

ORDINANCE NO. 2017-02-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A PRIVATE CLUB (HANK'S TEXAS GRILL), LOCATED AT 1310 NORTH CENTRAL EXPRESSWAY; 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

WHEREAS, the owner or owners of a proposed private club, located at 1310 North Central Expressway, more fully depicted on Exhibit "A", "B", and "C", attached hereto, in the City of McKinney, Texas, have petitioned the City of McKinney to amend the zoning map of the City of McKinney, Texas, to provide for a Specific Use Permit for a private club; and

WHEREAS, the owner or owners are willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit; and

WHEREAS, after due notice of the requested rezoning as required by law, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, Texas, the City Council is of the opinion that such an amendment should be made.

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

Section 1. The zoning map is hereby amended to provide for a specific use permit for a private club (Hank's Texas Grill) located at 1310 North Central Expressway, more fully depicted on Exhibits "A", "B" and "C", attached hereto, in accordance with the provisions of Section 146-41 of the Code of Ordinances of the City of McKinney, Texas.

Section 2. Use and development of the subject property shall conform to the Specific Use Permit provisions of Section 146-41 and Section 138 Article II of the Code of Ordinances of the City of McKinney, Texas, and as amended.

Section 3. The subject property shall be developed according to an approved floor plan referenced as Exhibit "B" and made a part hereof.

Section 4. The subject property shall be operated in accordance with the private club regulations as defined in Section 146-46 and Section 138 Article II of the City of McKinney Code of Ordinances.

Section 5. The specific use permit granted hereby shall be deemed a personal privilege, and not a property right, of Ron Reynolds and David Reynolds dba Hank's Restaurant Group, who is hereby declared to be the permit holders for the private club and the subject property ("Permit Holder"). Said specific use permit shall not be transferrable or assignable by the Permit Holder to: a new owner or owners of the subject property or the private club; or, any occupant, operator, tenant, or subtenant of the subject property or the private club.

Section 6. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 7. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

Section 8. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The Ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 9. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 21ST DAY OF FEBRUARY, 2017.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney