\_  
EMPRESS DRANE, City Secretary  
JOSHUA STEVENSON, Deputy City Secretary

City of McKinney, Texas

Appendix A – 21-0015SUP2 Applicant Tabling Request Letter



**INTEGRATED REAL ESTATE GROUP**

February 1, 2022

McKinney City Council  
c/o Jennifer Arnold  
c/o Kaitlin Sheffield

RE: Request for SUP 2021-0015 to be Tabled until the February 15, 2022, City Council Meeting.

Dear City Council,

We respectfully request that consideration of SUP 2021-0015 be tabled at the February 1<sup>st</sup> City Council Meeting and instead heard at the February 15, 2022 City Council Meeting. The purpose of this request is to allow time to incorporate minor site plan changes to address comments from residents of the adjacent neighborhood.

Thank you for your consideration. We look forward to presenting at the February 15<sup>th</sup> meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ken Fambro II', written over a circular stamp or seal.

Kenneth W. Fambro, II  
Chief Operating Officer

## Appendix B – 21-0015SUP2 Letters of Opposition

**From:** Bob Stillwell  
**Sent:** Tuesday, February 1, 2022 5:03 PM  
**To:** Mayor <[Mayor@mckinneytexas.org](mailto:Mayor@mckinneytexas.org)>; Jennifer Arnold <[jarnold@mckinneytexas.org](mailto:jarnold@mckinneytexas.org)>  
**Subject:** Fw: SUP2021-0015 (Watermere)

EXTERNAL SENDER ALERT: "WARNING - This email is originated from UNTRUSTED SOURCE. Do not click any link and do not open attachments unless you can confirm the sender. PLEASE REPORT SUSPICIOUS EMAILS BY CLICKING THE PHISHING BUTTON or contact: [infosec@mckinneytexas.org](mailto:infosec@mckinneytexas.org)!"

Dear Mayor Fuller and City Council:

As a resident of Sorrellwood Park, I writing you today to protest the proposed project "Watermere" at the intersection of Hardin & Virginia.

Not long ago this Council rejected a multi-family complex under the auspices of having that parcel remain commercial in accordance with the City's comprehensive plan.

With regard to the Watermere project, Members of the City staff were opposed to this project when it went before the Planning and Zoning Commission, however despite that opposition – the plan was approved.

As this piece of City business comes before you, myself and my neighbors in our subdivision want to express our deep concerns about what is in reality, a multi-family project (a senior retirement facility) while there is currently the almost the exact same product being built across the street and a little south, Touchmark. Watermere claims they will afford their residents a less expensive option, therefore they are different than Touchmark, however in my opinion, just offering the same product at a less expensive price doesn't mean it's a good product or good placement for this project to land.

Additionally, I have serious concerns about the increased traffic this will bring to an already congested major intersection, as well as esthetics of the proposed building with its proposed 5 stories on the southeast corner of the Hardin/Virginia intersection.

I urge you, as our representatives in the City, to deny the change in zoning and keep the original intended use of the parcel as is – commercial.

Thank you for your service to our community - please give this careful consideration, the short term gain is not worth the long term problems overcrowding this intersection will bring.

Robert V. Stillwell



## Appendix B – 21-0015SUP2 Letters of Opposition

**From:** Jeannie Morrison

**Sent:** Monday, January 31, 2022 8:35 PM

**To:** Mayor <[Mayor@mckinneytexas.org](mailto:Mayor@mckinneytexas.org)>; District2 <[District2@mckinneytexas.org](mailto:District2@mckinneytexas.org)>; District1 <[District1@mckinneytexas.org](mailto:District1@mckinneytexas.org)>; District3 <[District3@mckinneytexas.org](mailto:District3@mckinneytexas.org)>; District4 <[District4@mckinneytexas.org](mailto:District4@mckinneytexas.org)>; Atlarge1 <[Atlarge1@mckinneytexas.org](mailto:Atlarge1@mckinneytexas.org)>; Atlarge2 <[Atlarge2@mckinneytexas.org](mailto:Atlarge2@mckinneytexas.org)>

**Cc:** [citycouncil@mckinneytexas.org](mailto:citycouncil@mckinneytexas.org); CityManager <[citymgr@mckinneytexas.org](mailto:citymgr@mckinneytexas.org)>; Planning <[Planning@mckinneytexas.org](mailto:Planning@mckinneytexas.org)>; Tony (ICE)

**Subject:** Proposed apartment complex at the corner of Virginia Pkwy and Hardin Road (21-0015SUP2).

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To Whom It May Concern:

I am writing in regards to the proposed apartment complex at the corner of Virginia and Hardin. I am very concerned about various issues with this proposal. First, is the aesthetics of a 5 story towering complex in the area of a park and two story homes. This complex does not flow or fit with the area/surroundings. I am not against growth or building on this land. I also do not want to have to sit in my backyard pool and look at a tall apartment complex vs the trees I see now. If the buildings were lower it would fit more and allow people that built and bought here to still enjoy their backyards. Another concern is the amount of traffic that will overpower that intersection. There is already a 3500 unit being built across the street (retirement/assisted living community). Adding another large living apartment building will just cause so much more traffic in this area.

Mark Shroeder lives in my community and so wonderfully explained all the reasons my husband, Tony Hernandez, and I also do not feel this would benefit this area and this community. See below:

I'm opposed to the latest attempt to change the zoning on this property mainly because it will lower property values for Sorrellwood Park, either directly or indirectly, and the property has better uses. In this latest case, it's essentially putting lipstick on a pig (i.e., it may be a slightly better option than the previous try, but it's a false option). I realize this is presented as a Special Use Permit, but it essentially is changing the use of the property from commercial to residential.

First, let's look at the building itself and, more importantly, it's height and the elevation of the property. The elevation of the property is approximately the same as Preston Creek Drive, therefore a five story apartment building will be seen by anyone in Sorrellwood Park with a northern view (north side of Preston Creek Drive especially, particularly homes north east of mine). It will tower over the Sorrellwood Terrace properties immediately south. The planned strip of trees between the two developments will not matter, as the last two stories will be seen above it.

For the residents on the north side of Sorrellwood Terrace, it will be a constant towering eyesore. Having seen such properties when we were looking for a home in this area, homeowners with this apartment building looking down on them will have a hard time selling their property. And as goes their property values, so will the others in Sorrellwood Terrace, which could effect all of ours adversely. I don't want to take that chance, especially when the entire option is not necessary. Also, with the increase in elevation to the Touchmark property (the senior living community on the west

## Appendix B – 21-0015SUP2 Letters of Opposition

side of Hardin) and the mass of building going on there, Sorrellwood Terrace will have the visual feeling of being in a depression, adding to the property value depreciation daisy chain.

This apartment complex will also be the tallest building in the area (not including the water tower) and will be the focal point of the corner of Hardin and Virginia. It will be taller than the 7-11 across the street. The Planning and Zoning Commission staff did not recommend this project in part due to the over saturation of senior living on this corner (considering the proximity of Touchmark). I think their concern is valid.

There is also no certainty that this property, once built as an apartment building, will stay an independent living senior facility. Unlike Watermere's property in Southlake, which is condominiums, this property could be sold and converted to standard multifamily apartments with all the resulting issues. And at that point, the surrounding residents would have no say.

This property was zoned commercial as part of the McKinney master plan and should remain that way. This current developer tries to make the case that the property is not conducive due to the grade (and I assume the resulting cost to make it useable) but that charge is countered by the commercial property directly west of it, which has the same grade concerns.

Given the advent of the Touchmark development, I would like to give potential developers the time to realize the business opportunity presented by having a facility like Touchmark within walking distance. Businesses catering to that customer base would be advantageous to all. Doctors, medical specialists, services and other commercial entities (not the constant boogymen presented by developers, either a gas station or fast food outlet), would be great for the area.

This request for a Special Use Permit should be denied by the McKinney City Council.

Please think about what is truly best for the McKinney residents that have already bought and moved to this area. Keep it what is what originally zoned for..not an eyesore that would tower of everything in this area.

Thank you for your time!

Jeannie Morrison and Tony Hernandez



## Appendix B – 21-0015SUP2 Letters of Opposition

**From:** DANELLE ERICSON  
**Sent:** Monday, January 31, 2022 1:15 PM  
**To:** Kaitlin Sheffield <ksheffield@mckinneytexas.org>; George Fuller <gfuller@mckinneytexas.org>; District1 <District1@mckinneytexas.org>; District2 <District2@mckinneytexas.org>; District3 <District3@mckinneytexas.org>; District4 <District4@mckinneytexas.org>; Atlarge1 <Atlarge1@mckinneytexas.org>; Atlarge2 <Atlarge2@mckinneytexas.org>  
**Subject:** Council vote - zoning change Virginia & Hardin 21-0015SUP2

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Link to project documents <https://mckinney.legistar.com/LegislationDetail.aspx?ID=5397815&GUID=8345A0B2-9610-432A-9F37-AC87CB3169EC&fbclid=IwAROKsRAL6dNlzvd52-G1fYp1AnTvzhwxkTm7CEtZ9bTsdSRN84ekZC7fbss>

Council Members and Mayor Fuller,

I live in District 3 and I would like you to consider not approving the zoning request change at the corner of Hardin and Virginia, across from Bonnie Wenk park. The developer is proposing a 4/5 story independent living. If approved, this would put a 4/5 story building in the middle of residential neighborhoods. I live within walking distance from this site, so it will impact my neighborhood daily, forever. I am sure you are familiar with this intersection, but if not, could you please go look at it and visualize this building at that intersection? The developer said on the video with P&Z that the building is 4 stories in some sections, 5 in others and then has architectural details that make it even taller.

You may recall, last year this SAME developer was denied a zoning request change on this same property by Council. Last year he was seeking approval for a 4/5 story apartment building. It was denied by Council and I was grateful you listened to the neighboring community's concerns. Since apartments were rejected, this SAME developer resubmitted his request changing ONLY the demographic. It's still basically the same building type/height he submitted last year.

If the Council did not approve for apartments to go at this corner last year, why would you approve the same building simply with different occupants? I also recall someone on the Council that no apartments would go on that corner. In addition, when I watched the meeting video on this, Staff stated they were not backing this project at this site because the directive is to keep all corner properties commercial, as they are zoned for, but P&Z approved it anyway. I expect commercial to go at that corner as it was zoned for.

How tall exactly is this proposed building and is it within current allowed height? P&Z did ask several times how tall the building was but the developer only said 4 stories in some sections

Appendix B – 21-0015SUP2 Letters of Opposition

and 5 stories in other sections. They also had a very misleading photo showing dense trees that blocked the view of the residential homes that are adjacent to this site. There are trees there yes, but not dense as they falsely portrayed. They said current zoning allows for 4 stories, but this building is 5 stories in some sections.

I respectfully ask that you represent the neighborhoods around this site, protect Bonnie Wenk Park and uphold current commercial zoning.

Danelle Ericson  
413 James Herndon Trl  
McKinney, TX 75071



Appendix B – 21-0015SUP2 Letters of Opposition





## Appendix B – 21-0015SUP2 Letters of Opposition

**From:** Mark Schroeder  
**Sent:** Saturday, January 29, 2022 4:55 PM  
**To:** Mayor <[Mayor@mckinneytexas.org](mailto:Mayor@mckinneytexas.org)>; District2 <[District2@mckinneytexas.org](mailto:District2@mckinneytexas.org)>; District1 <[District1@mckinneytexas.org](mailto:District1@mckinneytexas.org)>; District3 <[District3@mckinneytexas.org](mailto:District3@mckinneytexas.org)>; District4 <[District4@mckinneytexas.org](mailto:District4@mckinneytexas.org)>; Atlarge1 <[Atlarge1@mckinneytexas.org](mailto:Atlarge1@mckinneytexas.org)>; Atlarge2 <[Atlarge2@mckinneytexas.org](mailto:Atlarge2@mckinneytexas.org)>  
**Cc:** Contact-City Council <[Contact-CityCouncil@mckinneytexas.org](mailto:Contact-CityCouncil@mckinneytexas.org)>; CityManager <[citymgr@mckinneytexas.org](mailto:citymgr@mckinneytexas.org)>; Contact-Planning <[Contact-Planning@mckinneytexas.org](mailto:Contact-Planning@mckinneytexas.org)>  
**Subject:** City Council Meeting -Feb 2 2022 - Item 21-0015SUP2 - Opposition to Development on Corner of Virginia Pkwy & Hardin

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Dear McKinney City Council,

I'm opposed to the latest attempt to change the zoning on this property mainly because it will lower property values for Sorrellwood Park, either directly or indirectly, and the property has better uses. In this latest case, it's essentially putting lipstick on a pig (i.e., it may be a slightly better option than the previous try, but it's a false option). I realize this is presented as a Special Use Permit, but it essentially is changing the use of the property from commercial to residential.

First, let's look at the building itself and, more importantly, it's height and the elevation of the property. The elevation of the property is approximately the same as Preston Creek Drive, therefore a five story apartment building will be seen by anyone in Sorrellwood Park with a northern view (north side of Preston Creek Drive especially, particularly homes north east of mine). It will tower over the Sorrellwood Terrace properties immediately south. The planned strip of trees between the two developments will not matter, as the last two stories will be seen above it.

For the residents on the north side of Sorrellwood Terrace, it will be a constant towering eyesore. Having seen such properties when we were looking for a home in this area, homeowners with this apartment building looking down on them will have a hard time selling their property. And as goes their property values, so will the others in Sorrellwood Terrace, which could effect all of ours adversely. I don't want to take that chance, especially when the entire option is not necessary. Also, with the increase in elevation to the Touchmark property (the senior living community on the west side of Hardin) and the mass of building going on there, Sorrellwood Terrace will have the visual feeling of being in a depression, adding to the property value depreciation daisy chain.

This apartment complex will also be the tallest building in the area (not including the water tower) and will be the focal point of the corner of Hardin and Virginia. It will be taller than the 7-11 across the street. The Planning and Zoning Commission staff did not recommend this project in part due to the over saturation of senior living on this corner (considering the proximity of Touchmark). I think their concern is valid.

There is also no certainty that this property, once built as an apartment building, will stay an independent living senior facility. Unlike Watermere's property in Southlake, which is condominiums,

## Appendix B – 21-0015SUP2 Letters of Opposition

this property could be sold and converted to standard multifamily apartments with all the resulting issues. And at that point, the surrounding residents would have no say.

This property was zoned commercial as part of the McKinney master plan and should remain that way. This current developer tries to make the case that the property is not conducive due to the grade (and I assume the resulting cost to make it useable) but that charge is countered by the commercial property directly west of it, which has the same grade concerns.

Given the advent of the Touchmark development, I would like to give potential developers the time to realize the business opportunity presented by having a facility like Touchmark within walking distance. Businesses catering to that customer base would be advantageous to all. Doctors, medical specialists, services and other commercial entities (not the constant boogymen presented by developers, either a gas station or fast food outlet), would be great for the area.

This request for a Special Use Permit should be denied by the McKinney City Council.

Mark C. Schroeder  
412 Preston Creek Drive  
McKinney, TX 75072

## Appendix B – 21-0015SUP2 Letters of Opposition

From: John Davis  
Sent: Monday, January 31, 2022 7:08 PM  
To: Mayor <[Mayor@mckinneytexas.org](mailto:Mayor@mckinneytexas.org)>  
Cc: Contact-City Council <[Contact-CityCouncil@mckinneytexas.org](mailto:Contact-CityCouncil@mckinneytexas.org)>; CityManager <[citymgr@mckinneytexas.org](mailto:citymgr@mckinneytexas.org)>; Contact-Planning <[Contact-Planning@mckinneytexas.org](mailto:Contact-Planning@mckinneytexas.org)>  
Subject: 21-0015SUP2

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I am very concerned about the possible rezoning of the property at the SE. corner of Hardin and Virginia. I live in Sorrellwood Park and I am fearful that this proposal will result in a decrease in home values, increased traffic and a decrease in the desirability of our development. We have been under siege from the north and south since I moved here 2 years ago. Firstly, the approved development to the south includes lower priced homes and now we are talking about a 5 story complex that will look like a wart on an otherwise desirable area.

Please help!

Sent from my iPad

## Appendix B – 21-0015SUP2 Letters of Opposition

**From:** Connie Petersen  
**Sent:** Monday, January 31, 2022 8:51 AM  
**To:** Mayor <[Mayor@mckinneytexas.org](mailto:Mayor@mckinneytexas.org)>; District2 <[District2@mckinneytexas.org](mailto:District2@mckinneytexas.org)>; District3 <[District3@mckinneytexas.org](mailto:District3@mckinneytexas.org)>; District4 <[District4@mckinneytexas.org](mailto:District4@mckinneytexas.org)>; Atlarge1 <[Atlarge1@mckinneytexas.org](mailto:Atlarge1@mckinneytexas.org)>; Atlarge2 <[Atlarge2@mckinneytexas.org](mailto:Atlarge2@mckinneytexas.org)>  
**Cc:** Contact-City Council <[Contact-CityCouncil@mckinneytexas.org](mailto:Contact-CityCouncil@mckinneytexas.org)>; CityManager <[citymgr@mckinneytexas.org](mailto:citymgr@mckinneytexas.org)>; Contact-Planning <[Contact-Planning@mckinneytexas.org](mailto:Contact-Planning@mckinneytexas.org)>  
**Subject:** City Council agenda item 21 0015SUP2 concerned about the proposed apartment complex

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Dear Mayor and Council,

I am in strong opposition to the latest attempt to change the zoning on this property. The property has better uses for a business friendly environment.

It will lower property values in the surrounding charming neighborhoods either directly or indirectly. The impact to the trails and parks in that area would be significant.

Those Homeowners will have a hard time selling the McKinney Unique by Nature way, with a high rise within eyesight. As these types of complexes degrade at an exponential rate becoming an eyesore.

This Special Use Permit should be denied by the McKinney City Council. Please make the decision to protect McKinney's essence - the personality of our community.

Thank you for your time and consideration.



## Appendix B – 21-0015SUP2 Letters of Opposition

**From:** Drina Schroeder

**Sent:** Saturday, January 29, 2022 11:23 AM

**To:** George Fuller <[gfuller@mckinneytexas.org](mailto:gfuller@mckinneytexas.org)>; Mayor <[Mayor@mckinneytexas.org](mailto:Mayor@mckinneytexas.org)>; District2 <[District2@mckinneytexas.org](mailto:District2@mckinneytexas.org)>; District1 <[District1@mckinneytexas.org](mailto:District1@mckinneytexas.org)>; District3 <[District3@mckinneytexas.org](mailto:District3@mckinneytexas.org)>; District4 <[District4@mckinneytexas.org](mailto:District4@mckinneytexas.org)>; Atlarge1 <[Atlarge1@mckinneytexas.org](mailto:Atlarge1@mckinneytexas.org)>; Atlarge2 <[Atlarge2@mckinneytexas.org](mailto:Atlarge2@mckinneytexas.org)>

**Cc:** Contact-City Council <[Contact-CityCouncil@mckinneytexas.org](mailto:Contact-CityCouncil@mckinneytexas.org)>; CityManager <[citymgr@mckinneytexas.org](mailto:citymgr@mckinneytexas.org)>; Contact-Planning <[Contact-Planning@mckinneytexas.org](mailto:Contact-Planning@mckinneytexas.org)>; Contact-Parks <[Contact-Parks@mckinneytexas.org](mailto:Contact-Parks@mckinneytexas.org)>

**Subject:** City Council Meeting 02/01/2022, Opposition to Agenda Item 21-0015SUP2, SE Corner of Hardin & Virginia

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Mayor George Fuller  
Mayor Pro Tem Rainey Rogers, District 2  
Council Member Justin Beller, District 1  
Council Member Geré Feitus, District 3  
Council Member Rick Franklin, District 4  
Council Member Charlie Philips, At Large 1  
Council Member Patrick Cloutier, At Large 2

Dear Mr. Mayor and City Council Members,

Here we go again with a developer trying to put an apartment complex at the southeast corner of Hardin Blvd and Virginia Pkwy. City Council Agenda, 02/01/2022, Planning Case #21-0015SUP and 21-0088SP.

It was this same time a year ago when the City Council rejected re-zoning this corner from commercial to residential apartments. Please see the email below we sent to you last year opposing apartments on this corner property. The numerous negative impacts of this new apartment complex proposal remain largely the same.

It appears the developer can circumvent re-zoning by calling its apartment complex an "Independent Living Facility." There are only two substantial differences between the previous apartment complex proposal that the City Council rejected and this new developer's proposal: (1) these apartments are age-restricted, and (2) with 262 units and 5 stories, this complex is bigger and higher than the previous developer's rejected proposal. Simply put, it is just a very large age-restricted apartment complex that will tower over the corner and adjacent neighborhoods. It is in no way similar to the new senior community, Touchmark at Emerald Lake, currently under construction and included in the McKinney Master Plan on the opposite side of Hardin.

Labeling a 5-story, 262 unit apartment complex on this corner "senior living" does not change the fact that it is a high-density apartment complex which is not consistent with the character of the surrounding neighborhoods. Additionally, it would damage the surrounding the residents' property values and quality of life. Please note the Planning Staff does NOT recommend approval of this proposal.

The McKinney Master Plan and its zoning obviously intends this corner property to best serve the new Touchmark senior residents as well as the existing residents as commercial development. To say that this property will either be "apartments or another gas station or fast food joint" is a false choice. Professional



## Appendix B – 21-0015SUP2 Letters of Opposition

offices and other commercial services within walking distance would better serve Touchmark seniors and the surrounding neighborhood residents.

Personally, I wish the City would purchase the land and expand Bonnie Wenk Park. To keep McKinney Unique by Nature, we need more green space. However, I also see the value in commercial/professional services that would benefit Touchmark seniors and other surrounding residents.

I strongly urge the City Council to reject this apartment building complex proposal and encourage the landowner to work with the City to expand Bonnie Wenk Park, or pursue and facilitate development for businesses that will serve and benefit the surrounding neighborhoods and improve the area, instead of destroying it with apartment buildings.

Thank you.

Drina Schroeder  
Sorrellwood Park  
412 Preston Creek Drive  
McKinney

## Appendix B – 21-0015SUP2 Letters of Opposition

**From:** K James

**Sent:** Saturday, January 29, 2022 9:00 AM

**To:** Mayor <[Mayor@mckinneytexas.org](mailto:Mayor@mckinneytexas.org)>; District2 <[District2@mckinneytexas.org](mailto:District2@mckinneytexas.org)>; District1 <[District1@mckinneytexas.org](mailto:District1@mckinneytexas.org)>; District3 <[District3@mckinneytexas.org](mailto:District3@mckinneytexas.org)>; District4 <[District4@mckinneytexas.org](mailto:District4@mckinneytexas.org)>; Atlarge1 <[Atlarge1@mckinneytexas.org](mailto:Atlarge1@mckinneytexas.org)>; Atlarge2 <[Atlarge2@mckinneytexas.org](mailto:Atlarge2@mckinneytexas.org)>

**Cc:** Contact-City Council <[Contact-CityCouncil@mckinneytexas.org](mailto:Contact-CityCouncil@mckinneytexas.org)>; CityManager <[citymgr@mckinneytexas.org](mailto:citymgr@mckinneytexas.org)>; Contact-Planning <[Contact-Planning@mckinneytexas.org](mailto:Contact-Planning@mckinneytexas.org)>; K James

**Subject:** City Council agenda item 21-0015SUP2

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City Council Members,

We are writing to convey our adamant opposition to the proposal to change the zoning on the property at the corner of Hardin and Virginia. Putting a 5 story apartment building on the property at that intersection would be an abomination for our neighborhood. It will be an eyesore for miles in each direction and certainly not something we want to view from our backyard in Sorrellwood Park, just south of the proposed structure. We are also confident, that regardless of who the residents are, the simple fact is that our home property values will decline over time.

Our understanding is that this would initially be built as an independent senior living facility, which is ironic given the massive construction going on across the street on the Touchmark Property, where a senior living community is being built.

A 5 story building should not be considered under any circumstances in our neighborhood. The senior living facility is not needed, and apartments should be out of the question. This property was zoned commercial and should stay that way.

Please vote a hard NO on this proposal to protect the integrity of our neighborhood.

Thank you in advance,

Kevin & Karen James  
404 Gentle Creek Drive  
McKinney, TX 75072

## Appendix B – 21-0015SUP2 Letters of Opposition

From: Mark Schroeder  
Sent: Friday, January 28, 2022 6:30 PM  
To: Mayor <[Mayor@mckinneytexas.org](mailto:Mayor@mckinneytexas.org)>  
Cc: Contact-City Council <[Contact-CityCouncil@mckinneytexas.org](mailto:Contact-CityCouncil@mckinneytexas.org)>; CityManager <[citymgr@mckinneytexas.org](mailto:citymgr@mckinneytexas.org)>; Contact-Planning <[Contact-Planning@mckinneytexas.org](mailto:Contact-Planning@mckinneytexas.org)>  
Subject: Feb 1 2022 City Council Meeting - Item 210015SUP - Special Use Permit for Corner of Virginia and Hardin

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Dear Mr. Fuller,

The board members of the Sorrellwood Park Home Owners Association unanimously oppose the proposed development (21-0015SUP) on the corner of Virginia Parkway and Hardin Road. This latest proposal is no better than the last one a year ago that was tabled by the City Council and withdrawn by the developer. In fact, in some ways it is worse. The Planning and Zoning Commission agreed to approve the project despite a negative recommendation from the staff, just like the previous proposal. Instead of pursuing the Master Plan and keeping this property commercial, for the benefit of the surrounding neighborhoods, we are again looking at shoehorning a five-story, 262 unit complex onto a very busy corner.

Watermere at McKinney's five stories, which is higher than the previous project, will tower above the tree line and the surrounding area. The neighborhood immediately next to it, Sorrellwood Terrace, already in a depression, will have multiple stories looking down upon them, leaving them to feel surrounded. At a minimum, all north facing properties in Sorrellwood Park will see this building above the tree line. It will preclude commercial businesses/services using that land in a way which would benefit the area residents. If approved, there is no guarantee that this project will remain an age-restricted, independent living residence. A foreclosure or change of owners could lead to this property being turned into something identical to the previously disapproved project. Finally, this project will adversely effect the quality of life for the adjacent neighborhoods as well as property values.

We, the Board Members for the Sorrellwood Park HOA, request that approval for this special use permit be denied.

Mark C. Schroeder  
Secretary  
Sorrellwood Park HOA