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February 1, 2016

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

Re: Case 14-332SUP Specific Use Permit extension request for a restaurant with a drive-through window, located on the south side of Eldorado Parkway and approximately 550 feet east of Ridge Road (1.07 acres)

Dear Planners:

This letter of intent is to request an extension of the expiration of the specific use permit ("SUP") issued in the above-referenced case.

According to the provisions of the McKinney Subdivision Ordinance, an SUP automatically expires unless a building permit is issued for the site covered by the SUP within six (6) months from the date of approval of the SUP. In the instant case, the original SUP was approved by the City Council on August 3, 2015. After such approval, the applicant, Guggenheim Retail Real Estate Partners, Inc. ("Guggenheim"), purchased the site and commenced construction of the public and private infrastructure, the completion of which is a condition to the conveyance of the site to Whataburger, the ultimate user. Recognizing that the infrastructure construction would require a longer term than six (6) months from the SUP approval date, Guggenheim requested and was granted an extension of the automatic expiration date until March 31, 2016.

Guggenheim has diligently pursued construction of the infrastructure for this site, but has been delayed in completion due to a conflict in the actual versus described location of an existing underground storm sewer that necessitated a redesign of the extension of water service along Eldorado Parkway. Because of such delay, Guggenheim does not anticipate being able to complete the infrastructure improvements in time for the conveyance of the site to Whataburger and Whataburger's subsequent acquisition of a building permit.

In order to avoid an automatic expiration of the SUP, Guggenheim again requests a six (6) month extension of the expiration period.

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The applicant requests that this matter be scheduled for presentation to the Planning and Zoning Commission and City Council as soon as practicable.

Yours truly,



Robert H. Roeder

Enc.
684379
cc: Angel Robinson