

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 13 Resolution #11-105 Council District: 5

For Meeting of November 1, 2010  
(Adoption Date)

**A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 0254 FROM CVS PHARMACY, INC. D/B/A CVS PHARMACY #75987, TO BE LOCATED AT 3401 NORTH MAIN STREET, LAS CRUCES, NEW MEXICO.**

**PURPOSE(S) OF ACTION:** To approve, disapprove, or not approve the transfer of ownership and location of Liquor License No. 0254 to CVS Pharmacy, Inc. d/b/a CVS Pharmacy #75987.

<b>Drafter and Staff Contact:</b> Monica Campbell <i>mc</i>		<b>Department:</b> Legal		<b>Phone:</b> 541-2128	
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
Department Director			Budget	<i>[Signature]</i>	541-2107
Other			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

Pursuant to state law, an application for the transfer of ownership and location of a liquor license must be accompanied by a resolution of the City Council approving of and consenting to the transfer after a public hearing.

CVS Pharmacy, Inc. d/b/a CVS Pharmacy #75987 applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a transfer of ownership and location of Liquor License No. 0254 to 3401 North Main Street, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on September 21, 2010.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled for Monday, November 1, 2010, beginning at 1:00 p.m., in the City Council Chambers, City Hall, 700 North Main Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Sun-News* on October 17 and 24, 2010, and in the *Las Cruces Bulletin* on October 15 and 22, 2010.

Council may approve or disapprove the transfer. However, Council's disapproval must be based on substantial evidence that the transfer of ownership and location of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces. Council may also fail to either approve or disapprove the license. If Council fails to approve or disapprove the license within 30 days after the public hearing, the Director of Alcohol and Gaming may give final approval of this license.

**SUPPORT INFORMATION:**

1. Resolution with Alcohol and Gaming's preliminary approval with the application attached as Exhibit "A".
2. Notices of Intent to Adopt, Attachments "1" and "2".
3. Traffic Impact Report from the Traffic Engineering Section, Attachment "3".
4. Liquor License Impact Report (zoning) from the Community Development Department, Attachment "4".
5. Economic Development Report (registration and permits), Attachment "5".
6. Criminal Activity Report from the Las Cruces Police Department, Attachment "6".
7. Fire and Safety Compliance Report from the Las Cruces Fire Department, Attachment "7".

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>  N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
<b>Does this action create any revenue?</b>	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>1015-10180020-520002</u> (Permits – Liquor Licenses) in the amount of \$600.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

(Continue on additional sheets as required)

**FUND EXPENDITURE SUMMARY:**

<b>Fund Name(s)</b>	<b>Account Number(s)</b>	<b>Expenditure Proposed</b>	<b>Available Budgeted Funds in Current FY</b>	<b>Remaining Funds</b>	<b>Purpose for Remaining Funds</b>
N/A					

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes". This will approve of and consent to the transfer of ownership and location of Liquor License No. 0254 to CVS Pharmacy, Inc. d/b/a CVS Pharmacy #75987, and Alcohol and Gaming will continue with the application process.
2. Vote "No". A "No" vote must be based on substantial evidence that the transfer of ownership and location of the liquor license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.
3. Vote to "Amend". Any amendments must comply with state statute and/or the requirements of Alcohol and Gaming.
4. Vote to "Table". If the Council fails to either approve, disapprove or not approve the transfer of the liquor license, the Director of Alcohol and Gaming may give final approval and issue the license.

**REFERENCE INFORMATION**

None.

**RESOLUTION NO. 11- 105**

**A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 0254 FROM CVS PHARMACY, INC. D/B/A CVS PHARMACY #75987, TO BE LOCATED AT 3401 NORTH MAIN STREET, LAS CRUCES, NEW MEXICO.**

The City Council of the City of Las Cruces is informed that:

**WHEREAS**, CVS Pharmacy, Inc. d/b/a CVS Pharmacy #75987, applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a transfer of ownership and location of Liquor License No. 0254 to 3041 North Main Street, Las Cruces, New Mexico; and

**WHEREAS**, on September 21, 2010, Alcohol and Gaming granted preliminary approval for the transfer of ownership and location, as evidenced by their letter with the application attached; and

**WHEREAS**, pursuant to law, the application for transfer of ownership and location of a liquor license must be accompanied by a resolution of the City Council approving of and consenting to the transfer after a public hearing upon reasonable public notice of such hearing; and

**WHEREAS**, the City Council did on this date hold a public hearing after reasonable public notice setting forth the appropriate information concerning the public hearing. The City Council has considered the transfer of ownership and location of the liquor license and it has determined that the approval of said transfer is not detrimental to the public health, safety or welfare of the City of Las Cruces.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS CRUCES:**

**(I)**

**THAT** the transfer of location of Liquor License No. 0254 to CVS Pharmacy, Inc. d/b/a CVS Pharmacy #75987, to be located at 3041 North Main Street, Las Cruces, New Mexico, is hereby approved.

(II)

THAT a copy of this Resolution shall be conveyed to the Director of the Alcohol and Gaming Division of the Regulation and Licensing Department, Post Office Box 25101, Santa Fe, New Mexico 87504-5101.

(III)

THAT City staff is authorized to do all deeds necessary to accomplish the intent of this Resolution.

DONE AND APPROVED on this 1 day of November 2010.

\_\_\_\_\_  
Mayor

APPROVED:

(SEAL)

ATTEST:

\_\_\_\_\_  
City Clerk

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

Mayor Miyagishima: \_\_\_\_\_

Councillor Silva: \_\_\_\_\_

Councillor Connor: \_\_\_\_\_

Councillor Pedroza: \_\_\_\_\_

Councillor Small: \_\_\_\_\_

Councillor Sorg: \_\_\_\_\_

Councillor Thomas: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney



**New Mexico Regulation and Licensing Department**  
**ALCOHOL AND GAMING DIVISION**

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505  
 (505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/agd

September 21, 2010

Certified Mail No. 7003 2260 0006 7453 3880

**Bill Richardson**  
GOVERNOR

**Kelly O'Donnell, Ph.D.**  
SUPERINTENDENT

**Pamelya Herndon**  
DEPUTY  
SUPERINTENDENT

**Julie Ann Meade**  
CHIEF LEGAL COUNSEL

**Gary J. Tomada**  
DIRECTOR

City of Las Cruces  
 Attn: Ester Martinez, Clerk  
 PO Box 20000  
 Las Cruces, NM 88004

**Re: License / App. No. Liquor License # 0254 / Application # 641019**  
**Applicant Name: CVS Pharmacy, Inc.**  
**Doing Business As: CVS Pharmacy #75987**  
**Proposed Location: 3041 N. Main St., Las Cruces**

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses. \*(Please review the revised instructions for approval or disapproval below.)

Greetings:

The referenced application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five days after receipt of a notice from the Alcohol and Gaming Division, the governing body shall hold a public hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the public hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two full weeks of publication must be satisfied before a hearing can be conducted. For example, the hearing cannot be conducted until a full week has elapsed after the second publication. The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the applicant of the date, time and place of the public hearing. The governing body may designate a hearing officer to conduct the hearing. A record shall be made of the hearing.

**The applicant is requesting a Transfer of Ownership and Location. A Suveyor's Certificate indicates a strip of land between the proposed premise and Grace Covenant Church. The property is not used for church purposes, therefore, the Alcohol & Gaming Division asks for the City of Las Cruces' determination on a Waiver of 300' distance (see copies of documentation attached).**

The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the applicant/licensee has obtained a waiver from the local option district governing body for the proposed licensed premises.
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is

**Alcohol and Gaming Division**  
(505) 476-4875

**Boards and Commissions Division**  
(505) 476-4600

**Construction Industries Division**  
(505) 476-4700

**Financial Institutions Division**  
(505) 476-4885

**Manufactured Housing Division**  
(505) 476-4770

**Securities Division**  
(505) 476-4580

**Administrative Services Division**  
(505) 476-4800

the governing body, this is not a basis for disapproval. Attached is a copy of a zoning statement from the local governing body.

3) The issuance would be detrimental to the public health, safety or morals of the residents of the local option district. Disapproval by the governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

\*Within thirty (30) days after the public hearing, the governing body shall notify the Alcohol and Gaming Division in writing as to whether the local governing body has approved or disapproved the issuance of transfer of the license and by signing the enclosed original Page 1 of the application. The letter of approval/disapproval and the Page 1 must be returned together with the notice of publication(s). If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the public hearing, the director may give final approval to the issuance or transfer of the license.

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the minutes of the public hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (page 1 of the application page noting disapproval).

Sincerely,

  
Jackie Gallegos  
Hearing Officer

State Liquor License # 0254

Application Number 641019

Local Option (AGD use) \_\_\_\_\_

STATE OF NEW MEXICO  
REGULATION AND LICENSING  
DEPARTMENT  
ALCOHOL AND GAMING DIVISION

P.O. BOX 25101 Santa Fe,  
New Mexico 87504-5101  
505-476-4570



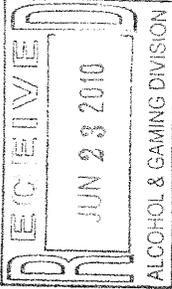
*G 629-10*  
*garcia*

Record Owner of License A & E Enterprises, Inc.

Current D/B/A Name Eagle Quick Mart # 5

Current Premise Address 4790 Stern Drive

Las Cruces, New Mexico



Liquor License Application  
Non Refundable Application Fee- \$200.00

Application is for: (check one) Change of Stock \_\_\_\_\_  
Transfer of Ownership and Location  \_\_\_\_\_

Change of Officers/Directors \_\_\_\_\_  
Transfer Location \_\_\_\_\_  
Other \_\_\_\_\_  
Issue New License \_\_\_\_\_

Applicant is: Individual \_\_\_\_\_ Corporation  Partnership (General or Limited) \_\_\_\_\_ Limited Liability Company \_\_\_\_\_

N. OF APPLICANT (company or individual): \_\_\_\_\_

ADDRESS (INCLUDING CITY, STATE, ZIP) \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

CVS Pharmacy, Inc. \_\_\_\_\_  
One CVS Drive, Woonsocket, RI 02895 \_\_\_\_\_  
401-770-3556 \_\_\_\_\_

Notice also to: Linda L. Aikin, Esq., 530B Harkle Road, Santa Fe, NM 87505 PH: 505-982-6224 FAX: 505-982-0352

DBA Name to be used: CVS Pharmacy # 75987 \_\_\_\_\_  
Phone Number for licensed premises TBD \_\_\_\_\_

Physical Address Where License is to be used, 3041 N. Main Street Las Cruces, New Mexico 88005 \_\_\_\_\_  
(Street No./Highway No./State Road/City/County)

Mailing Address: One CVS Drive, Woonsocket, RI 02895 \_\_\_\_\_  
(Street No./P.O. Box/City/State/Zip)

Are alcoholic beverages currently being dispensed at the proposed location?  No \_\_\_\_\_  
If yes, give license number \_\_\_\_\_

Linda M. Cimbron \_\_\_\_\_  
Notary Public Use Only

I, Linda M. Cimbron, as (title) Assistant Secretary \_\_\_\_\_  
being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents thereof and that all statements therein contained are true. Applicant(s) agree that if any statements or representations herein are found to be false, the Director may refuse to issue said license or may cause such license to be revoked at any time.

Signature of Applicant(s) Linda M. Cimbron \_\_\_\_\_  
Date 5/25/2010 \_\_\_\_\_

SUBSCRIBED AND SWORN TO before me this 25<sup>th</sup> day of May, 2010 by Linda M. Cimbron \_\_\_\_\_  
Kimberly M. Mitchell  
Notary Public  
State of Rhode Island

NOTARY PUBLIC: Kimberly M. Mitchell \_\_\_\_\_  
My Commission Expires: 10-22-2011 \_\_\_\_\_  
My Commission Expires 10/22/2011

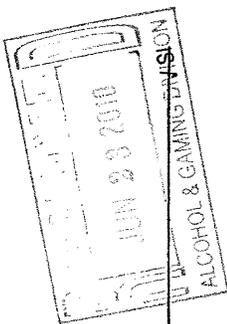
Local Governing Body of: \_\_\_\_\_ (CITY OR COUNTY) Hearing Held on: \_\_\_\_\_

PLEASE CHECK ONE:  APPROVED  DISAPPROVED CITY/COUNTY OFFICIAL (Signature and Title): \_\_\_\_\_

AGD Use Only

APPROVED \_\_\_\_\_ DIRECTOR \_\_\_\_\_ APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_

PREMISES, LOCATION, OWNERSHIP & DESCRIPTION OF PREMISES



1. The land and building which is proposed to be the licensed premise is (check one):

Owned by Applicant  Leased by Applicant (attach copy of deed or lease) \_\_\_\_\_ Other (please provide details) \_\_\_\_\_

2. If the land and building are not owned by Applicant, please indicate the following:

A. Owner(s) \_\_\_\_\_

B. Date and Term of Lease \_\_\_\_\_

Attach a hand drawn map, zoning map, or other map, showing the location of the proposed premises, and the main adjacent streets, roads or highways, in relation to the closest church and school properties. This map should be drawn on a sheet of paper no larger than 8 1/2 x 11 inches.

3. Premise location is zoned (example C-1) \_\_\_\_\_

If the premise is zoned, attach zoning statement from local government giving location address, type of zone and stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church \*(Property line of church to licensed premises-shortest distance).

Miles, Feet 1765 feet Name of Church Trinity Lutheran Church Address-Location of Church 2900 Elks Dive, Las Cruces, New Mexico

5. Distance from nearest school \*(Property line of school to licensed premises-shortest distance).

Miles, Feet 5972 feet Name of School Jornada Elementary School Address-Location of School 3400 Elks Dive, Las Cruces, New Mexico

6. Distance from military installation (Property line of military installation to licensed premises-shortest distance. ;)

Miles 20 Miles Name of Military Installation White Sands Missile Range

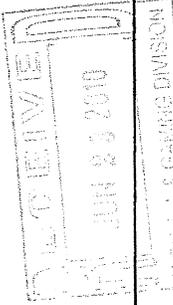
7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premise. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

\*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge \_\_\_\_\_ Restaurant \_\_\_\_\_ Package Grocery \_\_\_\_\_ Racetrack \_\_\_\_\_ Hotel \_\_\_\_\_ Other (Please specify) Retail Pharmacy

CORPORATION



Name of Corporation: CVS Pharmacy, Inc.

**(New Mexico corporations must attach certified copy of its Certificate of Incorporation and Articles of Incorporation. Foreign corporations must also include a certified copy of its New Mexico certificate of authority.)**

Date of Incorporation: November 7, 1969 In what State? Rhode Island

Mailing Address of Corporate Office: One CVS Drive City Woonsocket State RI Zip 02895 Phone # 401-765-1500

Complete names and addresses of all officers and directors of the Corporation, also the names and addresses of all stockholders of 10% or more of the stock in the Corporation. If a stockholder of 10% or more of the stock is Partnership or Corporation, complete Corporation Information sheet (page 4) for the stock holding corporation and/or the partnership information sheet (page 3).

Name & Title of Officers, Directors	Complete Address	% Stock Held & Stockholders of 10% or more
Larry J. Merlo President	One CVS Drive, Woonsocket, RI 02895	
Carol A. DeNale Vice President & Treasurer	One CVS Drive, Woonsocket, RI 02895	
Zenon P. Lankowsky Vice President & Secretary	One CVS Drive, Woonsocket, RI 02895	
Thomas S. Moffatt Vice President	One CVS Drive, Woonsocket, RI 02895	
Linda M. Cimbron Assistant Secretary	One CVS Drive, Woonsocket, RI 02895	
CVS Caremark Corporation	One CVS Drive, Woonsocket, RI 02895	100%

**(USE ADDITIONAL SHEETS IF NECESSARY)**

Has this Corporation ever had a liquor license in which it held any interest in any State suspended or revoked, or has it been denied the issuance of a liquor license? Yes  No   
If yes, provide details \_\_\_\_\_

List every liquor license in which the Corporation holds any interest, direct or indirect New Mexico License Nos. 0225, 0236, 0430, 0495, 1304, 2012,  
and 4055

Has this Corporation ever been convicted of a felony? Yes  No   
If yes, provide details \_\_\_\_\_

**\*\* Note:** For each individual applicant, partner, officer, director, and stockholder of 10% or more of stock in corporation, complete the Personal Data Information sheet (page 6) and attach two completed sets of fingerprint cards on cards furnished by the Alcohol and Gaming Division. Fingerprints must be taken by City Police, State Police, or Sheriff (any state).



**AD FORM**  
**LAS CRUCES SUN NEWS**  
**LEGAL CLASSIFIED**

City contact: Monica Campbell; 541-2014 / 541-2128

Account No. 26484 (Bill to City Clerk, PO Box 20000, Las Cruces, NM 88004)

Dates to Publish: October 17 and 24, 2010

Copy to publish:

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of a Transfer of Ownership and Location of Liquor License No. 0254 to CVS Pharmacy, Inc. d/b/a CVS Pharmacy #75987, to be located at 3041 North Main Street, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, November 1, 2010, at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the transfer.

Witness my hand and seal of the City of Las Cruces on this the 2<sup>nd</sup> day of October 2010.

  
\_\_\_\_\_  
Esther Martinez, CMC, City Clerk



**AD FORM**  
**LAS CRUCES BULLETIN**  
**LEGAL CLASSIFIED**

City contact: Monica Campbell; 541-2014 / 541-2128

Proof of publication/bill to: City Clerk, PO Box 20000, Las Cruces, NM 88004

Dates to Publish: October 15 and 22, 2010

Copy to publish:

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of a Transfer of Ownership and Location of Liquor License No. 0254 to CVS Pharmacy, Inc. d/b/a CVS Pharmacy #75987, to be located at 3041 North Main Street, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, November 1, 2010, at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the transfer.

Witness my hand and seal of the City of Las Cruces on this the 7<sup>th</sup> day of October 2010.

  
\_\_\_\_\_  
Esther Martinez, CMC, City Clerk



**City of Las Cruces**  
PEOPLE HELPING PEOPLE

**INTER-DEPARTMENTAL  
MEMORANDUM**

=====

**TO: Harry "Pete" Connelly, Interim City Attorney**

**FROM: Dan Soriano, Traffic Engineer, Public Works** 

**SUBJECT: Traffic Investigation Report**

**DATE: October 8, 2010**

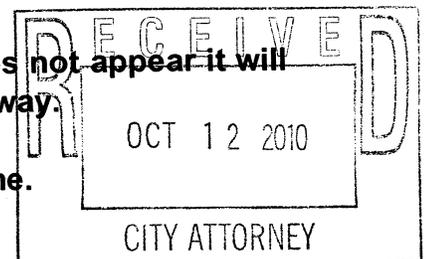
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As requested, Traffic Engineering has completed a traffic investigation for CVS Pharmacy, Inc. located at 3041 N. Main Street., Las Cruces., New Mexico. The following information is submitted for review:

- N. Main Street at this location carries approximately 28,000 vehicles per day. Elks Drive carries approximately 5800 vehicles per day.
- North Main Street and Elks Drive are operated as principal arterial roadways and primarily serve commercial development.
- Access to the property in question is off of both N. Main Street and Elks Drive. No potential sight distance or operational problems exist per the proposed site plan.
- The speed limit on N. Main Street is set at 45 mph and 30 mph on Elks Drive.

The approval of a Liquor License Transfer at this location does not appear it will adversely impact traffic operations along this segment of roadway.

Should any additional information be needed, please contact me.



City of Las Cruces  
Community Development Department

LIQUOR LICENSE IMPACT REPORT

Transfer of Ownership and Location for Liquor License No. 0254

3041 N. Main Street  
CVS Pharmacy #75987

October 12, 2010

**LIQUOR LICENSE IMPACT REPORT  
Transfer of Ownership and Location**

**CVS Pharmacy #75987  
3041 N. Main Street**

The purpose of this report is to review, analyze and determine any possible impacts of a liquor license relating to land use and other planning related issues.

**PROPERTY INFORMATION:**

Location: 3041 N. Main Street  
Applicant: CVS Pharmacy, Inc.  
Business Name: CVS Pharmacy #75987

**LAND USE AND ZONING INFORMATION:**

Subject Property Zoning: C-3C (Commercial High Intensity-Conditional)  
(See attached Statement of Zoning and Vicinity Map)

Subject Property Current Land Use:

<u>Adjacent Land Uses</u>	<u>Zoning</u>	<u>Land Use</u>
North	C-2/C-3	Commercial
South	O-2/C-2	Office/Commercial
East	C-2/C-3	Commercial
West	C-3	Commercial

**DISTANCE REQUIREMENTS:**

Greater than 300 feet to a school: YES  
Greater than 300 feet to a church: NO  
Greater than 300 feet to a military installation: YES

**TRAFFIC COUNT AND ACCESS INFORMATION:**

Roadway: Main Street & Elks Drive  
Classification: Principal Arterials  
Number of Lanes: 5 on Main Street & 4 on Elks Drive  
Site Access: 2  
Nearest Intersections: Main Street & Elks Drive

**PARKING REQUIREMENTS:**

The 2001 Las Cruces Zoning Code, as amended, requires one (1) automobile space for every 200-300 sq. ft. of Gross Floor Area (GFA) and one (1) bicycle parking space for every 4,000 sq. ft. of GFA for a pharmacy in the C-3 zoning district. Parking requirements will be met when construction is concluded.

**IMPACT ANALYSIS:**

The site of the CVS Pharmacy #75987 is at the intersection of two principal arterial roadways. Main Street and Elks Drive are designed to accommodate moderate to heavy traffic and land uses such as pharmacies. The subject property is zoned C-3C which allows a pharmacy as a permitted use. In terms of a transportation and land use perspective, this seems an appropriate location and request.

There is a question, however, concerning the required distance between liquor establishments and military installations, churches, and schools. New Mexico State Statutes read that the liquor establishment must be 300 feet from the property line of military installations, churches and schools. The CVS Pharmacy #75987 is actually within the required 300 foot distance of two church properties: Grace Covenant Church, located at 3111 N. Main Street and Trinity Lutheran Church, located at 2900 Elks Drive.

According to New Mexico State Law, a local governing district may grant a waiver to allow such a business within 300 feet of a church or school. Thus the local governing district may determine whether or not the location of the liquor license request is appropriate. The law does not set parameters to assist in determining applicability. Therefore, Planning Staff assumes the local government district may use traditional guidelines, such as, health, safety, and welfare to make this decision.

**City of Las Cruces**®**STATEMENT OF ZONING**

The property located at 3041 N. Main Street, and having a Map Code Number or Parcel ID Number of 02-03658, in Las Cruces, New Mexico, is zoned as follows:

**C-3C (Commercial High Intensity-Conditional)**

The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

October 12, 2010  
Date

  
Adam Ochoa  
Acting Planner

Comments: The C-3 district facilitates and encourages development of those uses which provide retail, service, and wholesale activities within the City and a regional market and whose use generally serves a population of over 15,000. Conditions for this zoning designation are listed on Ordinance 2579, passed July 26, 2010. Retail packaged liquor sales is a permitted use in C-3 districts, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met.

Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.

**ECONOMIC DEVELOPMENT REPORT**

**From:** Christine Logan

**Subject:** RE: CVS Pharmacy liquor license application

This building has not been constructed yet and so no license is required at this time.

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LAS CRUCES POLICE DEPARTMENT  
PO BOX 20000  
217 E. Picacho  
Las Cruces, New Mexico 88004

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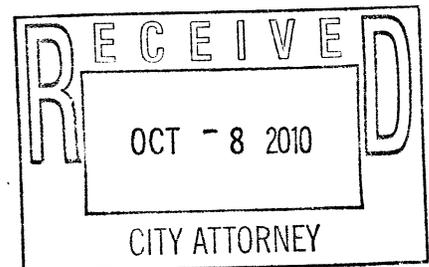
**DATE:** October 6, 2010  
**TO:** Pete Connelly, City Attorney  
**From:** Richard Williams, Chief of Police  
**Subject:** CVS Pharmacy, Inc. #75987

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for CVS Pharmacy # 75987 3041 N. Main St. Las Cruces, NM 88005

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for CVS Pharmacy # 75987 be approved.

A handwritten signature in black ink, appearing to read 'Richard Williams'.

Richard Williams  
Chief of Police



**City of Las Cruces**

**TO:** Harry (Pete) Connelly, Interim City Attorney

**FROM:** Lt. Robert P. Gonzales, Prevention Bureau

RM

**SUBJECT:** Liquor License #0254 / Application #641019

**DATE:** 10/5/2010

**FILE #:**

Our Fire Department has reviewed the liquor license #0254 / application #641019 for CVS Pharmacy located at 3041 N. Main Street, Las Cruces, NM 88001. This applicant is requesting a Transfer of Ownership and Location. The applicant is also seeking an approved waiver from the City of Las Cruces since the establishment will be located within 300 feet from The Grace Covenant Church.

The facility in question is a proposed building which is still in the pre-construction phase. The construction plans have been reviewed for compliance with the 2006 International Fire Code (IFC) and are determined to be in conformance with the requirements for a facility that sells alcoholic beverages.

Please contact me if you have questions or desire additional information.

