

247
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 11 Resolution #11- 179 Council District: 1

For Meeting of February 22, 2011
 (Adoption Date)

A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) FOR ZEFFIRO PIZZERIA NAPOLETANA, LOCATED AT 136 NORTH WATER STREET, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION: To approve or disapprove a waiver of the church/school distance restriction before a public hearing to consider the issuance of a Restaurant Liquor License for Zeffiro Pizzeria Napoletana.

Drafter and Staff Contact: Monica Campbell <i>mc</i>		Department: Legal		Phone: 541-2128	
Department	Signature	Phone	Department	Signature	Phone
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, no license for the sale of alcoholic beverages shall be issued to a premises that is within 300 feet of a church or school unless the governing body of the local option district grants a waiver of the distance restriction.

A waiver is required prior to the issuance of a Restaurant Liquor License because the property line of Zeffiro Pizzeria Napoletana is within 300 feet of Central Elementary School and between 300-400 feet from St. Paul's United Methodist Church.

The property owners within 300 feet of 1715 East University Avenue were notified via U. S. Mail of the City Council meeting to approve or disapprove the waiver and issuance of the liquor license.

The approval or disapproval of the issuance of the Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) is presented as a separate agenda item and its approval is contingent upon approval of a waiver of the distance restriction. Granting a waiver of the church/school distance restriction will allow Zeffiro Pizzeria Napoletana to proceed to the next step of the application process.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A" - Alcohol and Gaming's conditional preliminary approval with the application attached.
3. Attachments "1" and "2" – Notices of Intent to Issue Waiver.
4. Attachment "3" – Map showing the distance between the property line at 136 North Water Street and Central Elementary School and St. Paul's United Methodist Church.
5. Attachment "4" – List of property owners within 300 feet of 136 North Water Street.
6. Attachment "5" – Form of letter sent to the property owners.

SOURCE OF FUNDING:

Is this action already budgeted? 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 (# and Fund Name) Fund.	
Does this action create any revenue?			
	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: (Fund #) in the amount of \$ _____ for FY _____
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

FUND EXPENDITURE SUMMARY

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

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes". This will approve of and consent to the issuance of a waiver of the church/school distance restrictions. Approval will allow Zeffiro Pizzeria Napoletana to proceed with the application process.
2. Vote "No". If Council does not approve the waiver, Alcohol & Gaming will be notified of the reason(s) the waiver was not approved and the Director of Alcohol & Gaming shall not approve the issuance of the Restaurant Liquor License.
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 or disapprove the issuance of a waiver, the matter will be submitted to Alcohol and Gaming for further proceedings.

REFERENCE INFORMATION

None.

RESOLUTION NO. 11- 179

A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) FOR ZEFFIRO PIZZERIA NAPOLETANA, LOCATED AT 136 NORTH WATER STREET, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, according to NMSA 1978, Section 60-6B-10, no license shall be issued for the sale of alcoholic beverages at a licensed premises that is within 300 feet of a church or school; however, in 1997, Section 60-6B-10 was amended to allow for the granting of a waiver of the distance restriction by the local option district governing body for the proposed licensed premises; and

WHEREAS, the property line of Zeffiro Pizzeria Napoletana is within 300 feet of Central Elementary School and within 300-400 feet from St. Paul's United Methodist Church; and

WHEREAS, a waiver of the distance restriction is required prior to the approval of the transfer of the liquor license; and

WHEREAS, approving this Resolution will allow the applicant to proceed to the next step of the application process.

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

(I)

THAT the issuance of a waiver of the church/school distance restriction to Zeffiro Pizzeria Napoletana, located at 136 North Water 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 22 day of February 2011.

Mayor

ATTEST:

City Clerk

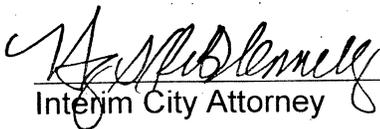
{SEAL}

Moved by: _____

Seconded by: _____

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

APPROVED AS TO FORM:

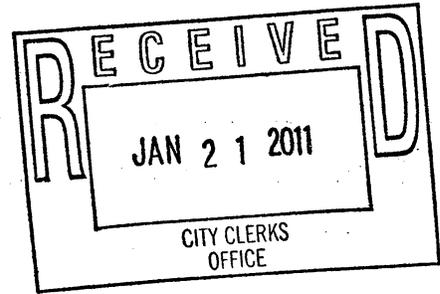


Interim City Attorney



252
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



Susana Martinez
 GOVERNOR

Tracy Hughes
 CHIEF GENERAL
 COUNSEL

Gary J. Tomada
 DIRECTOR

January 18, 2011

Certified Mail No.: 7009 1680 0000 1945 8707

City of Las Cruces
 Attn: Esther Martinez, Clerk
 P.O. Box 20000
 Las Cruces, NM 88004-0000

Re: License / App. No.: Application #A-652736
 Applicant Name: Zeffiro, LLC
 Doing Business As: Zeffiro Pizzeria Napoletana
 Proposed Location: 136 N. Water Street, Las Cruces, NM 88001

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

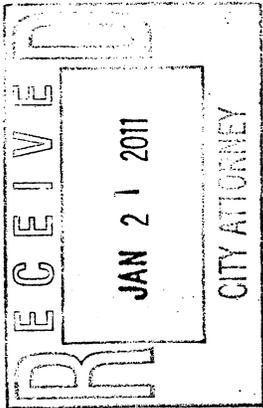
Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application for **Conditional Preliminary Review** and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five (45) 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 weeks of publication must be satisfied before a hearing can be conducted.** 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; and (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 SEEKING A RESTAURANT LIQUOR LICENSE (BEER & WINE ON-PREMISE CONSUMPTION ONLY). THE APPLICANT IS ALSO SEEKING AN APPROVED WAIVER FROM THE CITY OF LAS CRUCES SINCE THE PROPOSED LIQUOR-LICENSED PREMISES ARE WITHIN 300 FEET FROM THE NEAREST SCHOOL, CENTRAL ELEMENTARY, AND BETWEEN 300-400 FEET FROM THE NEAREST CHURCH, ST. PAUL'S UNITED METHODIST.

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



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

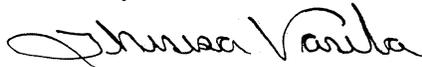
Administrative Services Division
 (505) 476-4800

- 235
- 1) The proposed location is ²³⁵within 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 not properly zoned. Because this office is in receipt of a Zoning Statement from 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 as to whether the local governing body has approved or disapproved the issuance of transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application 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,



Theresa Varela
Administrative Law Judge

ENCLOSURES

1. **Original Page 1 of the Application (must be signed and returned).**
2. **Copy of Page 2 of the Application.**
3. **Copy of Zoning Statement.**
4. **Copy of Floor Plan (outdoor patio not included in liquor-licensed premises).**
5. **Copy of Limited Liability Company Page of the Application.**



ENTERED
2005

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
P.O. Box 25101 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd

RECEIVED
TUTOR LICENSE APPLICATION
OCT 22 2010
ALCOHOL & GAMING DIVISION

10-22-10
Krause

Fee - \$200.00 Fees are non-refundable.

State Liquor License # 658736
Application Number 658736
Local option (AGD use) LAS CAÑAS

Record Owner of Existing License ZEEIRO PIZZERIA MPOLETHA
Current D/B/A Name ~~ZEEIRO PIZZERIA MPOLETHA~~
Current Premises Address ~~136 N. WATER ST., LAS CAÑAS, NM 88001~~

Application is for: Change of Stock Transfer Ownership of Existing License RESTAURANT BEER & WINE LIQUOR LICENSE
Issue New License Type of License being applied for RESTAURANT BEER & WINE LIQUOR LICENSE
Partnership (General or Limited) Limited Liability Company

Applicant is: Individual Corporation
NAME OF APPLICANT (company or individual) ZEEIRO, LLC ADDRESS (including city, state, zip) 136 N. WATER ST. LAS CAÑAS, NM 88001 TELEPHONE NUMBER 575 525-7432
ZEEIRO PIZZERIA MPOLETHA Phone number for licensed premises: 575 525-6757

D/B/A name to be used: ZEEIRO PIZZERIA MPOLETHA
Physical location where license is to be used: 136 N. WATER ST. LAS CAÑAS, DONA ANA COUNTY, NM 88001
Mailing address: 136 N. WATER ST., LAS CAÑAS, NM 88001
Are alcoholic beverages currently being dispensed at the proposed location? Yes No If yes, give license number and type _____

I, (print name) SHRY J. BEBERI as (title) MEMBER / CO-OWNER being first duly sworn upon oath
deposes and says: that he/she is the applicant of/is authorized by the applicant to make this application; that he/she has read the same and knows the contents therein contained are true. Applicant(s) agree(s) that
if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.
Signature of Applicant [Signature] Date 10/21/2010

Notary Public [Signature] My Commission Expires 8/10/2014
SUBSCRIBED AND SWORN TO before me this 21st day of October 2010 by SHRY J. BEBERI

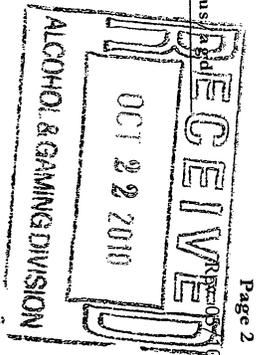
Local Governing Body of: _____ (City or County). Hearing held on _____ 20____
Check one: Approved Disapproved City/County Official _____ (Signature & Title)
For Alcohol and Gaming Division Use Only

Approved Disapproved Director Approval _____ Date _____
"CONDITIONAL"
Waiver Required. [Signature]



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

SS-60-6B-10



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

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) Other (provide details) _____

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

A. Owner(s) RICHARD ROSEN, INC, 306 E. OVERLAND, EL PASO, TX 79901

B. Date and term of lease with 3 years with 2 3-year renewal options. INITIAL TERM EXPIRES 01/06/2012

3. Premises location is zoned (example C-1) URB (GENERAL BUSINESS DISTRICT AND MAIN STREET RAZER OVERLAY)
If the premises is zoned, attach zoning statement from local government giving location address and type of zone, 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). 300 of a mile, NE, per posting. Address unavailable, per posting. TU 12-30-10
Miles/feet 330 FT Name of church ST PAUL'S UNITED METHODIST CHURCH Address/location of church 225 W. GILGES AVE, LAS CRUCES, NM 88005

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance). 1/2 of a mile, SW, per posting. Address unavailable, per posting. TU 12-30-10
Miles/feet 200 FT Name of school CENTRAL ELEMENTARY SCHOOL Address/location of school 150 N. ALHAMBRA BLVD, LAS CRUCES, NM 88005

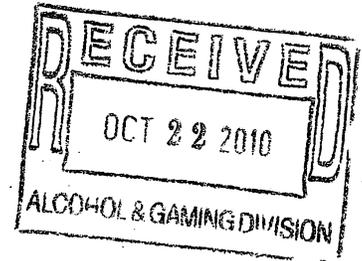
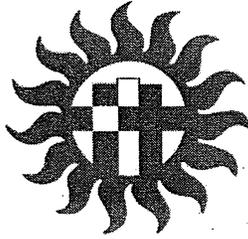
6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance.)
Miles 11.7 Name of Military Installation, circle one: White Sands Missile Range (Las Cruces),
Kirtland Air Force Base (Albuquerque), Cannon Air Force Base (Clovis), Holloman Air Force Base (Alamogordo)

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 premises. 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 (specify) _____



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STATEMENT OF ZONING

The property located at 136 N. Water Street, and having a Parcel ID Number of 02-05971, in Las Cruces, New Mexico, is zoned as follows:

CBD (Central Business District and Main Street Plaza Overlay)

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 1, 2010

Date

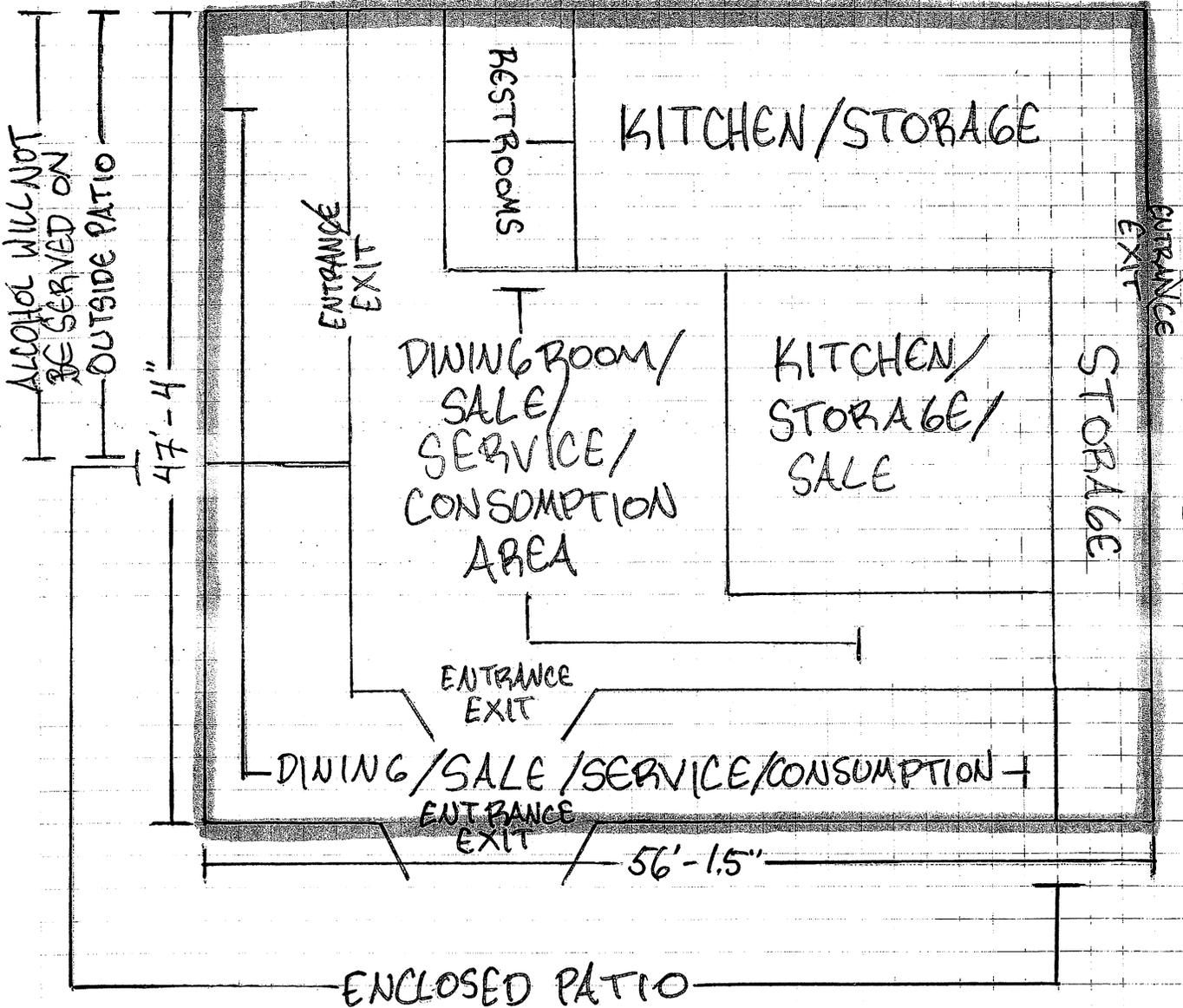
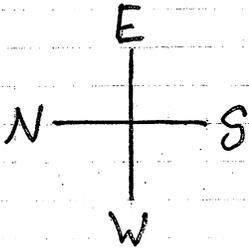
Christine Logan

Economic Development Administrator

Comments: The purpose of this district is to accommodate government facilities, retail, office, residential, and other similar uses in the central business area of the City with appropriate height, yard, and intensity standards to allow for a higher density of development. Furthermore, the properties described within the "Main Street Plaza" Overlay Zone are identified as a special area within the Central Business District (CBD) to encourage revitalization through incentives and clearly defined development standards. A restaurant with a liquor dispenser's license is a permitted use in the CBD, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met (as per Section 38-44.C.4a 2001 Las Cruces Zoning Code as amended).

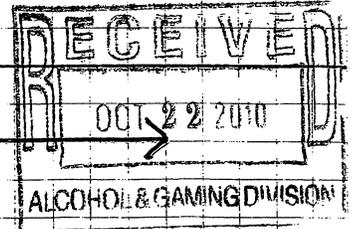
Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.

2656.583 square feet



9 FEET, WOOD FRAMED, DRY WALL, STUCCO WALL

← N. WATER ST. ("main street") →

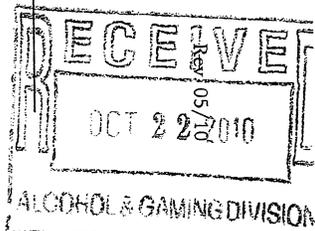




New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
 P.O. Box 25101 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd

LIMITED LIABILITY COMPANY

SS 60-6B-24



1. Name of Limited Liability Company ZEFFIRO, LLC
 2. Date company formed (attach copy of Operating Agreement) 01 / 11 / 2008
 3. Date company registered (attach copy of certificate and Article of Organization) 01 / 11 / 2008
 4. Mailing Address: Street 136 N. WHELER ST City LAS CAVES State NM zip 88001 Phone 575-650-7432
- Names and addresses of all Members – full disclosure is required. If a Member is a corporation, Trust, Limited Liability Company, General or Limited Partnership, complete the appropriate entity information page.

LIST ALL MEMBERS AND MANAGERS

Name	Title	Address	% of interest/contribution
<u>CHARY J. EBERT</u>	<u>MEMBER</u>	<u>972 FLORA WSTA, LAS CAVES, NM 88007</u>	<u>95%</u>
<u>ANNE MARIE EBERT</u>	<u>MEMBER</u>	<u>972 FLORA WSTA, LAS CAVES, NM 88007</u>	<u>5%</u>

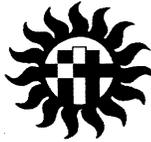
Has this Limited Liability Company ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Limited Liability Company been denied the issuance of a liquor license? No Yes If Yes, provide details:

7. List every liquor license in which this Limited Liability Company owns any interest, direct or indirect:

N/A

NOTE: For each Member who is an individual, complete the *Personal Data Information Form* (page 6), and for each person attach two (2) completed fingerprints cards (available from the Alcohol and Gaming Division) along with fees and supporting documentation. Fingerprints must be taken by City Police, State Police or Sheriff (any state).

Return this form to the Alcohol and Gaming Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505, if using overnight delivery.



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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: January 30 and February 6, 2011

Copy to publish:

NOTICE OF INTENT TO ISSUE WAIVER

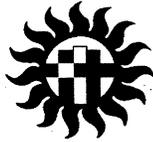
Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss the issuance of a waiver of the church/school distance restriction for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to Zeffiro Pizzeria Napoletana, located at 136 N. Water Street, 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 Tuesday, February 22, 2011, 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 issuance.

Witness my hand and seal of the City of Las Cruces on this the 25th day of January 2011.



Esther Martinez, CMC, City Clerk



City of Las Cruces[®]
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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: January 28 and February 4, 2011

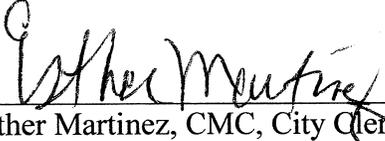
Copy to publish:

NOTICE OF INTENT TO ISSUE WAIVER

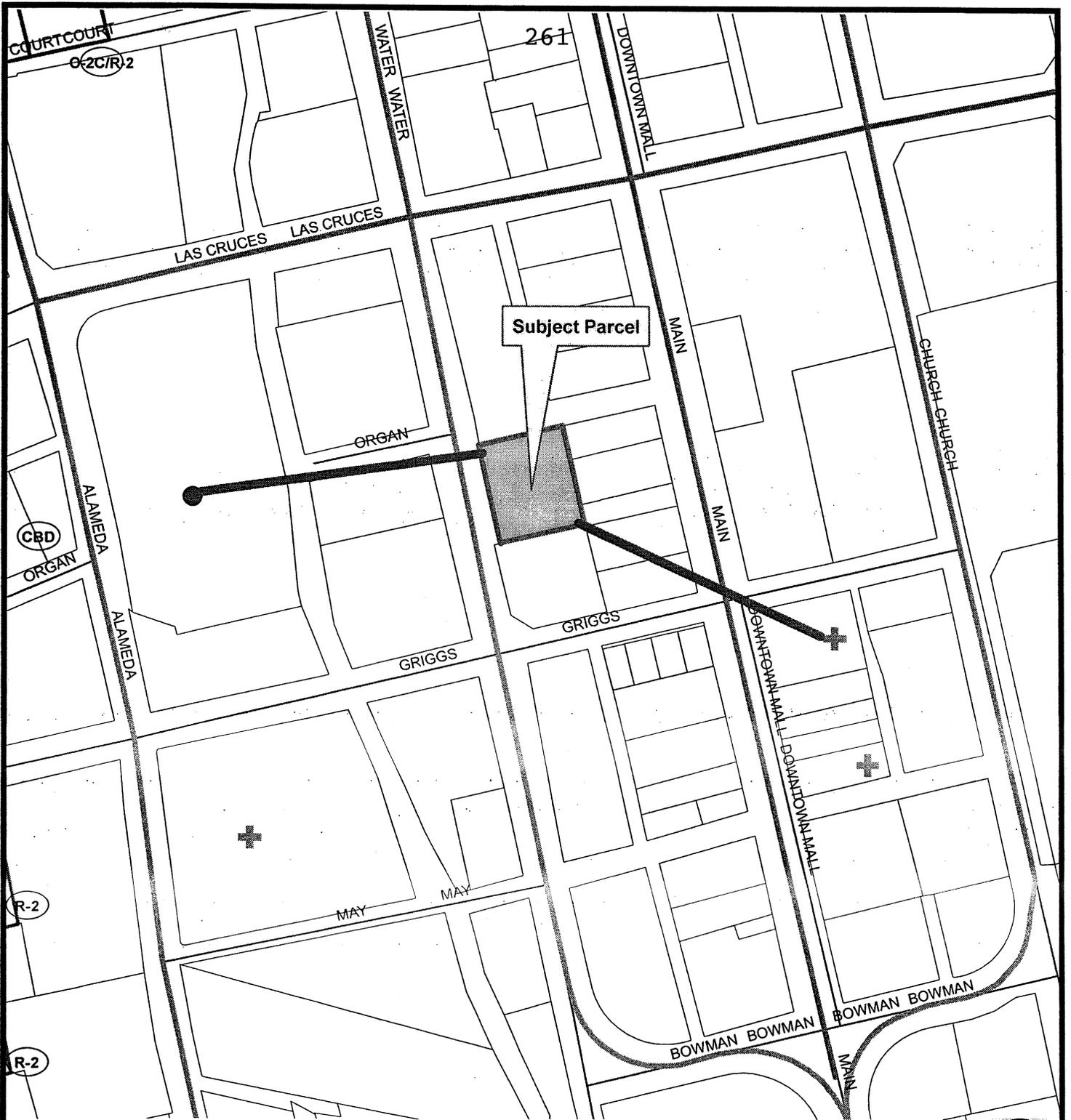
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The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Tuesday, February 22, 2011, at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the issuance.

Witness my hand and seal of the City of Las Cruces on this the 25th day of January 2011.



Esther Martinez, CMC, City Clerk



VICINITY MAP

136 N. WATER STREET

PARCEL: 02-05971

ZONING: CBD

DISTANCE TO NEAREST CHURCH: ~280 FEET

DISTANCE TO NEAREST SCHOOL: ~270 FEET

-  **ZONING**
-  **CHURCH**
-  **SCHOOL**



This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the Community Development Department at (505) 528-3043.



262

ALBERTO GUTIERREZ LLC
213 W GRIGGS AVE
LAS CRUCES, NM. 88005

BANK OF THE WEST
PO BOX 5155
SAN RAMON, CA. 94583-5155

CORONADO JOSE R & RUBEN
CORONADO
705 N ALAMEDA
LAS CRUCES, NM. 88004

EL PASO ELECTRIC COMPANY
PO BOX 910
LAS CRUCES, NM. 88001

HAMIL FRANCES ET AL
306 E OVERLAND
EL PASO, TX. 79901

HOUSE OF PRAISE INC
PO BOX 2527
LAS CRUCES, NM. 88004-252

LAS CRUCES SCHOOL DISTRICT #2
505 S MAIN STE #249
LAS CRUCES, NM. 88001

LOPEZ EDGAR & MARY
125 W GRIGGS
LAS CRUCES, NM. 88001

POPULAR DRY GOODS COMPANY
306 E OVERLAND
EL PASO, TX. 79901

QWEST COMMUNICATIONS INC
1801 CALIFORNIA ST
DENVER, CO. 80202

ROSS JEANNE S REV TR
1405 DIANA MAURA
LAS CRUCES, NM. 88001

SOUTHERN RIO GRANDE MENTAL
HEALTH
100 W GRIGGS
LAS CRUCES, NM. 88001

ST GENEVIEVE PARISH INC
1280 MED PARK DR
LAS CRUCES, NM. 88005

STATE OF NEW MEXICO
715 ALTA VISTA
SANTA FE, NM. 87502

Z K S STERN
4054 LA PURISIMA DR
LAS CRUCES, NM. 88011

ZEFFIRO PIZZERIA NAPOLETANA

Attachment 4



February 7, 2011

Dear Property Owner:

Zeffiro Pizzeria Napoletana ("the applicant") located at 136 North Water Street, Las Cruces, New Mexico, has applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico for the issuance of a Restaurant Liquor License (Beer & Wine On-Premise Consumption Only). As part of the approval process, the Liquor Control Act ("LCA") requires the applicant to obtain approval for the issuance of the Restaurant Liquor License from the governing body of the City of Las Cruces.

A public hearing to approve or disapprove the Restaurant Liquor License is scheduled before the City Council during its meeting on Tuesday, February 22, 2011 which begins at 1:00 p.m. The meeting will be held in the City Council Chambers located in City Hall, 700 North Main Street, Las Cruces, New Mexico.

The Zeffiro Pizzeria Napoletana is within 300 feet from Central elementary School and between 300-400 feet from St. Paul's United Methodist Church. The LCA prohibits the sale and consumption of alcoholic beverages within 300 feet of a church or school unless a waiver has been granted to the applicant. A waiver of the church/school distance restriction will be considered at the February 22, 2011 City Council meeting before the public hearing about the Restaurant Liquor License.

If you wish to share your views concerning the impact of the Restaurant Liquor License at 136 North Water Street, please attend the City Council meeting on February 22, 2011, or you may submit your views in writing to the City Attorney's Office, 700 North Main Street, Suite 3200, PO Box 20000, Las Cruces, New Mexico 88004. Letters must be received by 5:00 p.m. on Thursday, February 17, 2011.

If you have any questions or need additional information, please contact Monica Campbell at 575-541-2128.

Sincerely,


 Harry S. (Pete) Connolly
 Interim City Attorney

Attachment 5