

STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2015-0129AW

NAME AND LOCATION OF BUSINESS: CVS Pharmacy at 1801 & 1813 W Parmer Ln

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: Parmer Lane Elementary School at 1806 W Parmer Ln

ZONING: GR-MU-CO

NEIGHBORHOOD PLAN: N/A

EXISTING USE: Financial Services & Restaurant (General)

PROPOSED USE: Food Sales

APPLICANT: Metcalfe, Wolff, Stuart & Williams, LLP (Michelle Rogerson Lynch,) Agent for ETB Inc dba CVS Pharmacy (Jeffrey Neason)

REQUEST: The applicant requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code because they intend to sell alcoholic beverages at this location which is across the street from Parmer Lane Elementary School, a public school. The property line to property line distance is 149.5 feet.

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 the 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.

No written support or letter of opposition has been received from the Pflugerville Independent School District as of this posting.

Staff recommends approval of waiver contingent upon any conditions set by the triggering school.

CASE MANAGER: Viktor Auzenne, (512) 974-2941, viktor.auzenne@austintexas.gov