

SPECIAL USE PERMIT 157-2010-C

A PERMIT SETTING FORTH THE CONDITIONS UNDER WHICH BEER AND WINE MAY BE SOLD FOR OFF-PREMISE CONSUMPTION, AND AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY.

WHEREAS, Margarita Kellen, Officer, has requested a Special Use Permit (SUP) for Walgreens Company at 3700 Bee Cave Road, West Lake Hills, Texas, the herein described parcel of land; and

WHEREAS, the notice as required by Section 94-127(e), of the West Lake Hills Code has been given to adjacent property owners; and

WHEREAS, Public Hearings have been held by both the Zoning and Planning Commission (ZAPCO) and the Board of Adjustment (BOA) as required by law; and

WHEREAS, any and all protests submitted against the proposed SUP have been considered by ZAPCO and BOA; and

WHEREAS, ZAPCO and BOA find that the application for Special Use Permit meets the requirements of Sections 94-128 and 94-129(e) of the West Lake Hills Code; and

WHEREAS, beer and wine will be sold and consumed off the premises, which will be used as a retail store; and

WHEREAS, the public interest dictates that special conditions be set forth regulating the sale of beer and wine under the Special Use Permit provisions of the West Lake Hills Code; and

WHEREAS, the applicant has agreed to the special conditions regulating the sale of beer and wine contained herein; and

WHEREAS, ZAPCO at its Hearing on June 16, 2010 has recommended the SUP for the applicant on the herein described tract or parcel of land; and

WHEREAS, BOA at its Public Hearing on the affirmative recommendation of ZAPCO, finds that the Special Use Permit on the herein described parcel is not contrary to the public interest;

NOW, THEREFORE, BE IT ORDAINED BY BOA OF THE CITY OF WEST LAKE HILLS, TEXAS:

Article 1. The legal description of said parcel of land is as follows:

Lot 1, Schuster Subdivision, West Lake Hills, Texas.

Article 2. The permit is granted under the following general terms and conditions:

1. Beer and wine may be sold on the premises under the following conditions:
 - (a) Beer and wine may be sold only during the hours set by the Texas Alcoholic Beverage Commission (TABC).
 - (b) Hours of Operation for the retail store are:
8:00 a.m. to 10:00 p.m. Monday through Sunday.

- (c) Beer and wine shall be sold for off-premise consumption only.
 - (d) The permitted use shall not create nuisance factors which interfere with adjoining property owners' enjoyment of their property or operation of business.
 - (e) The permit shall expire upon any change in the ownership of the business, Walgreens Company.
2. Applicant must comply with all applicable federal, state and local statutes, rules, regulations and ordinances.

Article 3. This Special Use Permit is not transferable to another person/business or another parcel of land.

Article 4. The Board of Adjustment after notice and public hearing, may revoke this Special Use Permit for one or more of the following reasons:

- 1. A violation of any of the representations, plans, terms, general, or special conditions and limitations applicable to this Special Use Permit.
- 2. A violation of any laws, ordinances or regulations.
- 3. A change in the nature of the premises or business.
- 4. Operation or maintenance of the Special Use Permit in a manner that is detrimental to the public health or safety, or so as to constitute a nuisance.

Article 5. If this Special Use Permit is discontinued for more than sixty (60) consecutive days, it shall be deemed abandoned.

Article 6. The duration of this Special Use Permit shall be for two (2) years from the effective date hereon.

Article 7. This Special Use Permit may be renewed for two (2) year periods at the discretion of the City Administrator provided no written complaints have been received during the use period. When complaints have been registered, the applicant will obtain renewal approval from the Board of Adjustment.

Article 8. The application form entitled "Special Use Permit Form" along with any supporting correspondence and documents and marked as Exhibit "A" attached hereto are incorporated herein by reference for all pertinent purposes.

Article 9. The City Administrator is hereby authorized and shall promptly note the change on the Official Zoning Map of the City of West Lake Hills, Texas. The zoning map shall indicate that there is a Special Use Permit for the premises.

Article 10. This Special Use Permit shall become effective on the 14th day of July, 2010.

PASSED AND APPROVED this 14th day of July, 2010.

DAVE CLAUNCH, BOA CHAIR

ATTEST:

Janet Rogers, City Secretary

I/We acknowledge receipt of this SUP and agree to abide by its terms and conditions.

Applicant's Signature