



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 9 Ordinance/Resolution# 14-016

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of July 15, 2013
(Adoption Date)

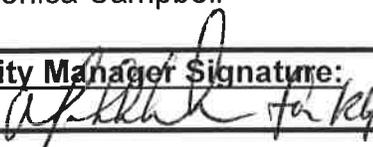
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 4013, WITH PACKAGE SALES ONLY, TO J-CUBED, LLC D/B/A KELLY LIQUORS, TO BE LOCATED AT 3850 EAST LOHMAN AVENUE, SUITE D, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve or disapprove the transfer of a liquor license.

COUNCIL DISTRICT: 6		
Drafter/Staff Contact: Monica Campbell	Department/Section: Legal/City Attorney	Phone: 541-2128
City Manager Signature: 		

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.

J-Cubed, LLC d/b/a Kelly Liquors 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. 4013, with package sales only, to 3850 East Lohman Avenue, Suite D, 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, July 15, 2013, as part of the regular City Council meeting which begins at 1:00 p.m. in the City Council Chambers at City Hall, 700 North Main Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Sun-News* on June 30 and July 7, 2013, and in the *Las Cruces Bulletin* on June 28 and July 5, 2013.

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 <u>FY14</u> .
	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. 4013 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. 14-016

A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 4013, WITH PACKAGE SALES ONLY, TO J-CUBED, LLC D/B/A KELLY LIQUORS, TO BE LOCATED AT 3850 EAST LOHMAN AVENUE, SUITE D, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, J-Cubed, LLC d/b/a Kelly Liquors 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. 4013 to 3850 East Lohman Avenue, Suite D, Las Cruces, New Mexico; and

WHEREAS, on June 11, 2013, Alcohol and Gaming granted preliminary approval for the transfer of the license; and

WHEREAS, pursuant to law, an application for the 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 citizens 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. 4013, with package sales only, to J-Cubed, LLC d/b/a Kelly Liquors, to be located at 3850 East Lohman Avenue, Suite D, Las Cruces, New Mexico, as evidenced by Exhibit “A” attached hereto, 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 15th day of July 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:

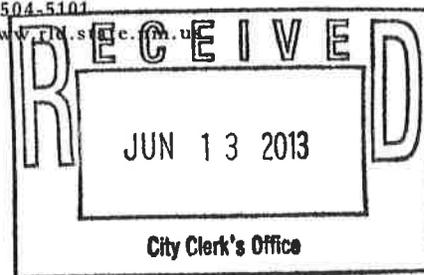


City Attorney



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



June 11, 2013

Certified Mail No.: 7006 3450 0000 3001 0623

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

Re: License / Appl. No.: **License No. 4013/App. No. A-855332**
 Applicant Name: **J-Cubed, LLC**
 Doing Business As: **Kelly Liquors**
 Proposed Location: **3850 E. Lohman Avenue, Suite D**
Las Cruces, New Mexico 88011

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. 4013 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

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
Santa Fe, New Mexico 87504-5101 (505) 476-4875 Fax (505) 476-4595 www.rld.state.nm.us/agd

PAID
\$200.00
R# 1475174

LIQUOR LICENSE APPLICATION

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

Record Owner of Existing License: Samia Armijo, Personal Representative Estate of George F. Adele
Current D/B/A Name: Town & Country Store
Current Premises Address: Pecos, NM Junction of Hwy 63 + 50 Pecos, NM 87552

Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License _____ Transfer Ownership and Location _____ X _____ Other _____
Issue New License _____ Type of License being applied for: Retailer
Applicant is: Individual _____ Corporation _____ Partnership (General or Limited) _____ Limited Liability Company _____ X _____

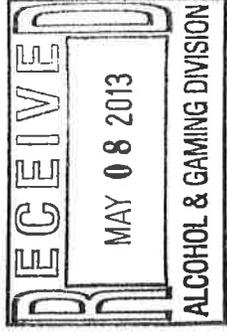
TELEPHONE NUMBER
(505)470-6612

ADDRESS (including city, state, zip)
3949 Camino Vista Verde, Santa Fe, NM 87507

ALSO NOTICE: Jerry Hamm, dba Liquor License Brokerage & Consulting, 3301-R Coors Rd, NW # 127, Albuq., NM 87120

New Mexico Tax Identification Number: 03-264845-00-6 (Exhibit A - Tax Registration Certificate)

(Exhibit B - Bill of Sale)
D/B/A name to be used: Kelly Liquors



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Phone number for licensed premises: None @ Present

Physical location where license is to be used: 3850 E. Lohman Avenue, Las Cruces, Dona Ana County, New Mexico 88011

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

Mailing address: 3949 Camino Vista Verde, Santa Fe, NM 87507

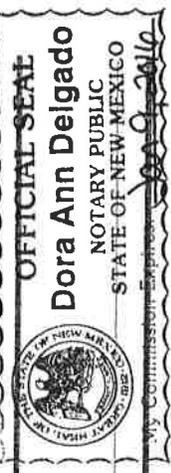
Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ No X If yes, give license number and type N/A

I, Samia Armijo (print name), as Manager 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 contents herein 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 Samia Armijo

Date 5/4/2013

SUBSCRIBED AND SWORN TO before me this 4th day of May, 2013 by Samia Armijo
Notary Public Dora Ann Delgado My Commission Expires January 9, 2016



Local Governing Body of: _____ Disapproved _____ City/County Official _____ (City or County), Hearing held on _____ 20____
Check one: Approved _____ Disapproved _____ (Signature & Title)

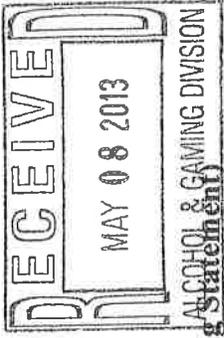
For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____



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) Premises is Leased to Kelly Liquors # 17, LLC, the Agent Lessee of Applicant (See Exhibit C - Real Estate Lease)



2. If the land and building are not owned by Applicant, indicate the following:
 A. Owner(s): Hesser Investments, LLC
 B. Date and term of lease: Dated January 24, 2013. 10 year term

3. Premises location is zoned (example C-1): C-3c High Intensity Commercial (conditional) (See Exhibit D - Zoning Statement)

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). (See Exhibit E - Area Map)

Miles/feet: Approx. 650 ft. Name of church: Southern Church of God Address/location of church: 1240 S. Espina St., Las Cruces, NM

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

Miles/feet: Approx. 2,800 ft. Name of school: Desert Hills Elementary Address/location of school: 280 N. Roadrunner Parkway, Las Cruces, NM

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

Miles/feet: Approx. 220 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 (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. (See Exhibit F - Floor Plan)

*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 Hotel _____ Other (specify) _____

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

Subject: Fwd: Statement of Zoning
Date: Wednesday, April 17, 2013 7:07:27 PM Mountain Daylight Time
From: Min's Gmail
To: Steven Reinhart

Begin forwarded message:

From: "Steve" <steve@warrenconstruction.biz>
Date: April 17, 2013 11:36:03 PM GMT+07:00
To: "'Min's Gmail'" <mins6347@gmail.com>
Subject: Statement of Zoning

Hey Min,

Here is the signed Statement of Zoning. This document will protect Kelly Liquors liquor license and permit us to build Kelly Liquors on 3850 E. Lohman Avenue. Hope this helps and gives some peace of mind.

Thanks,

Steve



STATEMENT OF ZONING

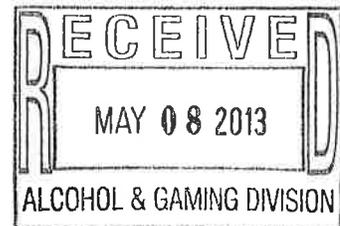
The vacant lot/property located immediately west of the building with the address of 3850 E. Lohman Avenue, and having a Map Code Number of 4-009-134-514-402 and a Parcel ID Number of 02-38552, in Las Cruces, New Mexico, is zoned as follows:

C-3c, High Intensity Commercial (conditional) by Ordinance Number 2313 and also lies within the Lohman Avenue Overlay District (LAO).

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.

April 16, 2013
Date

Susana Montana - *SM*
Planner



Comments: Pursuant to the Ordinance Number 2313 that approved the rezoning to C-3c, a liquor store is allowed as a "Specialty Store" at the subject parcel. Please note that the design standards of the Lohman Avenue Overlay District will apply to the design of any new structure on this property.



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: June 28 and July 5, 2013

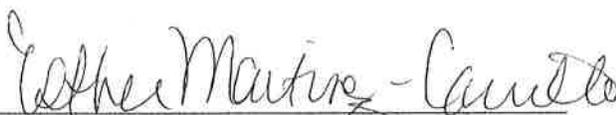
Copy to publish:

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. 4013 to J-Cubed, LLC d/b/a Kelly Liquors, to be located at 3850 East Lohman, Suite D, 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, July 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 20th day of June 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: June 30 and July ¹~~5~~, 2013

Copy to publish:

NOTICE OF INTENT TO ADOPT

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The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council scheduled for Monday, July 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 20th day of June 2013.



 Esther Martinez-Carrillo, CMC, City Clerk



INTER-DEPARTMENTAL MEMORANDUM

TO: Harry "Pete" Connelly, City Attorney

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

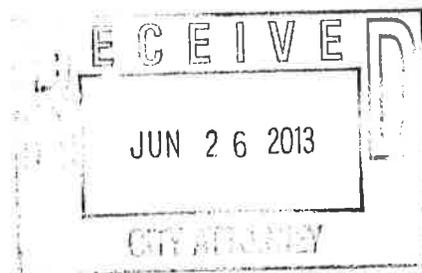
DATE: June 25, 2013

SUBJECT: Traffic Investigation Report – Liquor License Application
3850 E. Lohman Avenue Suite D – Kelly Liquors

As requested, Traffic Engineering has completed a traffic investigation for Kelly Liquors at the proposed location of 3850 E. Lohman Avenue Suite D, Las Cruces, New Mexico. Proposed development information was obtained from the City of Las Cruces Community Development Department. The following information is submitted for review:

- Kelly Liquors is proposed to be located along Lohman Avenue. The traffic volume on Lohman Avenue near this location is approximately 14,300 vehicles per day.
- The Las Cruces MPO classifies Lohman Avenue as a principal arterial roadway near the subject location. This roadway primarily serves commercial uses near the property.
- The proposal for the subject property shows access to various shared driveways along Lohman Avenue through interconnected parking lots. Most of the shared driveways function as right-in/right-out due to the existing median along Lohman Avenue and one shared driveway has full access to Lohman Avenue. No anticipated sight distance or operational problems are currently known at those driveways.
- The speed limit on Lohman Avenue is 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. 4013

3850 E. Lohman Avenue Ste. D
Kelly Liquors

June 25, 2013

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

**Kelly Liquors
3850 E. Lohman Avenue Ste. D**

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: 3850 E. Lohman Avenue Ste. D
Applicant: J-Cubed, LLC
Business Name: Kelly Liquors

LAND USE AND ZONING INFORMATION:

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

Subject Property Current Land Use:

<u>Adjacent Land Uses</u>	<u>Zoning</u>	<u>Land Use</u>
North	C-3	Commercial
South	O-2	Office/Commercial
East	C-3	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: Lohman Avenue
Classification: Principal Arterial
Number of Lanes: 4
Site Access: 2
Nearest Intersections: Lohman Avenue & Indian Hollow Road

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires one (1) automobile space for every 250-350 sq. ft. of Gross Floor Area (GFA) and one (1) bicycle parking space for every 6,000 sq. ft. of GFA for a liquor store in the C-3 zoning district. Parking requirements will be verified upon the submittal of a building permit.

IMPACT ANALYSIS:

The subject property is located on Lohman Avenue, a designated principal arterial roadway, which is designed to accommodate heavy traffic and land uses such as a liquor store. The subject property is zoned C-3 (Commercial High Intensity) which permits this use and uses related to it. 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 3850 E. Lohman Ave., and having a Map Code Number or Parcel ID Number of 02-35579, in Las Cruces, New Mexico, is zoned as follows:

C-3C (Commercial High Intensity-Conditional)

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. Conditions for this zoning designation are listed on Ordinance 2313, passed on June 26, 2006. (Attached)

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.

June 25, 2013
Date

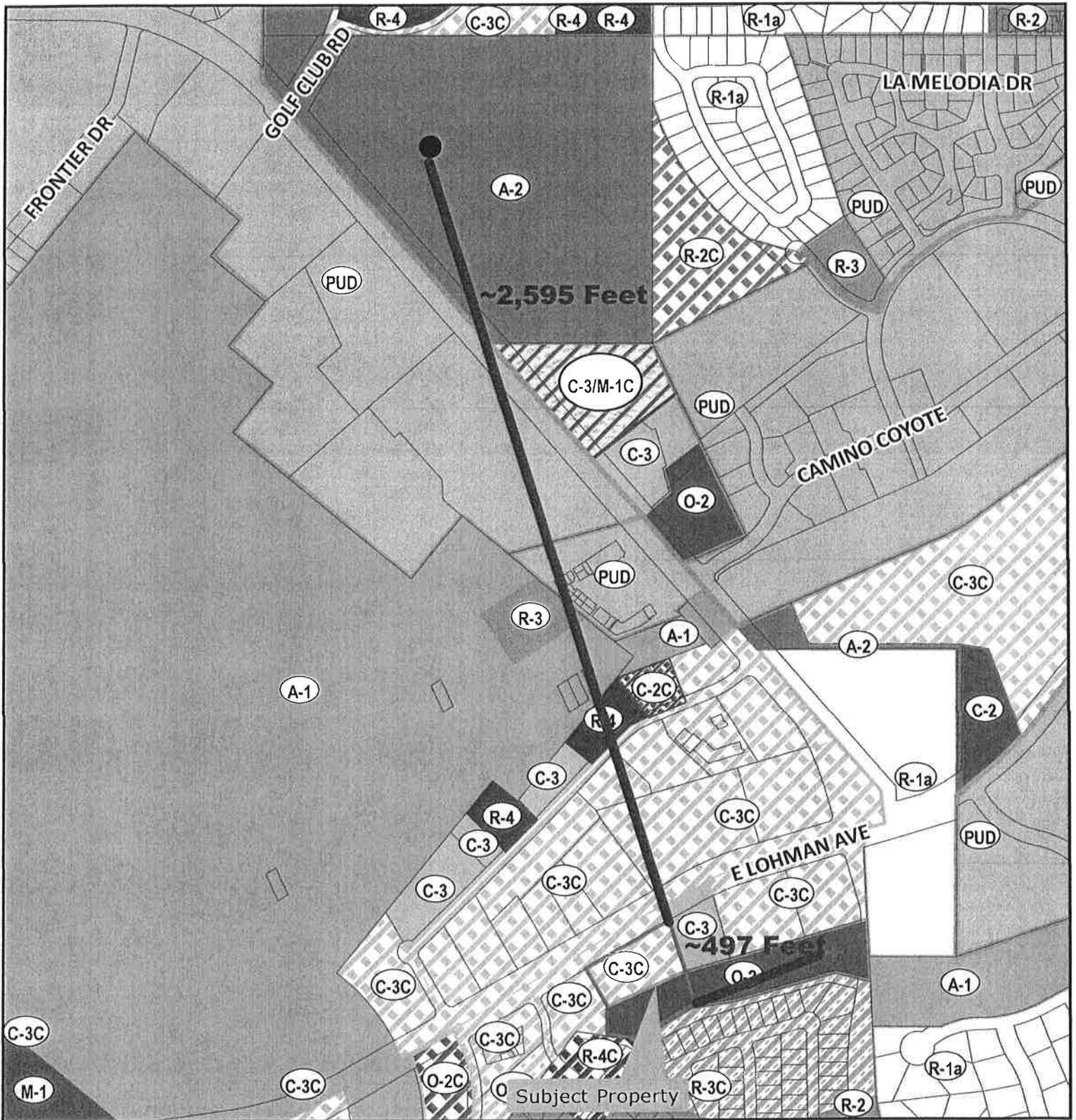


Lorenzo Vigil
Planning Technician Senior

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

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○ ZONING ● SCHOOL + CHURCH



3850 E. Lohman Avenue

Zoning: C-3C/O-2

Parcel ID#: 02-35579

Distance to nearest school: ~2,595 Feet

Distance to nearest church: ~497 Feet



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

BUSINESS REGISTRATION REPORT – KELLY LIQUORS

From: Sara Gonzales
Subject: Report request- liquor license application/resolution

A business registration certificate for Kelly Liquors has not yet been applied for at the 3850 E Lohman, Suite D, location.

From: Monica Campbell
Sent: Monday, June 17, 2013 10:43 AM
To: Lorenzo Vigil; Sara Gonzales; Kyle Metzgar; Business Registration
Cc: Robert Kyle
Subject: Liquor license report request - Kelly Liquors

Attached please find Alcohol and Gaming's letter and application about the transfer of a liquor license to the proposed location of Kelly Liquors, 3850 E. Lohman Ave., Suite D, 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 **June 27, 2013** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the July 15 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

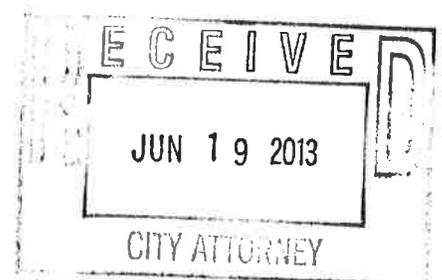


Date: June 17, 2013
To: Pete Connelly, City Attorney
From: Richard Williams Chief of Police *RSW*
Subject: KELLY LIQUORS

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Kelly Liquors located at 3850 E. Lohman Avenue, Suite D.

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

Richard Williams
Chief of Police



FIRE SAFETY AND COMPLIANCE REPORT – KELLY LIQUORS

From: Billy Chaires
Subject: RE: Liquor license report request - Kelly Liquors

Kelly Liquors meets Fire Code compliance.

From: Monica Campbell
Sent: Monday, June 17, 2013 10:42 AM
To: Travis Brown; Ted Sweetser; Billy Chaires
Cc: Mary Helen Sarabia
Subject: Liquor license report request - Kelly Liquors

Attached please find Alcohol and Gaming's letter and application about the transfer of a liquor license to the proposed location of Kelly Liquors, 3850 E. Lohman Ave., Suite D, Las Cruces.

Please review and prepare a fire and safety compliance report.

The report is due to the City Attorney on or before **June 27, 2013** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the July 15 Council Meeting.

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