



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 21-0006SUP2, **Version:** 1

Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit to Allow for a Private Club (End Zone), Located at 4150 Eldorado Parkway, and Accompanying Ordinance

COUNCIL GOAL: Direction for Strategic and Economic Growth
(1C: Provide a strong city economy by facilitating a balance between industrial, commercial, residential and open space)

MEETING DATE: October 4, 2021

DEPARTMENT: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
Caitlyn Strickland, Planning Manager
Kaitlin Sheffield, Planner II

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the October 4, 2021 meeting.

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of the specific use permit for a Private Club subject to the following special ordinance provisions:

1. The property shall generally develop in accordance with the attached specific use permit exhibit and all applicable development requirements of the city;
2. A minimum of 50 dining seats and a minimum of 600 square feet of dining area shall be provided on the premises; and
3. No 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.

APPLICATION SUBMITTAL DATE: May 5, 2021 (Original Application)
August 20, 2021 (Revised Application)

ITEM SUMMARY: The applicant is proposing a specific use permit to allow for a private club (End Zone) located at 4150 Eldorado Parkway.

The zoning for the subject property, "PD" - Planned Development District with a base zoning of "BN" - Business Neighborhood District, "BG" - General Business District, and "C" - Planned Center District, requires that a specific use permit be granted in order for a Private Club to be operated on the subject property.

EXISTING ZONING AND LAND USES:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" - Planned Development District Ord. No. 1995-06-27 (Commercial Uses)	Orchid Centre
North	"PD" - Planned Development District Ord. No. 2013-12-114 (Commercial Uses)	The Oxford Grand Assisted Living & Memory Care, Christ Fellowship
South	"PD" - Planned Development District Ord. No. 1995-06-27 (Residential Uses), "PD" - Planned Development District Ord. No. 98-08-46 (Commercial Uses)	Eldorado Heights Addition, Childcare Network
East	"PD" - Planned Development District Ord. No. 1995-06-27 (Commercial Uses)	Calloway's Nursery
West	"PD" - Planned Development District Ord. No. 1995-06-27 (Commercial Uses)	Family Video Plaza

SPACE LIMITATIONS: The space limitations for a specific use permit to allow for a private club requires that the operator maintain a minimum of fifty (50) dining seats and a minimum of six hundred (600) square feet of dining area on the premises. The proposed floor plan provides for approximately 100 seats within the approximately 2,000 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. It should also be noted that End Zone Bar and Grill has been occupying the space as a restaurant since May of 2017. The applicant is requesting a specific use permit to be in compliance with TABC and the Zoning Ordinance for a private club due to the percentage of food and alcohol sales. This existing business is located within an established commercial corridor along an

arterial roadway. Staff is of the opinion that the use is compatible with existing land uses of the adjacent properties, as such, recommends approval of the proposed specific use permit request.

ACCESS/CIRCULATION:

Adjacent Streets: Orchid Drive, 70' Right-of-Way, Collector Eldorado Parkway, 120' Right-of-Way, Greenway Arterial

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

BOARD OR COMMISSION RECOMMENDATION: On September 14, 2021, the Planning and Zoning Commission voted 7-0-0 to recommend approval of the proposed specific use permit request.