

## STAFF REPORT

### ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2010-0085AW

NAME AND LOCATION OF Business: Walgreen's #06189, 12550 Metric Blvd.

NAME AND LOCATION OF SCHOOLS WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: Parmer Lane Elementary School, 1806 W Parmer Ln. and Westview Middle School, 1805 Scofield Ln

ZONING: GR-CO

NEIGHBORHOOD PLAN: N/A

APPLICANT: Marcus Schwartz (Agent of Walgreen Company)

REQUEST: The agent of Walgreen Company, Marcus Schwartz, of Gardere, Wynne and Sewell LLP, 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 adjoins the property line for a pair of public schools, Parmer Lane Elementary, located at 1806 W Parmer Ln, and Westview Middle School, located at 1805 Scofield Ln.

Section 4-9-5 allows the City Council to waive the 300 foot distance requirement if they determine 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

Staff recommends approval of the waiver request.