

**AGENDA**



**Recommendation for Council Action**

Austin City Council	<b>Item ID</b>	45431	<b>Agenda Number</b>	63.
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<b>Meeting Date:</b>	6/4/2015	<b>Department:</b>	Development Services Department
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**Subject**

Conduct a public hearing and consider a request by E.T.B., Inc. d/b/a CVS Pharmacy, located at 1801 and 1813 W. Parmer Lane (District 7), for a waiver of the distance requirement in City Code Chapter 4-9, which requires a minimum of 300 feet between a business that sells alcoholic beverages and a school.

**Amount and Source of Funding**

**Fiscal Note**

<b>Purchasing Language:</b>	
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<b>Prior Council Action:</b>	
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<b>For More Information:</b>	Viktor Auzenne, Development Services Department, 512-974-2941.
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<b>Council Committee, Boards and Commission Action:</b>	
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<b>MBE / WBE:</b>	
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<b>Related Items:</b>	
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**Additional Backup Information**

E.T.B., Inc. d/b/a CVS Pharmacy requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the City Code because it intends to sell alcoholic beverages at 1801 and 1813 W. Parmer Lane, which is within 300 feet of Parmer Lane Elementary School at 1806 W. Parmer Lane.

City Code Section 4-9-5 allows the City Council to waive the 300 foot distance requirement if it determines that the enforcement of the distance requirement in a particular instance:

1. is not in the best interest of the public;
2. constitutes waste or the inefficient use of land or other resources;
3. creates an undue hardship on the applicant;
4. does not serve its intended purpose;
5. is not effective or necessary; or,
6. for any other reason Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.