

ORDINANCE NO. 2010-06-015

AN ORDINANCE AMENDING CHAPTER 146 (ZONING REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A PRIVATE CLUB (DAWGS N HAWGS), LOCATED ON THE SOUTH SIDE OF LOUISIANA STREET AND APPROXIMATELY 100 FEET WEST OF STATE HIGHWAY 5 (MCDONALD STREET); PROVIDING FOR SEVERABILITY; 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 tract, located on the on the south side of Louisiana Street and approximately 100 feet west of State Highway 5 (McDonald Street), have petitioned the City of McKinney to amend Chapter 146 of the City of McKinney Code of Ordinances in order 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 zoning 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 amendment should be made.

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

Section 1. From and after the effective date of this Ordinance, Chapter 146 of the Code of Ordinances of the City of McKinney, Texas, is hereby amended to provide for the specific use permit for a private club (Dawgs N Hawgs) located on the on the south side of Louisiana Street and approximately 100 feet west of State Highway 5 (McDonald Street), and as depicted on Exhibit A, attached hereto, and more fully described in Exhibit B, in accordance with the provisions of Section 146-41 of the City of McKinney Code of Ordinances.

Section 2. The owner or owners of said establishment shall have six (6) months from the effective date hereof to comply with all of the provisions of the Texas Liquor Control Act and receive a private club permit from the State of Texas.

Section 3. The approval of this specific use permit shall serve as authorization to sell alcohol within the public right-of-way, more fully illustrated by attached Exhibit B, subsequent to approval of an executed sidewalk license agreement. Should the sidewalk license agreement be terminated, the City may revoke this specific use permit.

Section 4. The subject property shall be developed according to an approved floor plan referenced as Exhibit C and made a part hereof.

Section 5. The subject property be operated in accordance with the private club regulations as defined in Section 146-46 of the City of McKinney Code of Ordinances.

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.

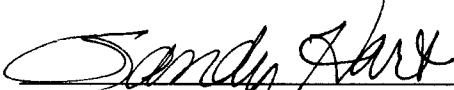
Section 7. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue 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. 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 THIS 1st DAY OF JUNE, 2010.**


  
BRIAN LOUGHMILLER, Mayor

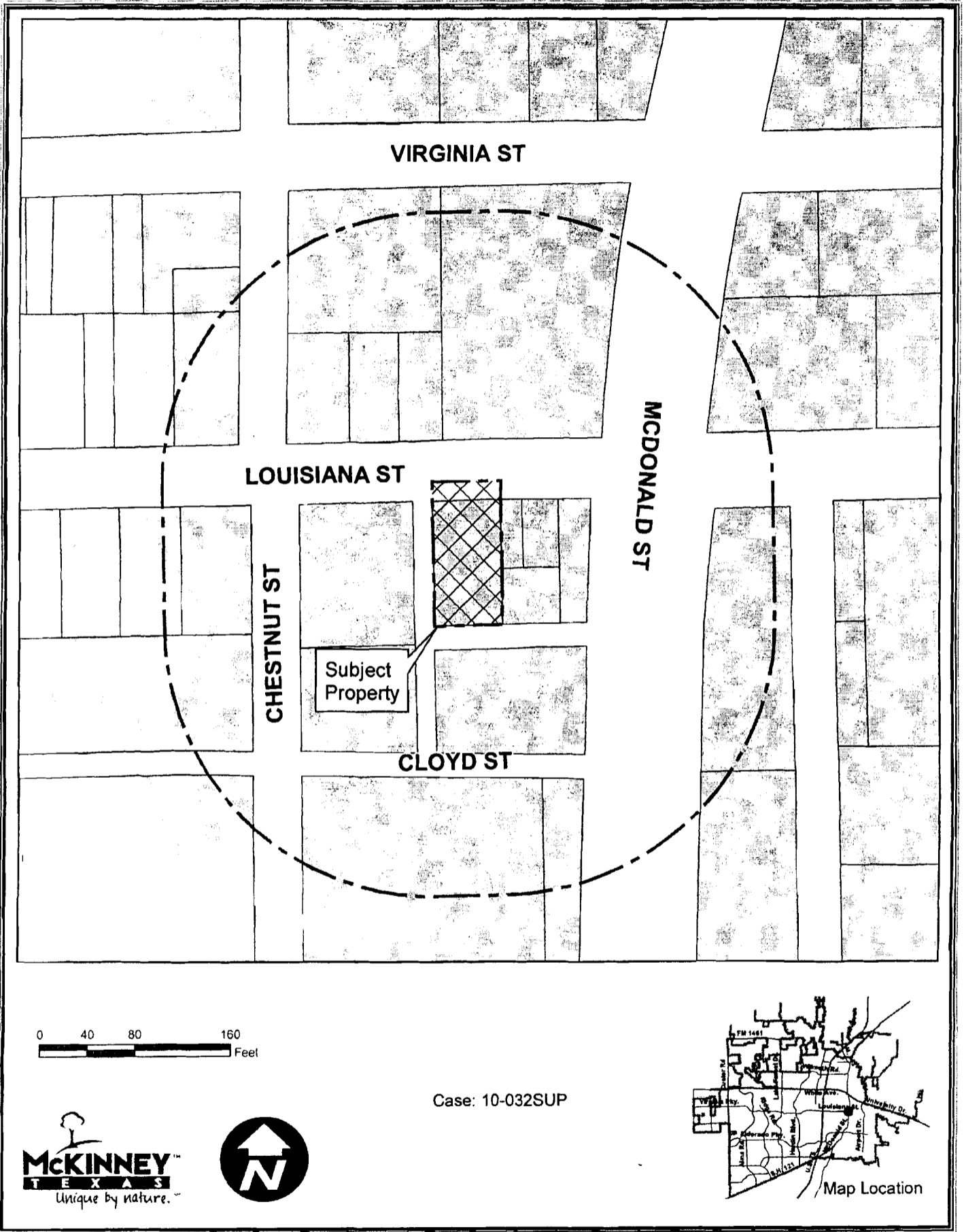
CORRECTLY ENROLLED:

  
SANDY HART, TRMC, MMC  
City Secretary

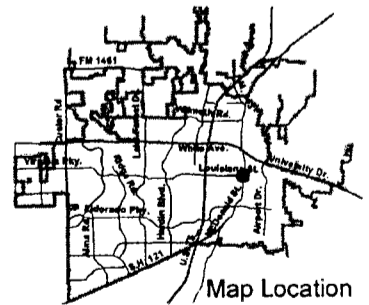
DATE: June 2, 2010

APPROVED AS TO FORM:

  
MARK S. HOUSER  
City Attorney



Case: 10-032SUP



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors or variances which may exist.

# EXHIBIT A

Description 5,527 S.F. of land S.U.P. Area

Being a tract or parcel of land situated in the City of McKinney, Collin County, Texas, being all of Lot 2 and part of Lot 3 and 4, Block B of Wilcox Subdivision of Block 44 of the Old Donation to the City of McKinney according to the plat thereof recorded in Volume 1, Page 149 of the Map Records of Collin County, Texas and being that tract of land described as "Tract One" in deed to Leland R. Caldwell and Durrie L. Caldwell recorded in Volume 4532 Page 1956 of the Deed Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at "X" cut in concrete set for corner in the northerly line of said Lot 1 and at the intersection of the monumented southerly right-of-way line of Louisiana Street (a called 73 foot wide right-of-way) with the easterly line of an alley right-of-way, being the relocated northwesterly corner of said Block B;

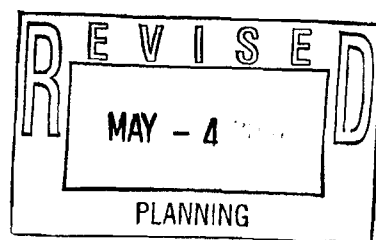
THENCE bordering the sidewalk area on the north side of said "Tract One" along the south side of Louisiana Street as follows:

- North a distance of 15.06 feet to a point;
- East a distance of 55.88 feet to a point;
- South a distance of 15.75 feet to a point;

THENCE South along the common line of said Leland R. Caldwell and Barbara Caldwell and Leland R. Caldwell and Durrie L. Caldwell tracts, passing at 33.50 feet the southwest corner of said Leland R. Caldwell and Barbara Caldwell tract and the northwesterly corner of that tract of land described in deed to James C. Lewis Roofing, Inc. and along the common line of said a total distance of 83.50 feet to a point for corner in the southerly line of said Lot 3 and the northerly line of a 20 foot wide alley right-of-way, being the southeasterly corner of said Leland R. Caldwell and Durrie L. Caldwell "Tract One" and the southwest corner of said James C. Lewis Roofing, Inc. tract from which a 1/2 inch iron found at the southeasterly corner of said James C. Lewis Roofing, Inc. tract bears East along the southerly line of said Lots 3 and 4 and Lot 5 of said Block B, 49.50 feet;

THENCE West along the southerly line of said Lots 1, 2 and 3 and the northerly line of said alley right-of-way line a distance of 55.88 feet to a "P.K." nail set for corner at the relocated southwest corner of said Block B and the southwest corner of said Leland R. Caldwell and Durrie L. Caldwell "Tract One";

THENCE North along the relocated westerly line of said Block B and the easterly line of said Leland R. Caldwell and Durrie L. Caldwell "Tract One" a distance of 83.50 feet to the POINT OF BEGINNING and containing 5,527 square feet of land, more or less.



NOTE: The surveyor of record is Bennie W. White, R.P.L.S. 4555. The "Wilcox Addition" is not located in this area. There is not a "Wilcox Subdivision" filed for record in Collin County.

**EXHIBIT B**

**PARKING CALCULATIONS PER RESTAURANT USE**

BUILDING SQUARE FOOTAGE 1650	REQUIRED PARKING SPACES 17
EMPLOYEE COUNT: 3 PER SHIFT	REQUIRED PARKING SPACES 3
<b>TOTAL</b>	<b>SPACES 20</b>

INFORMATION ONLY:  
 ENCLOSED PATIO AREA W/TABLES 627 S.F. 7 SPACES  
 ENCLOSED PATIO AREA W/BIKE PARKING 1,815 S.F.  
 COVERED SIDEWALK AREA W/BIRO TABLES 840 S.F. 9 SPACES  
 INTERIOR TABLE AREA 514.5 S.F. 6 SPACES

ALL REQUIRED PARKING TO BE PROVIDED BY CITY OF MCKINNEY PUBLIC PARKING LOTS WITHIN A TWO BLOCK RADIUS OF THIS SITE.

310 E. Louisiana Street, McKinney, Texas

ROOF AREA	1,650 SQ. FT.	BUILDING FLOOR AREA BREAK DOWN	REQUIRED PARKING
PROPERTY AREA	4,665 SQ. FT.	RESTAURANT BUILDING	1,650 S.F.
PROVIDED PARKING SPACES	0	EMPLOYEES	3
REQUIRED PARKING SPACES	20	TOTAL OFF-STREET PROVIDED	0
ACCESSIBLE SPACES	REQ. 1, PROV. 0	CITY LOT PARKING REQUIRED	20
% OF LOT COVERED BY BLDG.	35%		
USE OF SITE:	RESTAURANT		
EXISTING ZONING	CHD-H		
BUILDING HEIGHT	16' (EXISTING)		

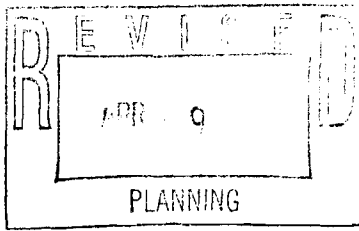
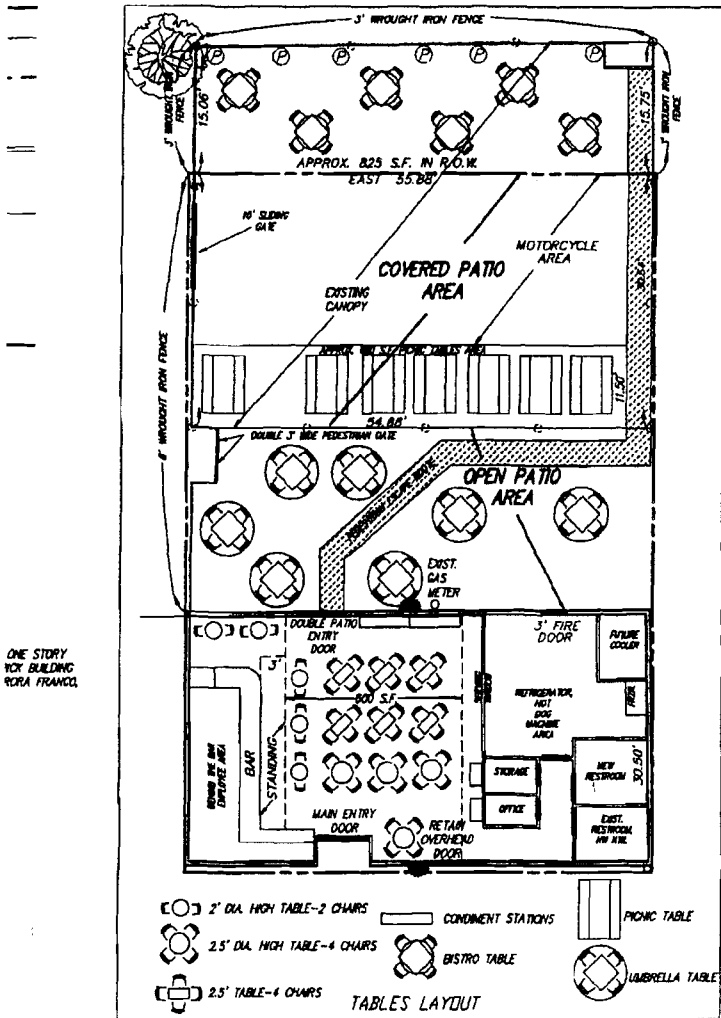
**OCCUPANT LOAD**

INTERIOR TABLE AREA	514.5 S.F.	34.3 persons
INTERIOR STANDING AREA	71.5 S.F.	14.7 persons
ENCLOSED PATIO AREA W/TABLES	627 S.F.	41.8 persons
ENCLOSED PATIO AREA W/BIKE PARKING	1,815 S.F.	
COVERED SIDEWALK AREA W/BIRO TABLES	840 S.F.	56 persons

OCCUPANCY LOAD CALCULATED BY: Assumedly without fixed seats (Uncontrolled tables and chairs) 15 net & Standing 5 net from Table PD 2008 TABLE 1004.1.1 (P. 109)

BUILDING AREA S.F.	1650 S.F.
UNOCCUPIED AREA S.F.	141 S.F.
NET SQUARE FOOTAGE	1509 S.F.

NOTE: SURVEY PERFORMED BY OTHERS. MARKERS AND PROPERTY LINES, R.O.W. WIDTH, PLACEMENT OF BUILDING NOT CHECKED FOR ACCURACY ON THE GROUND. THE RELATIONSHIP OF THE STRUCTURES, CURBS & CANOPY ON THIS SURVEY APPEAR TO BE CORRECT.



**PROPOSED RESTAURANT**

OWNER: JOE REYES  
 2201 N. CENTRAL EXPRESSWAY #114  
 RICHARDSON, TEXAS 75080  
 PHONE: 972-669-9707

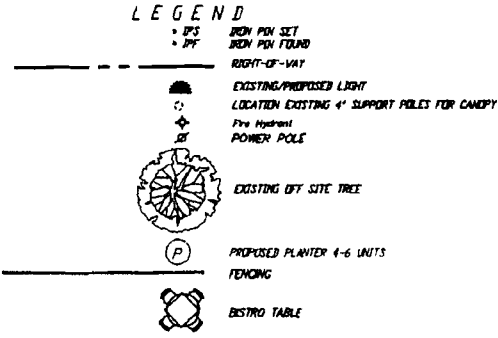
APPLICANT/LESSOR: GOOD AMERICAN FOOD CO., INC.  
 310 E. LOUISIANA ST.  
 MCKINNEY, TEXAS 75069  
 PHONE: PAT THURMAN 903-707-1884

DRAWING PREPARED BY: S. WILLIAMS  
 G. M. GEER ENGINEERING & SURVEYING  
 1514 NORTH McDONALD STREET  
 MCKINNEY, TEXAS 75071  
 PHONE: 972-502-3050

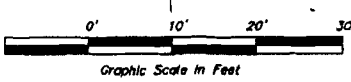
PRESENT ZONING CHD & H

**SUP EXHIBIT FOR 310 E. LOUISIANA STREET MCKINNEY, TEXAS**

4,665 S.F., (PER SURVEYOR) LOT 2 & PART OF LOTS 3 & 4, BLOCK B OF WILCOX SUBDIVISION BLOCK 44 OF THE ORIGINAL DONATION TO MCKINNEY, TEXAS



SCALE: 1"=10'



DATE: 4-8-2010

**EXHIBIT C**