

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**FROM:** Samantha Pickett, Planning Manager

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Private Club (The Celt Irish Pub), Located at 100 North Tennessee Street

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the February 21, 2017 meeting.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed specific use permit for a Private Club.

**APPLICATION SUBMITTAL DATE:** November 28, 2016 (Original Application)  
December 15, 2016 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting a specific use permit so that the existing restaurant located at 100 N. Tennessee Street (The Celt Irish Pub) can operate as a Private Club. A Specific Use Permit for a Private Club allows a larger percentage (65%) of the sales receipts from the sale of alcohol than a typical Mixed Beverage Permit (which allows 50%). If the requested Specific Use Permit is approved and issued to the applicant, the applicant must then apply for and receive the necessary alcohol permits from the City of McKinney and the Texas Alcoholic Beverage Commission (TABC) before selling any alcohol on the premises.

The zoning on the property (“MTC” – McKinney Town Center Zoning District) requires that a specific use permit be granted in order for a Private Club to be operated on the subject property.

On January 10, 2017, the Planning and Zoning Commission voted 7-0-0 to continue the public hearing and table the item to the January 24, 2017 meeting due to notification signs not being posted on the subject property in the timeframe required by the Ordinance.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
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Subject Property	“MTC” – McKinney Town Center Zoning District – Historic Core (Mixed Uses)	The Celt Irish Pub
North	“MTC” – McKinney Town Center Zoning District – Historic Core (Mixed Uses)	Kick Up Your Heels
South	“MTC” – McKinney Town Center Zoning District – Historic Core (Mixed Uses)	Plum Creek Primitives
East	“MTC” – McKinney Town Center Zoning District – Historic Core (Mixed Uses)	The Canine Cookie Company
West	“MTC” – McKinney Town Center Zoning District – Historic Core (Mixed Uses)	McKinney Performing Arts Center

**SPACE LIMITATIONS:** The space limitations for a specific use permit require the premises contain a minimum of fifty (50) dining seats and a minimum of six hundred (600) square feet of dining area. The proposed floor plan appears to meet the above mentioned space limitations. The proposed floor plan provides for 101 seats within the approximately 2,024 square-foot dining area, thus satisfying the minimum space requirements for a private club.

**LOCATION CRITERIA:** A private club shall be prohibited within three hundred (300) feet of the property line of any church, public or parochial school, hospital, extended care facility, or publicly owned park, except that the prohibition will not apply to property located within three hundred (300) feet of publicly owned parks if the City Council affirmatively finds that the issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood. This 300-foot distance shall be determined by a measurement on the ground as a pedestrian would legally walk from the front door of the private club to the front door of said church, public or parochial school, hospital, extended care facility, or publicly owned park. The subject property complies with this requirement.

**OPERATING REGULATIONS:** In the City Code of Ordinance, the provision for granting a specific use permit for a private club for the consumption of alcoholic beverages requires compliance with the following regulations:

1. Not less than thirty five percent (35%) of the gross receipts of such establishment shall be derived from the sale of food consumed on the premises. Food service

shall be available at any time alcoholic beverages are being served. The service of alcoholic beverages without food is prohibited in the dining area and is restricted to a bar or lounge area as described in this article. The holder of such permit shall provide an annual audit as required within the ordinance that indicates the receipts from sale of food and alcohol.

2. Such establishments shall contain a minimum of fifty (50) dining seats, allowing a minimum of six hundred (600) square feet of dining area; calculation of the square feet of dining area to exclude kitchen and storage areas, bar and lounge areas and cashier and reception areas.
3. Such establishment shall comply with all of the provisions of the Texas Liquor Control Act and receive a private club permit from the state within six (6) months from the date of issuance of the special use permit by the City, each such limitation in time being subject to extension by the City Council.
4. The City Council may revoke a special use permit upon the finding that any of the operational requirements imposed at the time of granting permit are not met or thereafter cease to exist. Said special use permit shall be subject to review based on recommendation from the Police Department that the public safety has been or is being jeopardized. The City Manager and the Chief of Police are specifically authorized to receive, accept and investigate complaints from any source.
5. A private club with a bar or lounge area shall be designed so that patrons can enter only from an area within the primary use, e.g. the dining or reception area of a restaurant. Emergency exits direct to the outside are permitted.
6. No signs advertising the sale of alcoholic beverages shall be permitted other than those authorized under the Liquor Control Act of the State of Texas and the City Sign Ordinance.

In addition to the general operation requirements, the applicant shall be responsible for compliance with the City's building and fire code ordinances. In the future, should the building, premises, or land used under and specific use permit be enlarged, modified, structurally altered, or otherwise significantly changed, a separate specific use permit would need to be granted for such modifications.

**SPECIFIC USE PERMITS:** When acting on a request for a specific use permit, the following factors should be considered:

- Compatibility with adjacent and neighboring land uses in the immediate area
- Adaptability of building structures to the proposed use
- Infrastructure requirements: roads, sidewalks, access to public streets, parking, and drainage

- Elements such as screening, open space, building heights, and compatibility of existing buildings to the proposed use

Staff has evaluated the request based on the above mentioned parameters and has no objections to the proposed use and is of the opinion that the use is compatible with existing land uses of the adjacent properties.

**ACCESS/CIRCULATION:**

Adjacent Streets: Tennessee Street, 57' Right-of-Way, Pedestrian Priority "A" Street  
Louisiana Street, 57' Right-of-Way, Pedestrian Priority "A" Street

**PARKING:** The McKinney Town Center (MTC) zoning district is intended to implement the Town Center Master Plan, which calls for pedestrian oriented, mixed-use, urban infill redevelopment, providing shopping, employment, housing, and business and personal services. This is achieved by promoting an efficient, compact and walkable development pattern that encourages pedestrian activity and reducing the reliance on private automobiles. To implement the vision, the requirements for on-site parking within the Town Center are lessened and in most cases not required. More specifically, for the Historic Core Character District, existing buildings that contain non-residential or residential uses are not required to provide off-street parking. There is no off-street parking proposed or provided.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received no comments in support of or opposition to this request.

**ATTACHMENTS:**

- PZ Minutes
- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Floor Plan
- PowerPoint Presentation