

# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 11Ordinance/Resolution# 13-139For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)For Meeting of April 15, 2013  
(Adoption Date)

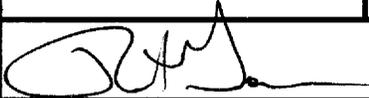
Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

**TITLE:** A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 4036 TO CVS PHARMACY, INC. D/B/A CVS PHARMACY #10149, TO BE LOCATED AT 940 NORTH MAIN STREET, LAS CRUCES, NEW MEXICO.

**PURPOSE(S) OF ACTION:**

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

<b>COUNCIL DISTRICT: 1</b>		
<b><u>Drafter/Staff Contact:</u></b> Monica Campbell	<b><u>Department/Section:</u></b> Legal/City Attorney	<b><u>Phone:</u></b> 541-2128
<b><u>City Manager Signature:</u></b>		

**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 #10149 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. 4036 to 940 North Main Street, Las Cruces, New Mexico.

The City Council is required to hold a public hearing within 45 days of receipt of the preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled for Monday, April 15, 2013, as part of the regular City Council meeting which begins 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 March 24 and 31, 2013, and in the *Las Cruces Bulletin* on March 22 and 29, 2013.

(Continue on additional sheets as required)

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.
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:**

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>1000-10180010-520002</u> in the amount of <u>\$600.00</u> for FY13.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

N/A
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**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. 4036 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.

(Continue on additional sheets as required)

**RESOLUTION NO. 13-139**

**A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 4036 TO CVS PHARMACY, INC. D/B/A CVS PHARMACY #10149, TO BE LOCATED AT 940 NORTH MAIN STREET, LAS CRUCES, NEW MEXICO.**

The City Council is informed that:

**WHEREAS**, CVS Pharmacy, Inc. d/b/a CVS Pharmacy #10149 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. 4036 to 940 North Main Street, Las Cruces, New Mexico; and

**WHEREAS**, on March 5, 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. 4036 to CVS Pharmacy, Inc. d/b/a CVS Pharmacy #10149, to be located at 940 North Main Street, 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 15<sup>th</sup> day of April 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

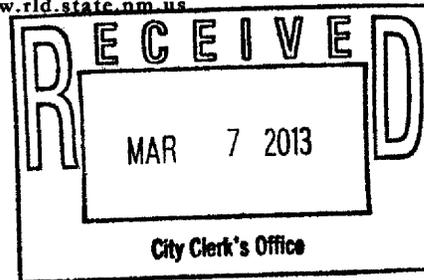
New Mexico Regulation and Licensing Department  
**ALCOHOL AND GAMING DIVISION**

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

March 5, 2013

Certified Mail No.: 7009 2250 0000 9393 2155

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



Re: License / Appl. No.: **License No. 4036 /Appl. No. A-846001**  
 Applicant Name: **CVS Pharmacy, Inc.**  
 Doing Business As: **CVS Pharmacy #10149**  
 Proposed Location: **940 N. Main Street**  
**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 granted Preliminary Approval; it 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 TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 4036 WITH PACKAGE SALES ONLY.**



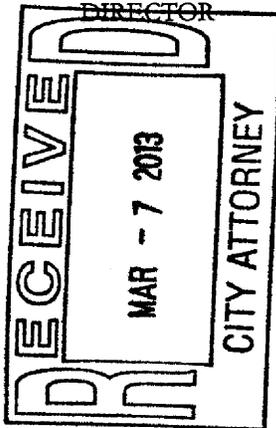
Susana Martinez  
 GOVERNOR

J. Dee Dennis, Jr.  
 SUPERINTENDENT

Mary Kay Root  
 DEPUTY  
 SUPERINTENDENT

James C. McKay  
 CHIEF GENERAL  
 COUNSEL

Jennifer M. Anderson  
 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

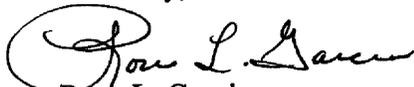
The governing body may disapprove the issuance or transfer of the license if:

- 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](mailto: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.

State Liquor License # 4036

R# 174170 /

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

Record Owner of License Yob Investment Company, Inc.

Current D/B/A Name City Market

Current Premise Address 907 South 2<sup>nd</sup> St.

Raton, New Mexico

*Handwritten initials/signature*

Liquor License Application  
Non Refundable Application Fee- \$200.00

Application Number 8460001



*1/28/13  
Rose  
[Signature]*

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

Application is for: (check one) Change of Stock \_\_\_\_\_ Change of Officers/Directors \_\_\_\_\_ Transfer of Ownership of Existing License \_\_\_\_\_

Transfer of Ownership and Location  Transfer Location \_\_\_\_\_ Other \_\_\_\_\_ Issue New License \_\_\_\_\_

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

NAME OF APPLICANT (company or individual): \_\_\_\_\_ ADDRESS (INCLUDING CITY, STATE, ZIP) \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

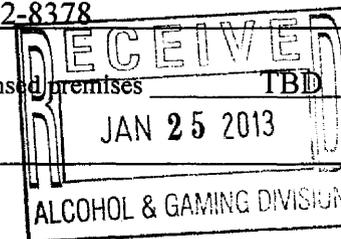
CVS Pharmacy, Inc. One CVS Drive, Woonsocket, RI 02895 401-770-3556

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

DBA Name to be used: CVS Pharmacy # 10149 Phone Number for licensed premises TBD

Physical Address Where License is to be used: 940 N. Main Street, Las Cruces, New Mexico 88001

(Street No./Highway No./State Road/City/County)



194

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 \_\_\_\_\_

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(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) Linda M. Cimbron Date 1/07/2013

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 7<sup>th</sup> day of January, 2013 by Linda M. Cimbron (Name of Person's Signature Above)

NOTARY PUBLIC: Kimberly M. Mitchell My Commission Expires: 1/27/2016

*Kimberly M. Mitchell  
Notary Public, State of Rhode  
Island My Commission  
Expires 01/27/2016*

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

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

APPROVED  DISAPPROVED \_\_\_\_\_ DIRECTOR APPROVAL [Signature] DATE 3/4/13

AGD Use Only

**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:

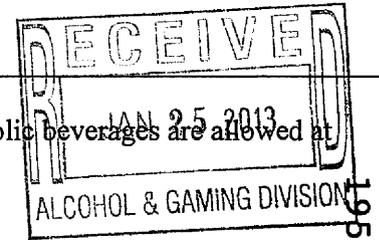
A. Owner(s) \_\_\_\_\_

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) \_\_\_\_\_ C-2 \_\_\_\_\_

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 \_\_\_\_\_ 1400 feet \_\_\_\_\_ Name of Church St. Andrew's Episcopal Church Address-Location of Church 518 N. Alameda Blvd., Las Cruces, New Mexico

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

Miles, Feet \_\_\_\_\_ 1100 feet \_\_\_\_\_ Name of School La Academia Dolores Huerta Address-Location of School 1480 N. Main Street, Las Cruces, New Mexico

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

Miles \_\_\_\_\_ 60 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 \_\_\_\_\_ X \_\_\_\_\_ Racetrack \_\_\_\_\_ Hotel \_\_\_\_\_ Other (Please specify) \_\_\_\_\_



**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: March 22 and 29, 2013

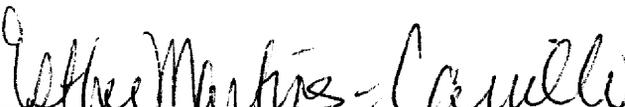
Copy to publish:

**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. 4036 to CVS Pharmacy, Inc. d/b/a CVS Pharmacy #10149 to be located at 940 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 scheduled for Monday, April 15, 2013, 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 14<sup>th</sup> day of March 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: March 24 and 31, 2013

Copy to publish:

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Witness my hand and seal of the City of Las Cruces on this the 14<sup>th</sup> day of March 2013.

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



## INTER-DEPARTMENTAL MEMORANDUM

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

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

**DATE:** March 26, 2013

**SUBJECT:** Traffic Investigation Report – Liquor License Application  
940 N. Main Street – CVS Pharmacy #10149

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As requested, Traffic Engineering has completed a traffic investigation for CVS Pharmacy #10149 located at 940 N. Main Street, Las Cruces, New Mexico. Proposed development information was obtained from the Traffic Impact Analysis (dated February 1, 2013) submitted by the developer's consultant. The following information is submitted for review:

- CVS Pharmacy #10149 is proposed to be located at the northeast corner of the intersection of Main Street and Picacho Avenue. The traffic volume on Main Street near this location is approximately 21,500 vehicles per day. The traffic volume on Picacho Avenue near this location is approximately 16,000 vehicles per day.
- The Las Cruces MPO classifies Main Street as a principal arterial roadway and Picacho Avenue as a minor arterial roadway adjacent to the subject location. Both roadways primarily serve commercial properties near the property.
- The proposal for the subject property includes one driveway along Main Street, one driveway along Picacho Avenue, and one driveway to Willoughby Avenue. It is expected that left-turns in and out of the development will be restricted at the driveways along Main Street and Picacho Avenue. This should improve existing operational or sight distance problems from existing driveways.
- The speed limit on Main Street and Picacho Avenue ranges from 25 to 35 mph near the subject property.

The approval of a Liquor License Application at this location does not appear to 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. 4036**

940 N. Main Street  
CVS Pharmacy No. 10149

March 26, 2013

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

**CVS Pharmacy No. 10149  
940 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: 940 N. Main Street  
Applicant: CVS Pharmacy, Inc.  
Business Name: CVS Pharmacy No. 10149

**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	C-2	Commercial
South	CBD	Office/Commercial
East	C-2	Commercial
West	C-2/C-3	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: Main Street & Picacho Avenue  
Classification: Principal Arterials  
Number of Lanes: 5 on Main Street & 5 on Picacho Avenue  
Site Access: 3 (Proposed)  
Nearest Intersections: Main Street & Picacho Avenue

**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 verified upon the submittal of a building permit.

**IMPACT ANALYSIS:**

The site of the CVS Pharmacy #10149 is at the intersection of two principal arterial roadways. Main Street and Picacho Avenue are designed to accommodate moderate to heavy traffic and land uses such as pharmacies. The subject property is zoned C-3 which permits the proposed use. 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 an appropriate location and request.



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

The property located at 940 N. Main St., and having a Map Code Number or Parcel ID Number of 02-28344, in Las Cruces, New Mexico, is zoned as follows:

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

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. 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.

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.

March 26, 2013

Date

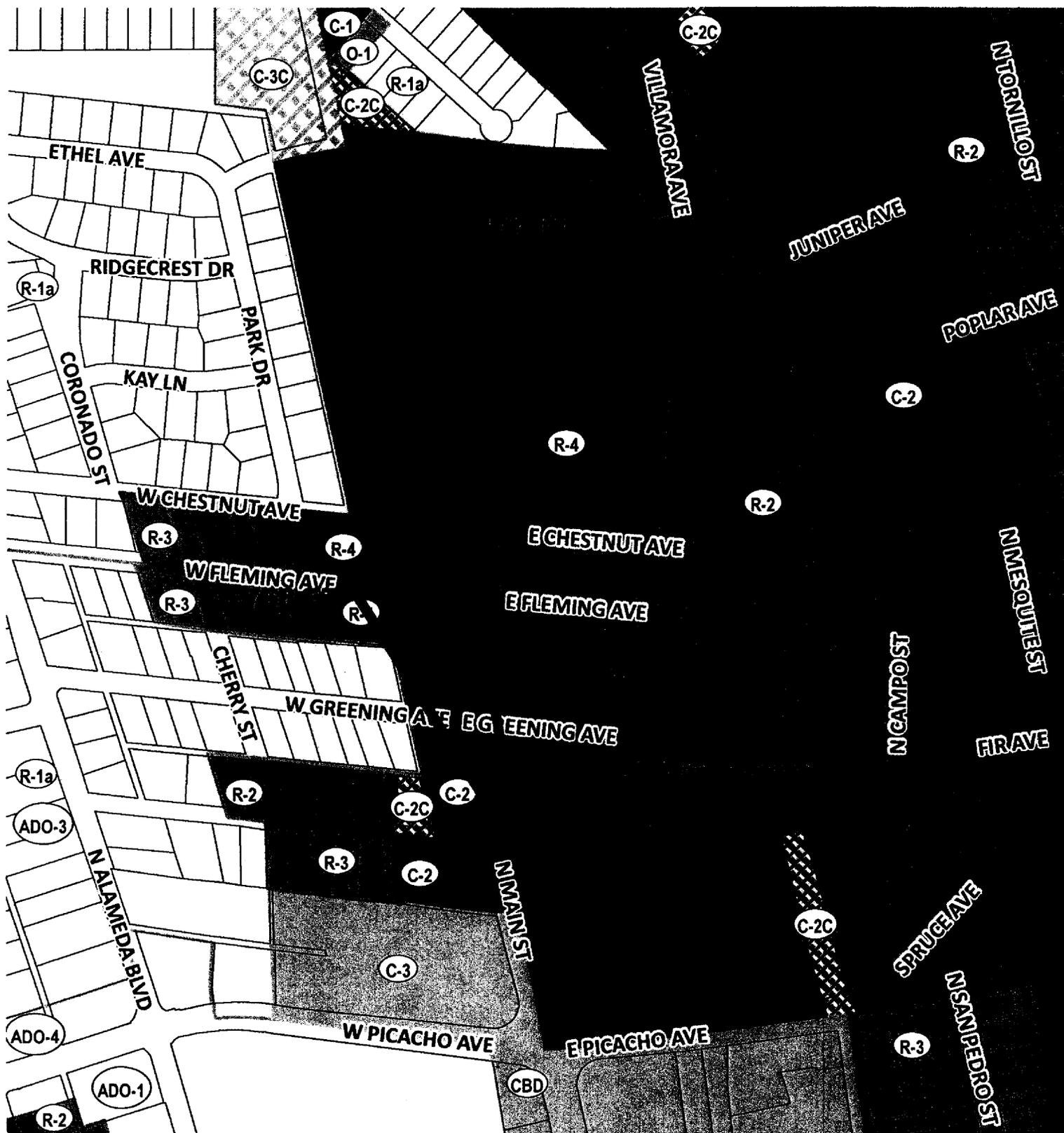


\_\_\_\_\_  
Lorenzo Vigil  
Planning Technician Senior

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.

# ZONING/VICINITY MAP

203



○ ZONING ● SCHOOL + CHURCH



**940 N MAIN STREET**  
**ZONING: C-3 (CURRENT ZONING NOT REFLECTED ON MAP)**  
**DISTANCE TO NEAREST SCHOOL: ~1,472 FEET**  
**DISTANCE TO NEAREST CHURCH: ~768 FEET**

Community Development Department  
 700 N Main St  
 Las Cruces, NM 88001  
 (575) 520-3222

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

**BUSINESS REGISTRATION REPORT  
CVS PHARMACY, 940 NORTH MAIN STREET**

**From:** Sara Gonzales  
**Subject:** RE: Liquor license report request - CVS Pharmacy

There is not a business license at this location.

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**From:** Monica Campbell  
**Sent:** Friday, March 08, 2013 3:05 PM  
**To:** Lorenzo Vigil; Sara Gonzales; Kyle Metzgar; Business Registration  
**Subject:** Liquor license report request - CVS Pharmacy

Attached is Alcohol and Gaming's letter and application about a liquor license for CVS Pharmacy to be located at 940 North Main Street, Las Cruces.

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

The report is due to the City Attorney on or before **March 28, 2013** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the April 15, 2013 Council meeting.

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

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**LAS CRUCES POLICE DEPARTMENT**  
**MEMORANDUM**

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**Date:** March 8, 2013  
**To:** Pete Connelly, City Attorney  
**From:** Richard Williams Chief of Police *RSW*  
**Subject:** CVS PHARMACY INC.

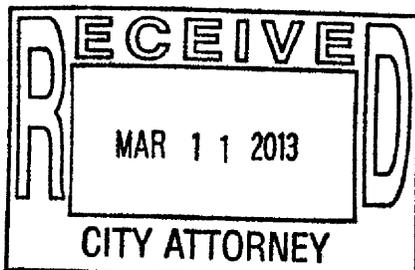
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I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for the CVS Located at 940 N. Main St, Las Cruces, NM 88001

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



Richard Williams  
Chief of Police



**FIRE SAFETY AND COMPLIANCE REPORT – CVS PHARMACY**

**From:** Billy Chaires  
**Subject:** RE: Liquor license report request - CVS Pharmacy

CVS Pharmacy meets code compliance for a liquor license.

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**From:** Monica Campbell  
**Sent:** Friday, March 08, 2013 3:04 PM  
**To:** Travis Brown; Ted Sweetser; Billy Chaires  
**Cc:** Mary Helen Sarabia  
**Subject:** Liquor license report request - CVS Pharmacy

Attached is Alcohol and Gaming's letter and application about a liquor license for CVS Pharmacy, to be located at 940 North Main Street, Las Cruces.

Please review and prepare a fire and safety compliance report.

The report is due to the City Attorney on or before **March 28, 2013** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the April 15, 2013 Council meeting.

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