

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 7Ordinance/Resolution# 13-116For Meeting of _____
(Ordinance First Reading Date)For Meeting of February 19, 2013
(Adoption Date)

Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF STATE LIQUOR LICENSE NO. 2752 TO TJW, LLC D/B/A WHISKEY DICKS, TO BE LOCATED AT 101 EAST UNION AVENUE, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve or disapprove the transfer of a State Liquor License.

COUNCIL DISTRICT: 4		
<u>Drafter/Staff Contact:</u> Monica Campbell	<u>Department/Section:</u> Legal/City Attorney	<u>Phone:</u> 541-2128
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to New Mexico Statutes, an application for the transfer of ownership and location of a State Liquor License must be accompanied by a resolution of the City Council approving of and consenting to the transfer after a public hearing.

TJW, LLC d/b/a Whiskey Dicks applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for the transfer of ownership and location of State Liquor License No. 2752. The proposed location for the license is 101 East Union Avenue, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on January 15, 2013.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the preliminary 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 Tuesday, February 19, 2013, beginning at 3:00 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 February 1 and 8, 2013, and in the *Las Cruces Sun-News* on February 3 and 10, 2013.

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

N/A	Is this action already budgeted?		
	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>1000-10180010-520002</u> in the amount of \$600.00 for FY13.
	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

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve of and consent to the transfer of ownership and location of State Liquor License No. 2752 and Alcohol and Gaming will continue with the application process.
2. Vote "No"; this must be based on substantial evidence that the transfer 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:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A.

RESOLUTION NO. 13-116

A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF STATE LIQUOR LICENSE NO. 2752 TO TJW, LLC D/B/A WHISKEY DICKS, TO BE LOCATED AT 101 EAST UNION AVENUE, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, TJW, LLC d/b/a Whiskey Dicks, to be located at 101 East Union Avenue, 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 transfer of ownership and location of State Liquor License No. 2752; and

WHEREAS, on January 15, 2013, Alcohol and Gaming granted preliminary approval for the transfer of the license; and

WHEREAS, pursuant to law, the application for such transfer 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 notice of such hearing; and

WHEREAS, the City Council did on this date hold a public hearing after reasonable notice. The City Council has considered the transfer 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 transfer of ownership and location of State Liquor License No. 2752 to TJW, LLC d/b/a Whiskey Dicks, to be located at 101 East Union Avenue, Las Cruces,

New Mexico, as evidenced by Alcohol and Gaming's letter and the application attached hereto as Exhibit "A", 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 necessary in the accomplishment of the herein above.

DONE AND APPROVED on this 19th day of February 2013.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____

APPROVED AS TO FORM:



City Attorney

220

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87500
 (505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.nm.gov/ald

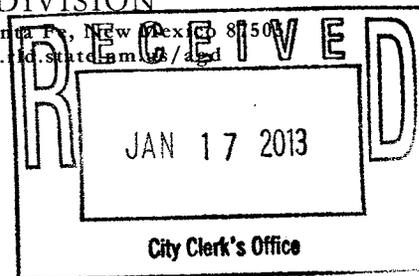


Suzanna Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Jennifer W. Anderson
DIRECTOR

January 15, 2013



Certified Mail No: 7009 2820 0003 9518 4545

City of Las Cruces
 Esther Martinez, Clerk
 PO Box 20000
 Las Cruces, NM 88004

Re: Lic. No./App. No., 2751/839947
 Applicant Name: TJW, LLC
 Doing Business As: Whiskey Dicks
 Proposed Location: 101 Union Ave., Las Cruces, NM

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 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 days after receipt of a notice of preliminary approval 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; (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 & Location Liquor License:

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

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

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

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.)

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.

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,


Annette R. Brumley
Hearing Officer

ENCLOSURES: Original Page 1 of Liquor License Application
Copy of page 2 Premises, Location, Ownership & Description of Premises

State Liquor License # 2752

Application Number 839947

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

1428049



Record Owner of License Sumilaben Patel
Current D/B/A Name Best Western Mission Inn
Current Premise Address 1765 S. Main
Las Cruces, New Mexico 88005

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 _____
Transfer of Ownership of Existing License _____ X
Issue New License _____

Applicant is: Individual _____
Corporation _____
Partnership (General or Limited) _____ X
Limited Liability Company _____

NAME OF APPLICANT (company or individual):
TJW, LLC
ADDRESS (INCLUDING CITY, STATE, ZIP):
420 South Kenazo, El Paso, Texas 79928
TELEPHONE NUMBER: 915-852-6844

Notice also to: Linda L. Aikin, Esq., 530B Harkle Road, Santa Fe, NM 87505 PH: 505-982-6224 FAX: 505-992-8378

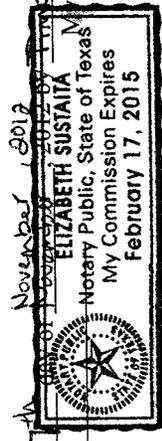
DBA Name to be used: Whiskey Ditch Phone Number for licensed premises: TBD
Physical Address Where License is to be used: 101 Union Avenue Las Cruces, New Mexico 88003
(Street No./Highway No./State Road/City/County)

Mailing Address: 420 South Kenazo, El Paso, Texas 79928
(Street No./P.O. Box/City/State/Zip)

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

I, Elizabeth Sustaita, as (title) _____ 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(s) 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) _____ Date 11/27/12
Notary Public Use Only



SUBSCRIBED AND SWORN TO before me this 27th day of November, 2012
NOTARY PUBLIC: Elizabeth Sustaita (Name of Person(s) Signing Above)
Commission Expires: February 17, 2015

Local Governing Body of: _____
PLEASE CHECK ONE: APPROVED DISAPPROVED CITY/COUNTY OFFICIAL (Signature and Title): _____
(CITY OR COUNTY) Hearing Held on: _____

APPROVED _____ DISAPPROVED _____ APPROVAL _____ DATE _____
AGD Use Only DIRECTOR



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) UNION AVENUE LLC
 B. Date and term of lease 1/1/13 to 12/31/13

3. Premises location is zoned (example C-1) C-3
 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 815 FT Name of church Mesilla Park Baptist Church Address/location of church 3701 South Main Las Cruces 88005

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).
 Miles/feet 1540 FT Name of school Mesilla Valley Christian Center Address/location of school 3850 STEARNS DRIVE Las Cruces 88005
715 FT Mesilla Valley Training Center 400 BEL AV LAS CRUCES 88005

6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance).
 Miles 67 Name of Military Installation, circle one: White Sands Missile Range (Las Cruces),
 Kirtland Air Force Base (Albuquerque), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

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) _____

COPY

ALCOHOL & GAMING DIVISION
2550 CERRILLOS RD.
TONEY ANAYA BLDG.
P.O. BOX 25101
SANTA FE, NEW MEXICO 87504-5101

POSTING CERTIFICATE

- DISPENSER (FULL SERVICE)
- RESTAURANT (BEER/WINE ONLY)
- CANOPY (DISPENSER-C)
- OTHER
- RETAILER (PACKAGE ONLY)
- DISPENSER (ON PREMISE ONLY)
- INTER-LOCAL DISPENSER
- LOTTERY

APPLICATION FILED FOR LICENSE/APPLICATION NUMBER: 2752/839947

TRANSFER OF OWNERSHIP & LOCATION TRANSFER OF LOCATION

TRANSFER OF OWNERSHIP NEW LICENSE

CHANGE OF STOCKHOLDERS/PARTNERSHIP INTEREST

TRANSFERRED FROM: TRANSFERRED TO:

OWNER: SUNILABEN PATEL OWNER: TJW, LLC

CURRENT LOCATION: 1765 S. MAIN, LAS CRUCES, NM PROPOSED LOCATION: 101 UNION AVE., LAS CRUCES, NM

CURRENT BUSINESS NAME: BEST WESTERN MISSION INN PROPOSED NAME: WHISKEY DICK'S

I CERTIFY THAT I HAVE POSTED THE REQUIRED NOTICE OF LIQUOR LICENSE PURSUANT TO SECTION 60-6B-2, NMSA, AND FURTHER CERTIFY AS FOLLOWS:

1. LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: City of Las Cruces
2. LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: N/A
3. DISTANCE FROM NEAREST CHURCH IS: Approx. 3 tenths of a mile
NAME OF CHURCH IS: Mesilla Park Community Church-SBC
4. DISTANCE FROM NEAREST SCHOOL IS: Approx 1 mile
NAME OF SCHOOL IS: Las Cruces High School
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: N/A
NAME OF INSTALLATION IS: N/A
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
BY PASSABLE ROAD: N/A BY STRAIGHT AIRLINE: N/A
7. NOTICE POSTED ON:
 BUILDING BILLBOARD BUILDING UNDER CONSTRUCTION
 BUILDING BEING REMODELED NO BUILDING

DATE POSTED: 02/17/2012

[Signature]
APPLICANT'S SIGNATURE

EXPIRATION DATE: 01/06/2013 (midnight)

[Signature]
S.I.U. SPECIAL AGENT



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: February 1 and 8, 2013

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 a Transfer of Ownership and Location of Liquor License No. 2752 to TJW, LLC d/b/a Whiskey Dicks to be located at 101 East Union Avenue, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council scheduled for Tuesday, February 19, 2013, at 3:00 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 25th day of January 2013.



Esther Martinez-Carrillo, 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: February 3 and 10, 2013

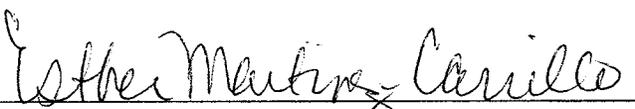
Copy to publish:

NOTICE OF INTENT TO ADOPT

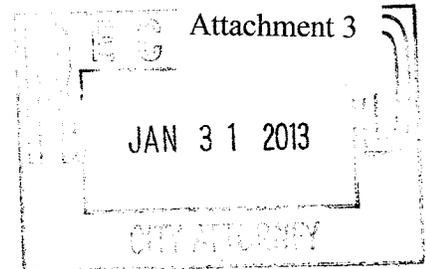
Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of a Transfer of Ownership and Location of Liquor License No. 2752 to TJW, LLC d/b/a Whiskey Dicks to be located at 101 East Union Avenue, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council scheduled for Tuesday, February 19, 2013, at 3:00 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 25th day of January 2013.



Esther Martinez-Carrillo, CMC, City Clerk



INTER-DEPARTMENTAL MEMORANDUM

TO: Harry "Pete" Connelly, City Attorney

FROM: Willie Roman, PE, Traffic Engineer, Transportation Dept. 

DATE: January 30, 2013

SUBJECT: Traffic Investigation Report – Liquor License Transfer
101 Union Avenue

As requested, Traffic Engineering has completed a traffic investigation for Whisky Dick's located at 101 Union Avenue, Las Cruces, New Mexico. The following information is submitted for review:

- The subject property is located at the northwest corner of the intersection of Union Avenue and Stern Drive. The traffic volume on Union Avenue near this location is approximately 11,000 vehicles per day. The traffic volume on Stern Drive near this location is approximately 4,000 vehicles per day.
- Union Avenue and Stern Drive are classified as minor arterial roadways by the Las Cruces MPO. Union Avenue primarily serves commercial properties and Stern Drive serves residential and commercial properties near the subject location.
- The subject property contains two driveways along Union Avenue, one of which aligns with the end of Stern Drive at a signalized intersection. The west driveway appears to have limited sight distance to the east due to the existing roadway alignment. No other potential sight distance or operational problems currently exist.
- The speed limit on Union Avenue is 35 mph and the speed limit on Stern Drive is 35 mph near the subject property.

The approval of a Liquor License Transfer at this location does not appear to adversely impact traffic operations along these segments 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. 2751/839947

101 Union Avenue
Whiskey Dicks

January 28, 2013

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

**Whiskey Dicks
101 Union 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: 101 Union Avenue
Applicant: TJW, LLC
Business Name: Whiskey Dicks

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: C-3 (Commercial High 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	Interstate 10	
South	C-2/R-4	Commercial/ Residential
East	Interstate 10	
West	M-1/C-3	Industrial/ 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: Union Avenue
Classification: Minor Arterial
Number of Lanes: 5
Site Access: 2
Nearest Intersections: Union Avenue & Stern Drive

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. Parking requirements will be verified upon the submittal of a building permit.

IMPACT ANALYSIS:

The subject property is located off of Union Avenue which is designated as a minor arterial and is designed to accommodate moderate traffic flow and land uses such as restaurants. Zoning in this area is C-3 which permits this use and uses related to it. The applicant is requesting a transfer of ownership and location of a liquor license. 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 101 Union Avenue, and having a Map Code Number or Parcel ID Number of 02-17725, in Las Cruces, New Mexico, is zoned as follows:

C-3 (Commercial High 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.

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. Food and beverage establishments with a dispenser's liquor license are permitted uses within the C-3 zoning district, providing that all requirements prescribed for liquor establishments by the State of New Mexico are met.

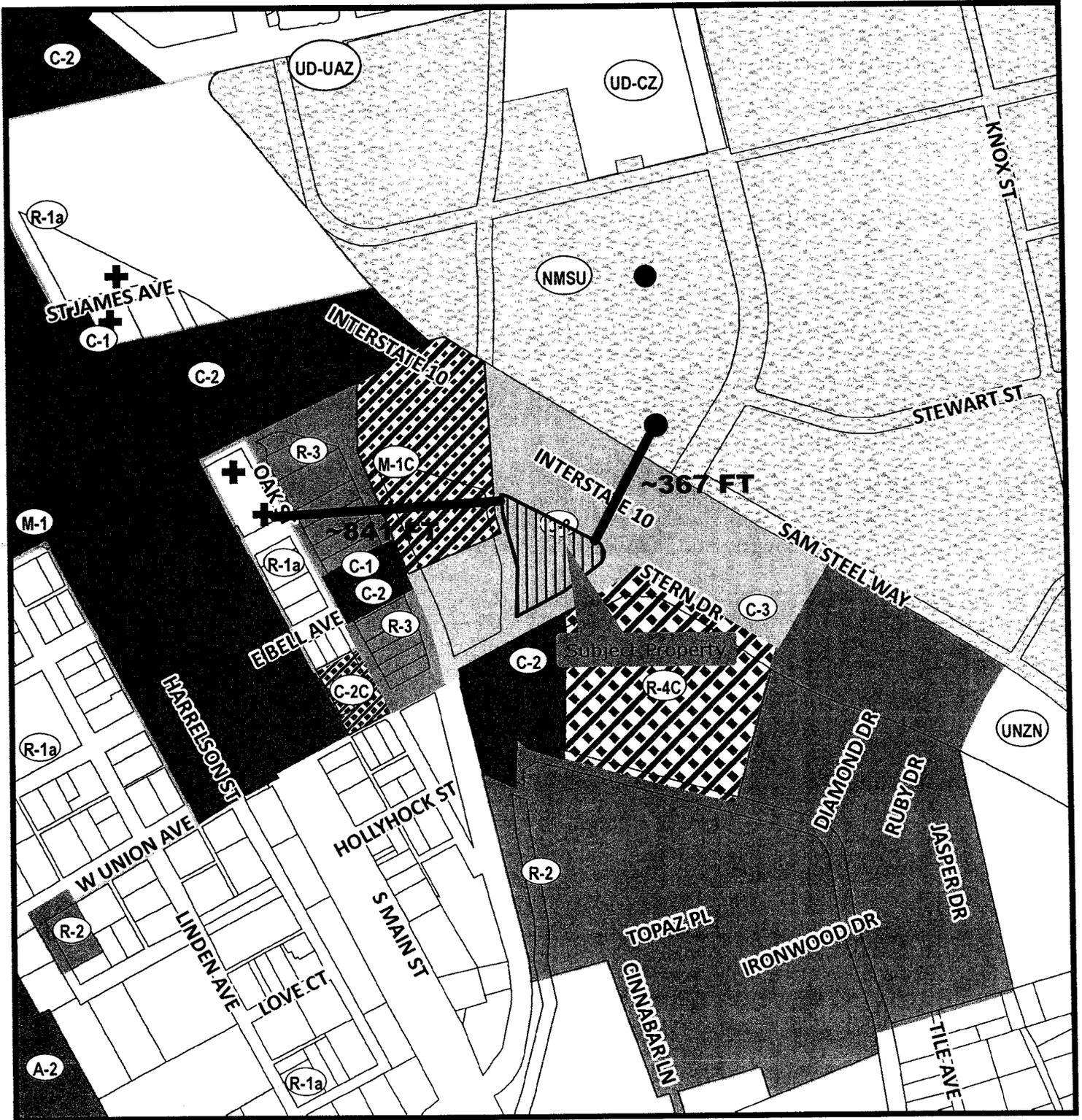
January 28, 2013

Date

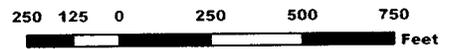
Lorenzo Vigil
Planning Technician Senior

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.

232 ZONING/VICINITY MAP



○ ZONING ● SCHOOL + CHURCH



101 UNION AVENUE
PARCEL ID # 02-17725

ZONING: C-3

DISTANCE TO NEAREST SCHOOL (NMSU PROPERTY): ~367 FEET

DISTANCE TO NEAREST CHURCH: ~841 FEET

Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

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 City (575) 528-3043.

BUSINESS REGISTRATION REPORT – WHISKEY DICKS

From: Sara Gonzales

Subject: RE: Liquor License report request - Whiskey Dicks

We do not have a business license for this business or this address.

From: Monica Campbell

Sent: Tuesday, January 22, 2013 9:26 AM

To: Lorenzo Vigil; Sara Gonzales; Eloy Jimenez; Kyle Metzgar; Leigh Hernandez; Business Registration

Cc: Robert Kyle

Subject: Liquor License report request - Whiskey Dicks

Attached is Alcohol and Gaming's letter and application about the transfer of a state liquor license to the proposed location of Whiskey Dicks at 101 East Union Avenue.

Please review and prepare reports for 1) zoning and 2) business registration.

The report is due to the City Attorney on or before **January 31, 2013**, in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the February 19, 2013 Council meeting.

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

LAS CRUCES POLICE DEPARTMENT MEMORANDUM

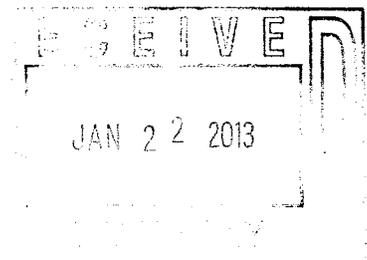
Date: January 22, 2013
To: Pete Connelly, City Attorney
From: Richard Williams Chief of Police *RW*
Subject: TJW, LLC (Whiskey Dicks)

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for the Whiskey Dicks located at 101 Union Ave Las Cruces, NM 88005.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for Whiskey Dicks be approved.



Richard Williams
Chief of Police



FIRE AND SAFETY COMPLIANCE REPORT – WHISKEY DICKS

From: Billy Chaires
Subject: RE: Liquor License report request - Whiskey Dicks

Whiskey Dicks meets the occupancy requirements to obtain a liquor license.

From: Monica Campbell
Sent: Tuesday, January 22, 2013 9:25 AM
To: Travis Brown; Ted Sweetser; Billy Chaires
Cc: Mary Helen Sarabia
Subject: Liquor License report request - Whiskey Dicks

Attached is Alcohol and Gaming's letter and application about the transfer of a state liquor license to the proposed location of Whiskey Dicks at 101 East Union Avenue.

Please review and prepare a fire and safety compliance report.

The report is due to the City Attorney on or before **January 31, 2013**, in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the February 19, 2013 Council meeting.

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