

AGENDA



Thursday, May 13, 2010

**Item(s) to Set Public Hearing(s)
RECOMMENDATION FOR COUNCIL ACTION****Item No. 42**

Subject: Set a public hearing and consider a request by Walgreen Company for a waiver from the distance requirement of City Code Section 4-9-4(A), which requires a minimum of 300 feet between a business that sells alcoholic beverages and a school, for Walgreen's #06189, located at 12550 Metric Blvd. (Suggested date and time: June 10, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second St., Austin, TX.)

For More Information: Darren Cain, 974-9113; John McDonald, 974-2728

Section 4-9-4(A) of the City Code requires a minimum distance of 300 feet between a business that sells alcoholic beverages and a school.

Marcus Schwartz, representing Walgreens, has requested a waiver from minimum distance requirement to allow Walgreens, located at 12550 Metric Blvd., to sell alcoholic beverages. The Walgreen's adjoins the property line of Parmer Lane Elementary, located at 1806 W Parmer Ln, and Westview Middle School, located at 1805 Scofield Ln. Both schools are in the Pflugerville Independent School District (ISD).

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.

Written support to the granting of the waiver has been received from Carol Fletcher, Pflugerville ISD Board President.