

199
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 13 Ordinance/Resolution# 12-102

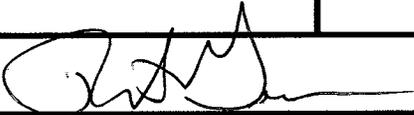
For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of December 19, 2011
 (Adoption Date)

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT BEER AND WINE LICENSE FOR ON PREMISE CONSUMPTION ONLY TO SWARTZ INVESTMENT GROUP, LLC D/B/A FOX'S PIZZA DEN, LOCATED AT 1340 EAST LOHMAN, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve, disapprove, or not approve the issuance of a Restaurant Beer and Wine liquor license.

COUNCIL DISTRICT: 3		
<u>Drafter/Staff Contact:</u> Monica Campbell	<u>Department/Section:</u> Legal	<u>Phone:</u> 541-2128
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to New Mexico Statutes, an application for the issuance of a Restaurant Beer and Wine liquor license for on premise consumption only must be accompanied by a resolution of the City Council approving of and consenting to the issuance after a public hearing.

Swartz Investment Group, LLC d/b/a Fox's Pizza Den applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for the issuance of a Restaurant Beer and Wine liquor license for on premise consumption only at 1340 East Lohman, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on November 16, 2011.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the approval letter from Alcohol and Gaming. A public hearing to review this issue is scheduled during the regular City Council meeting to be held on Monday, December 19, 2011, 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 Bulletin* on December 2 and 9, 2011, and in the *Las Cruces Sun-News* on December 4 and 11, 2011.

(Continue on additional sheets as required)

Council may approve or disapprove the issuance of the license. However, Council's disapproval must be based on substantial evidence that the issuance 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 the license.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A". Alcohol and Gaming's letter with the application.
3. Attachment "1". Notice of Intent to Adopt published in the *Las Cruces Bulletin*.
4. Attachment "2". Notice of Intent to Adopt published in the *Las Cruces Sun-News*.
5. Attachment "3". Traffic Impact Report from the Traffic Engineering Section.
6. Attachment "4". Liquor License Impact Report (zoning) from Development Services.
7. Attachment "5". Business Registration Report from Development Services.
8. Attachment "6". Criminal Activity Report from the Las Cruces Police Department.
9. Attachment "7". Fire and Safety Compliance Report from the Las Cruces Fire Department.

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 _____ Fund.
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>1015-10180020-520002, Permits-Liquor Licenses</u> in the amount of <u>\$300.00</u> for FY12.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE:

N/A

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve of and consent to the issuance of the Restaurant Beer and Wine liquor license and Alcohol and Gaming will continue with the application process.
2. Vote "No"; this must be based on substantial evidence that the issuance of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.
3. Vote to "Amend"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.
4. Vote to "Table"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.

REFERENCE INFORMATION:

N/A

(Continue on additional sheets as required)

RESOLUTION NO. 12- 102**A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT BEER AND WINE LICENSE FOR ON PREMISE CONSUMPTION ONLY TO SWARTZ INVESTMENT GROUP, LLC D/B/A FOX'S PIZZA DEN, LOCATED AT 1340 EAST LOHMAN, LAS CRUCES, NEW MEXICO.**

The City Council is informed that:

WHEREAS, Swartz Investment Group, LLC d/b/a Fox's Pizza Den, located at 1340 East Lohman, Las Cruces, New Mexico, applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for the issuance of a Restaurant Beer and Wine License for on premise consumption only; and

WHEREAS, on November 16, 2011, Alcohol and Gaming granted preliminary approval for the issuance of the license, as evidenced by their letter and the application; and

WHEREAS, pursuant to law, the application for issuance of a liquor license must be accompanied by a resolution of the City Council approving of and consenting to the issuance 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 issuance of the liquor license and it has determined that the approval of said license 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 issuance of a Restaurant Beer and Wine License for on premise consumption only to Fox's Pizza Den, located at 1340 East Lohman, 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 hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED on this 19th day of December 2011.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

VOTE:

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

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



Deputy City Attorney

205

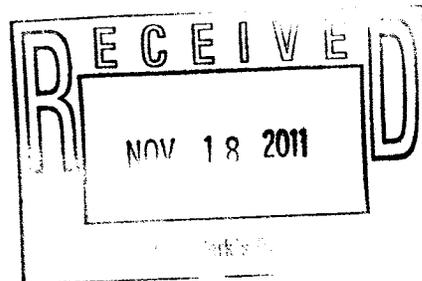
**New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION**

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87505
PO Box 25101, Santa Fe, NM 87504-5101
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd

November 16, 2011

Certified Mail No.: 7006 3450 0000 3001 0494

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



Re: License / App. No.: A-792113
Applicant Name: Swartz Investment Group, LLC
Doing Business As: Fox's Pizza Den
Proposed Location: 1340 E. Lohman
Las Cruces, New Mexico 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 and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

The Director of the Alcohol and Gaming Division has granted Preliminary Approval for 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 (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 BEER AND WINE LICENSE FOR ON PREMISE CONSUMPTION ONLY.



Susana Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Steven A. Reinhart, Esq.
DIRECTOR

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 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 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 or 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,



Rose L. Garcia
 Hearing Officer
 NM Regulation & Licensing Dept.
 Alcohol & Gaming Division
 Phone: 505-476-4552
 Fax: 505-476-4595
 Email: rosel.garcia@state.nm.us

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application.



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

OCF 112011 Page 1

Rev. 05/10

ALCOHOL AND GAMING DIVISION

11/21/11
 ready



LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable.

State Liquor License #

A-792113

Record Owner of Existing License

Current D/B/A Name Fox's Pizza Den

Application Number

08005

Current Premises Address

1340 E. Lohman / Has Cruces NM 88007

Local option (AGD use)

08005

Change of Officers/Directors

Transfer Ownership of Existing License

Transfer Ownership and Location

Transfer Location

Other

Application is for: Change of Stock

Issue New License

Yes

Restaurants and Beer & Wine

Limited Liability Company

Yes

licant is: Individual

Corporation

Partnership (General or Limited)

Partnership (General or Limited)

Limited Liability Company

Yes

NAME OF APPLICANT (company or individual) SWARTZ INVESTMENT GROUP L.L.C. ADDRESS (including city, state, zip) 4905 Skyview Lane Las Cruces NM 88007 TELEPHONE NUMBER 575-640-3261

D/B/A name to be used:

Fox's Pizza Den

Phone number for licensed premises 575-521-3697

Physical location where license is to be used:

1340 E. Lohman / Has Cruces NM, Dona Ana 88001

(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address:

P.O. Box 717 Dona Ana NM 88032

Are alcoholic beverages currently being dispensed at the proposed location? Yes No

If yes, give license number and type

I, (print name)

CARRIE T SWARTZ

as (title)

owner / representative SIGLLO

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 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 the license or may cause the license to be revoked at any time.

must sign and date this form in the presence of a notary public

Signature of Applicant

Carrie T Swartz

Date

9/28/11

SUBSCRIBED AND SWORN TO before me this

28

day of

September

20

by

CARRIE T. SWARTZ

Notary Public

[Signature]

My Commission Expires

June 9, 2013

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



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) YES Other (provide details) _____

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

A. Owner(s) Rafel Landolt by Baraka, Inc

B. Date and term of lease 15 April 2011 - 22 Memorial Medium Intensity 5 years - end on May 31st, 2016 NY

3. Premises location is zoned (example C-1) _____
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)
Miles/feet 35 miles Name of church St Pauls Anglican Church Address/location of church 151 S. Solano Dr. #1

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).
Miles/feet 34 miles Name of school Hermosa Heights Sr. Address/location of school 1655 E. Amador Ave

6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance.)
Miles 30.5 miles Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque) White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Cloveis).

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 YES Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____

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



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: December 2 and 9, 2011

Copy to publish:

NOTICE OF INTENT TO ADOPT

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of the issuance of a Restaurant Beer and Wine License for on premise consumption only to Swartz Investment Group, LLC d/b/a Fox's Pizza Den, at 1340 East Lohman Avenue, 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, December 19, 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 22nd day of November 2011.



Esther Martinez, CMC, City Clerk



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: December 4 and 11, 2011

Copy to publish:

NOTICE OF INTENT TO ADOPT

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of the issuance of a Restaurant Beer and Wine License for on premise consumption only to Swartz Investment Group, LLC d/b/a Fox's Pizza Den, at 1340 East Lohman Avenue, Las Cruces, New Mexico.

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Witness my hand and seal of the City of Las Cruces on this the 22nd day of November 2011.



Esther Martinez, CMC, City Clerk



**INTER-DEPARTMENTAL
MEMORANDUM**

TO: Harry "Pete" Connelly, City Attorney

FROM: Dan Soriano, Traffic Engineer, Transportation 

SUBJECT: Traffic Investigation Report

DATE: November 22, 2011

As requested, Traffic Engineering has completed a traffic investigation for Swartz Investment Group, LLC doing business as Fox's Pizza Den located at 1340 E. Lohman Avenue, Las Cruces, New Mexico. The following information is submitted for review:

- East Lohman Avenue at this location carries approximately 13,726 vehicles per day.
- East Lohman Avenue is operated as a four lane roadway and primarily serves commercial properties.
- Access to the property in question is off of East Lohman Avenue. No potential sight distance or operational problems exist.
- The speed limit on East Amador Avenue is set at 35 mph.

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

Restaurant Liquor License Application No. A-792113
(Beer and Wine Only)

Fox's Pizza Den
1340 E. Lohman Avenue

November 28, 2011

LIQUOR LICENSE IMPACT REPORT
Restaurant Liquor License (Beer & Wine ONLY)

Fox's Pizza Den
1340 E. Lohman Avenue

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: 1340 E. Lohman Avenue
 Applicant: Swartz Investment Group, LLC
 Business Name: Fox's Pizza Den

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: C-2 (Commercial Medium Intensity)
 (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	Commercial
South	C-2	Commercial
East	C-2	Commercial
West	C-2	Commercial

DISTANCE REQUIREMENTS:

Greater than 300 feet to a school: YES
 Greater than 300 feet to a church: YES
 Greater than 300 feet to a military installation: YES

TRAFFIC COUNT AND ACCESS INFORMATION:

Roadway: Lohman Avenue
 Classification: Principal Arterial
 Number of Lanes: 3
 Site Access: 2
 Nearest intersection: Lohman Avenue and Espanola Street

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires restaurants to provide one (1) automobile parking space for every 2-5 seats and one (1) bicycle parking space per one thousand (1,000) square feet of gross floor area. As the business currently exists, there is no apparent change in land use and parking is not an issue.

IMPACT ANALYSIS:

The site of Fox's Pizza Den is located along a Principal Arterial roadway which is designed to accommodate heavy traffic and land uses such as restaurants. The subject property is zoned C-2 which allows a restaurant as a permitted use by right. The applicant is requesting a new restaurant liquor license (beer & wine only) for this location. In terms of a transportation and land use perspective, this seems to be an appropriate location and request.

**STATEMENT OF ZONING**

The property located at 1340 E. Lohman Avenue in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-10290 is zoned as follows:

C-2 (Commercial Medium Intensity)

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.

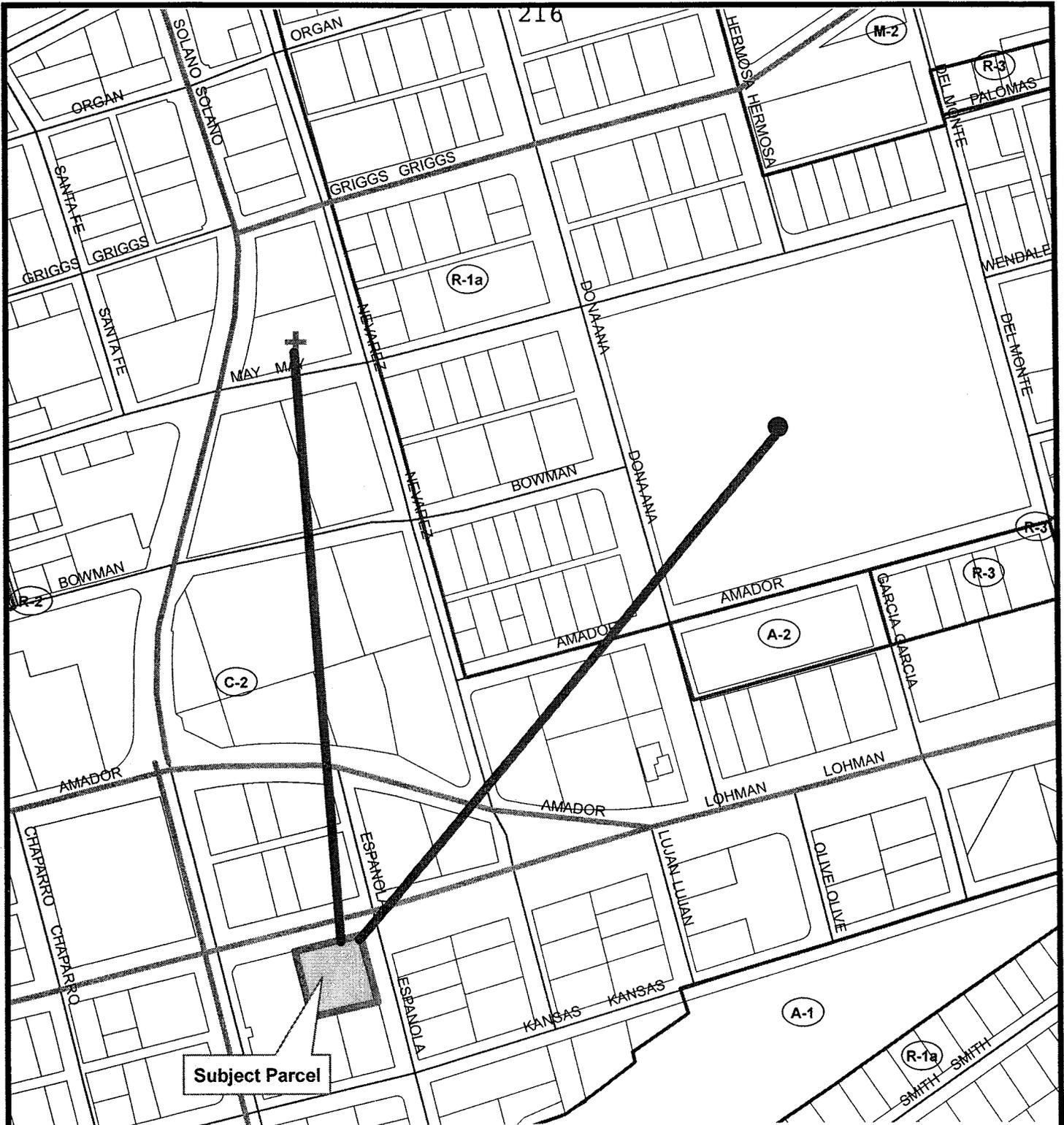
November 28, 2011

Date

Lorenzo Vigil
Planning Technician Senior

Comments: The C-2 district facilitates and encourages development of those uses which provide retail and service activities as a convenience to adjacent neighborhoods and whose use generally serves a population of 5,000 to 30,000. A restaurant with a beer and wine dispenser's license is a permitted use in the C-2 zoning district, 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.



ZONING/VICINITY MAP

1340 E. LOHMAN AVENUE

PARCEL ID#: 02-10290

ZONING: C-2

DISTANCE TO NEAREST SCHOOL: ~990 FEET

DISTANCE TO NEAREST CHURCH: ~1,215 FEET



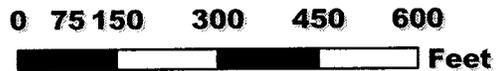
ZONING



SCHOOL



CHURCH



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 (575) 528-3043.

Community Development Department

700 N. Main Street, Suite 1100

Las Cruces, NM 88004

(575) 528-3043

BUSINESS REGISTRATION REPORT

From: Lora Dunlap
Subject: RE: Report request - liquor license application/resolution

A business registration certificate was issued September 26, 2011 for Fox's Pizza Den located at 1340 E. Lohman Ave.

Lora Dunlap
Business Registrations
Community Development
City of Las Cruces
P.O. Box 20000
Las Cruces, NM 88004
Office: 575-541-2287
Fax: 575-528-3155

From: Monica Campbell
Sent: Friday, November 18, 2011 3:12 PM
To: Lorenzo Vigil; Lora Dunlap
Cc: Robert Kyle
Subject: Report request - liquor license application/resolution

Attached is Alcohol & Gaming's letter concerning a restaurant beer and wine license for Fox's Pizza Den at 1340 East Lohman, Las Cruces. The City has 45 days from the receipt of this letter to have the issuance of the liquor license brought before the City Council for a public hearing.

Please review the attached application and prepare the liquor license reports for 1) zoning and 2) business registration.

The report is due to my attention at the City Attorney's office on or before **Thursday, December 1, 2011** so that the complete resolution packet can be submitted by the City Clerk's deadline of Friday, December 2, 2011. The resolution will be submitted for the December 19, 2011 City Council meeting.

Let me know if you have any questions or need more information. Thank you.

Monica Campbell
Legal Dept. Operations Analyst
City of Las Cruces
575-541-2014 / 575-541-2128
Fax 575-541-2017



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

DATE: *November 18 ,2011*

TO: *Pete Connelly, City Attorney*

From: *Richard Williams, Chief of Police*

Subject: *Fox's Pizza Den*

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Fox' Pizza Den, located at 1340 E. Lohman Las Cruces, NM 88001.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for Fox's Pizza Den be approved.

Richard Williams
Chief of Police

RECEIVED
NOV 21 2011
CITY ATTORNEY

FIRE DEPARTMENT REPORT – FOX'S PIZZA DEN

From: James VonSchriltz
Subject: Report request - liquor license application/resolution

The property currently meets Las Cruces business inspection criteria. They had proper exiting and lighting for fire safety considerations. This property at this time did not require a sprinkler due to size. At this time I believe there is no fire department issue that would hinder the progression of this request.

James VonSchriltz

From: Monica Campbell
Sent: Friday, November 18, 2011 3:06 PM
To: Travis Brown; Ted Sweetser; Billy Chaires
Cc: Mary Helen Sarabia
Subject: Report request - liquor license application/resolution

Attached is Alcohol & Gaming's letter concerning a restaurant beer and wine license for Fox's Pizza Den at 1340 East Lohman, Las Cruces. The City has 45 days from the receipt of this letter to have the transfer of location of the liquor license brought before the City Council for a public hearing.

Please review the attached application and prepare a fire and safety compliance report.

The report is due to my attention at the City Attorney's office on or before **Thursday, December 1, 2011** so that the complete resolution packet can be submitted by the City Clerk's deadline of Friday, December 2, 2011. The resolution will be submitted for the December 19, 2011 City Council meeting.

Let me know if you have any questions or need more information. Thank you.

Monica Campbell
Legal Dept. Operations Analyst
City of Las Cruces
575-541-2014 / 575-541-2128
Fax 575-541-2017