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May 22, 2024

Ms. Jennifer Arnold, Director of Planning
City of McKinney
221 N. Tennessee Street
McKinney, Texas 75069

Re: Appeal of Denial of Certificate of Appropriateness by Historic Preservation Advisory Board to relocate building at 303 S. Kentucky; COA Case #HP2024-0026

Dear Ms. Arnold:

On behalf of Barrett Properties, LLC (“Applicant”), I am filing this appeal from the decision of the McKinney Historic Preservation Advisory Board (“HPAB”) denying a Certificate of Appropriateness (“CoA”) allowing the relocation of the structure situated on above-referenced property (“Property”).

The decision by the HPAB to deny the CoA was made at its regularly scheduled Board meeting on May 2, 2024, the written notification of which decision was received by the Applicant on May 6, 2024. The filing of this appeal is within the 21 day period from the date of receipt of written notice of the HPAB action in accordance with Section 203.E.6.b.IV.e of the McKinney Uniform Development Code (“UDC”). The Applicant reserves the right to supplement this notice of appeal on or before seven (7) days preceding the scheduled date of the appeal hearing before the City Council.

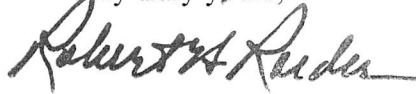
The grounds for this appeal include, but are not limited to, the following:

- Abuse of Discretion. The HPAB abused its discretion by not applying a discernable standard in its consideration of this matter. Although the criteria for approval of a CoA published by the City incorporated by reference the U.S. Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, no analysis was made by the HPAB regarding the application of such standards in the instant case. Instead, the HPAB focused on the intended proposed use for the lot on which the improvements are located. Further, in 2023 the Historic Preservation Officer (“HPO”) issued a CoA for this identical project that determined that the structure on the Property was of low preservation priority and the removal thereof would protect the integrity of the structure and not have an adverse impact on the character of the surrounding area.

- No Reasons for Denial Given. The HPAB in its determination of action at its meeting and in the subsequent notification to the Applicant failed to state reasons for denial of the CoA request as required by Section 203.E.6.b.IV.g of the UDC.
- The Property has no Historic Preservation Value. The preservation priority for the Property is rated as “Low” in the current McKinney Historic Survey. Other than the fact that it is more than 50 years old and the structure retains some of the elements of its original construction, there is nothing about, or related to, the Property that has historic preservation value. The HPAB made no determination otherwise. Preventing the relocation of this Property to another site in order to allow redevelopment of the lot on which the structure is situated for residential uses consistent with the intent, purpose and regulations for the McKinney Town Center District created by Ordinance No. 2013-04-045 would be the highest and best use of the Property.

The Owner and Applicant respectfully request that this Council reverse the decision of the HPAB and issue a Certificate of Appropriateness allowing the removal of the structure from the Property as requested.

Very truly yours,



Robert H. Roeder

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cc: Mr. Jeremy Jones