City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 16 Ordinance/Resolution# 14-045

For Meeting of _____ (Ordinance First Reading Date)

For Meeting of September 3, 2013 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☐ LEGISLATIVE ☒ ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE TRANSFER OF LOCATION OF LIQUOR LICENSE NO. 4053 TO WALGREEN CO. D/B/A WALGREENS #13927, TO BE LOCATED AT 3490 NORTHRISE DRIVE, 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 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.

Walgreen Co. d/b/a Walgreens #13927 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 location of Liquor License No. 4053 to 3490 Northrise Drive, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval which was received by the City on July 29, 2013.

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 Tuesday, September 3, 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 August 11 and 18, 2013, and in the *Las Cruces Bulletin* on August 9 and 16, 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 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?			
	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
N/A	*Budget Adjustment Attached*	☐	Expense reallocated from: _____.
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
	Yes	☒	Funds will be deposited into this fund: 1000-10180010-520002 in the amount of $600.00 for FY14.
	No	☐	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 the location of State Liquor License No. 4053 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. 14-045

A RESOLUTION APPROVING THE TRANSFER OF LOCATION OF LIQUOR LICENSE NO. 4053 TO WALGREEN CO. D/B/A WALGREENS #13927, TO BE LOCATED AT 3490 NORTHRISE DRIVE, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, Walgreen Co. d/b/a Walgreens #13927 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 location of Liquor License No. 4053 to 3490 Northrise Drive, Las Cruces, New Mexico; and

WHEREAS, Alcohol and Gaming has 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 location of State Liquor License No. 4053 to Walgreen Co. d/b/a Walgreens #13927, to be located at 3490 Northrise Drive, 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 3rd day of September 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

Exhibit A

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New Mexico Regulation and Licensing Department

ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/a

RECEIVED
JUL 29 2013
City Clerk's Office

Suzanna Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Jennifer M. Anderson
DIRECTOR

RECEIVED
JUL 29 2013
CITY ATTORNEY

July 24, 2013

Certified Mail No: 7009 2250 0000 9386 7181

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

Re:	License/Application:	4053
	Applicant Name:	Walgreen Co.
	Doing Business As:	Walgreens #13927
	Proposed Location:	3490 Northrise Dr., 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 Location:

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 will 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 Brumley

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 # 4053

PAID $200 #1482668

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 Walgreen Co.

Application Number 857298

Current D/B/A Name Walgreens #10808

Local Option (AGD use)

Current Premise Address 100 North Rosedale Road
Silver City, New Mexico

5/31/13 Annette

RECEIVED MAY 30 2013

Liquor License Application
Non Refundable Application Fee- **$200.00**

Application is for: (check one) Change of Structure _____ Change of Officers/Directors _____ Transfer of Ownership of Existing License _____
Transfer of Ownership and Location _____ Transfer Location X Other _____ Issue New License _____

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

NAME OF APPLICANT (company or individual):	**ADDRESS** (INCLUDING CITY, STATE, ZIP)	**TELEPHONE NUMBER**
Walgreen Co.	302 Wilmot Road, MS 3353, Deerfield, Illinois 60015	847-315-4452

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: Walgreens # 13927 Phone Number for licensed premises TBD
Physical Address Where License is to be used: 3490 Northrise Drive, Las Cruces, New Mexico 88011
(Street No./Highway No./State Road/City/County)
Mailing Address: 302 Wilmot Road, MS 3353, Deerfield, Illinois 60015
(Street No./P.O. Box/City/State/Zip)

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

I, John Mann, 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) John Mann Date 5-24-13

Notary Public Use Only

OFFICIAL SEAL
SHARON L CWICK
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:01/06/16

SUBSCRIBED AND SWORN TO before me this 24th day of May, 2013 by John Mann (Name of Person(s) Signing Above)
NOTARY PUBLIC: Sharon L. Cwick My Commission Expires: 1-6-16

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

AGD Use Only

APPROVED _____ DISAPPROVED _____ DIRECTOR APPROVAL _____ DATE _____

PREMISES, LOCATION, OWNERSHIP & DESCRIPTION OF PREMISES

COPY

MAY 30 2013

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

wned by Applicant _____ Leased by Applicant (attach copy of deed or lease) ___X___ Other (please provide details) _____

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

.. Owner(s) CMI New Mexico, LLC

. Date and Term of Lease March 6, 2012 for 75 years

ttach 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 losest church and school properties. This map should be drawn on a sheet of paper no larger than 81/2 x 11 inches.

. Premise location is zoned (example C-1) C-2

the premise is zoned, attach zoning statement from local government giving location address, type of zone and stating whether alcoholic beverages are allowed at roposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

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

Miles, Feet 1400 feet Name of Church Morning Stare United Methodist Church Address-Location of Church 2941 Morning Star Drive, Las Cruces, NM

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

, Feet 2900 feet Name of School Camino Real Middle School Address-Location of School 2961 Roadrunner Road, Las Cruces, New Mexico

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

Miles 20 Miles Name of Military Installation White Sands Missile Range

. 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 valls. This will be the licensed premise. The floor plan should be no larger than 8 ½ 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.

. Type of Operation:

ounge _____ Restaurant _____ Package ___X___ Racetrack _____ Hotel _____ Other (Please specify) _____

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

COPY

POSTING CERTIFICATE

__ DISPENSER (FULL SERVICE)
__ RESTAURANT (BEER/WINE ONLY)
__ CANOPY (DISPENSER-C)
__ OTHER

XX RETAILER (PACKAGE ONLY)
__ DISPENSER (ON PREMISE ONLY)
__ INTER-LOCAL DISPENSER
__ LOTTERY

APPLICATION FILED FOR LICENSE/APPLICATION NUMBER:
__ TRANSFER OF OWNERSHIP & LOCATION
__ TRANSFER OF OWNERSHIP
__ CHANGE OF STOCKHOLDERS/PARTNERSHIP INTEREST

XX TRANSFER OF LOCATION
__ NEW LICENSE

TRANSFERRED FROM: TRANSFERRED TO:

OWNER: WALGREEN CO. OWNER: SAME

CURRENT LOCATION: 100 NORTH ROSEDALE RD., SILVER CITY, NM PROPOSED LOCATION: 3490 NORTHRISE DR., LAS CRUCES, NM

CURRENT BUSINESS NAME: WALGREENS #10808 PROPOSED NAME: WALGREENS #13927

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. .45 tenths of a mile
   NAME OF CHURCH IS: The Apostolic Church of Las Cruces
4. DISTANCE FROM NEAREST SCHOOL IS: Approx. .80 tenths of a mile
   NAME OF SCHOOL IS: Camino Real Middle 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: 06/12/2013 EXPIRATION DATE: 07/02/2013 (inclusive)

Jim Winkler
APPLICANT'S SIGNATURE

Agent Douglas Stevens
S.I.D. SPECIAL AGENT

JIM WINKLER
Print Name

Agent Douglas Stevens
Print Name

City of Las Cruces®
PEOPLE HELPING PEOPLE

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: August 9 and 16, 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 Location of Liquor License No. 4053 to Walgreen Co. d/b/a Walgreens #13927, to be located at 3490 Northrise Drive, 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, September 3, 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 1st day of August 2013.

Esther Martinez-Carrillo

Esther Martinez-Carrillo, CMC, City Clerk

City of Las Cruces®
PEOPLE HELPING PEOPLE

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: August 11 and 18, 2013

Copy to publish:

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Witness my hand and seal of the City of Las Cruces on this the 1st day of August 2013.

Esther Martinez-Carrillo

Esther Martinez-Carrillo, CMC, City Clerk

City of Las Cruces®
PEOPLE HELPING PEOPLE

INTER-DEPARTMENTAL MEMORANDUM

TO: Harry "Pete" Connelly, City Attorney

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

DATE: August 13, 2013

SUBJECT: **Traffic Investigation Report – Liquor License Application**
3490 Northrise Drive – Walgreens #13927

As requested, Traffic Engineering has completed a traffic investigation for Walgreens #13927 at the location of 3490 Northrise Drive, Las Cruces, New Mexico. Some development information was obtained from the Community Development Department as the site is currently under construction. The following information is submitted for review:

- Walgreens #13927 is located at the southwest corner of the intersection of Northrise Drive and Rinconda Boulevard. According to the Las Cruces MPO 2012 Traffic Flow Map the traffic volume on Northrise Drive near this location is approximately 5,600 vehicles per day and the traffic volume on Rinconada Boulevard near this location is approximately 3,200 vehicles per day.

- The Las Cruces MPO classifies Northrise Drive as a principal arterial roadway and Rinconada Boulevard as a minor arterial roadway near the subject location. Both roadways primarily serve commercial uses near the property.

- The subject property's driveway is located along Northrise Drive and shared with an adjacent property. Walgreens #13927 can also be accessed through adjacent parking lots that are accessed through various driveways along Northrise Drive and Rincoanada Boulevard. Sight distance appears limited at the Walgreens #13927 driveway along Northrise Drive to the east due to vegetation and the horizontal and vertical curvature of the road. No other sight distance or operational problems are currently known at the subject property's driveway.

- The speed limit on Northrise Drive and Rinconada Boulevard 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 Location for Liquor License No. 13927

Walgreens No. 13927
3490 Northrise Dr.

August 13, 2013

LIQUOR LICENSE IMPACT REPORT
Transfer Location

Walgreens No. 13927
3490 Northrise Dr.

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: 3490 Northrise Dr.
Applicant: Walgreen Co.
Business Name: Walgreens No. 13927

LAND USE AND ZONING INFORMATION:
Subject Property Zoning: PUD (Planned Unit Development)
(See attached Statement of Zoning and Vicinity Map)

Subject Property Current Land Use:

Adjacent Land Uses	Zoning	Land Use
North	PUD	Commercial/Vacant
South	PUD	Commercial
East	PUD	Commercial
West	PUD	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: Northrise Dr.
Classification: Principal Arterial
Number of Lanes: 5
Site Access: 2
Nearest intersection: Northrise Dr. & Rinconada Blvd.

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-2 zoning district. Parking requirements will be met when construction is concluded.

IMPACT ANALYSIS:

The site of the Walgreens No. 13927 is at the intersection of Northrise Drive a principal arterial, and Rinconada Boulevard a minor arterial both roadways designed to accommodate moderate to heavy traffic and land uses such as pharmacies. Zoning in this area is PUD (Planned Unit Development) with an underlying zoning of C-2 (Commercial Medium Intensity). The applicant is requesting the transfer of location for 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 3490 Northrise Drive, and having a Map Code Number or Parcel ID Number of 02-28730, in Las Cruces, New Mexico, is zoned as follows:

PUD (Planned Unit Development)

Comments: This parcel is part of the Las Alamedas Central Planned Unit Development, created in 2002, and has an underlying zoning of C-2 (General Commercial from the 1981 Zoning Code) as per the Las Alamedas Central Development Plan.

The intent of the C-2 District under the 1981 zoning code is to provide for certain commercial/retail uses which generate large volumes of automobile traffic. The district is intended for areas surrounding major arterial intersections where a wide range of automobile-related service facilities, convenience goods and personal services are desirable and appropriate as a land use. A 24 hour pharmacy with a in store clinic and drive-thru is an allowed use. A business with its associated retail packaged liquor sales for consumption away from the property is allowed in a C-2 district, provided all State and local requirements for such sales are met.

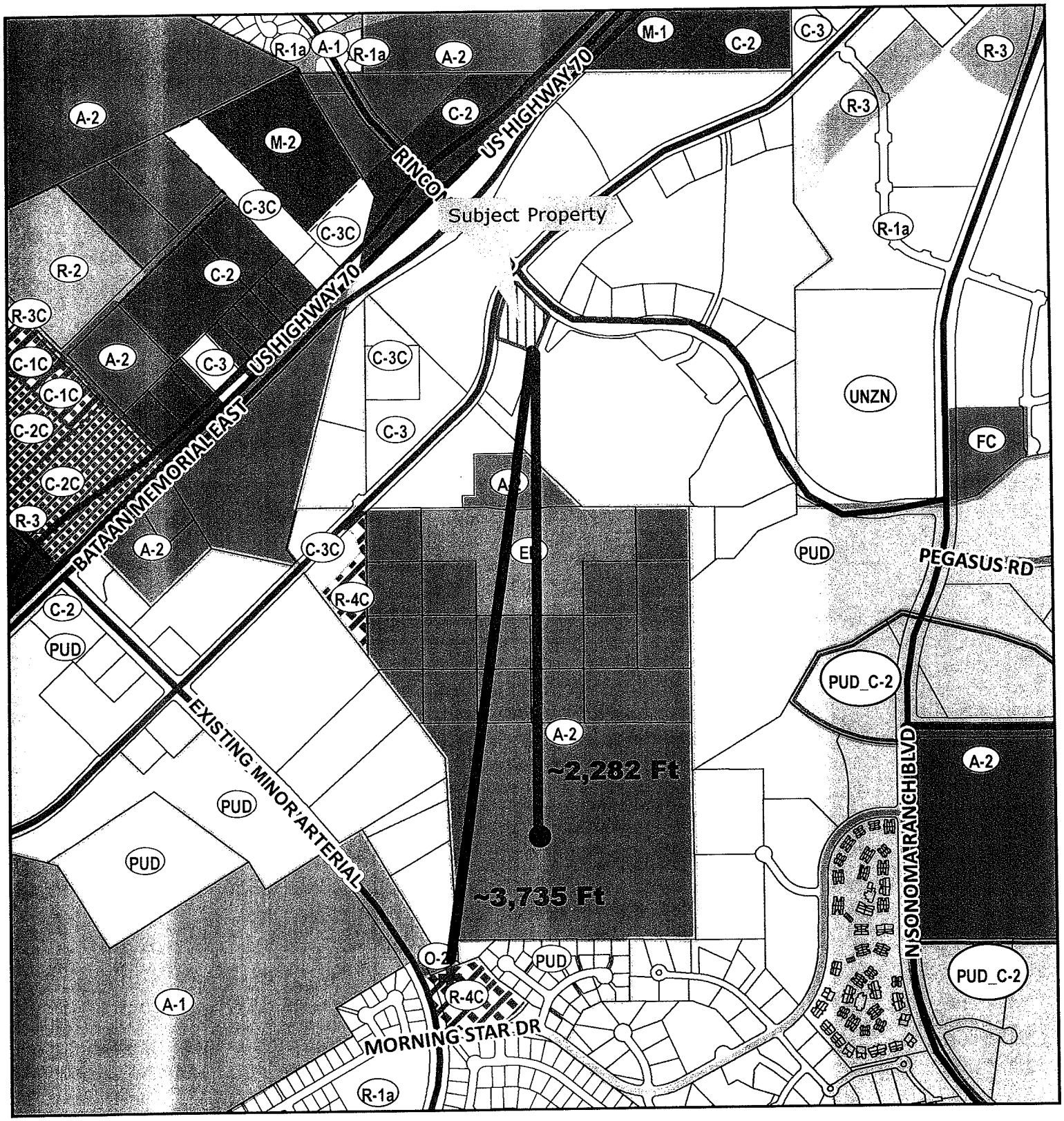
The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

August 13, 2013
Date

Lorenzo Vigil
Planning Technician Sr.

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



ZONING SCHOOL CHURCH

3490 NORTHRISE DRIVE
Zoning: PUD
Parcel ID#: 02-28730
Distance to nearest school: ~2,282 Feet
Distance to nearest church: ~3,735 Feet

500 250 0 500 1,000 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

BUSINESS REGISTRATION REPORT – WALGREENS #13927

From: Sara Gonzales

Walgreens has not applied for a business registration at 3490 Northrise.

From: Monica Campbell
Sent: Wednesday, July 31, 2013 8:36 AM
To: Lorenzo Vigil; Sara Gonzales; Eloy Jimenez; Kyle Metzgar; Business Registration
Cc: Robert Kyle
Subject: 3 Liquor License Report Requests

Attached are the letters and applications from Alcohol and Gaming for:

1. Roadrunner Brew House. Winegrower Liquor License at 901 East University Ave., Building 945A, Las Cruces;
2. Walgreens #13927. Transfer of Location of State Liquor License No. 4053 to 3490 Northrise Dr., Las Cruces; and
3. Wing Daddy's Sauce House. Transfer of Ownership and Location of State Liquor License No. 0228 to 775 S. Telshor, Las Cruces.

Please review the documents and prepare reports for each application for 1) zoning and 2) business registration.

The reports are due to the City Attorney on or before **August 15, 2013** in order to meet required time limits and other deadlines imposed by law. These liquor license matters will be submitted for the September 3, 2013 City 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: August 8, 2013

To: Pete Connelly, City Attorney

From: Richard Williams Chief of Police RSW

Subject: Walgreens # 13927

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Walgreens # 13927 located at 3490 Northrise Dr. Las Cruces, NM 88011.

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

Richard Williams
Chief of Police

RECEIVED
AUG 12 2013
CITY ATTORNEY

FIRE SAFETY AND COMPLIANCE REPORT – WALGREENS #13927

From: Michael Danner
Subject: Liquor License Applications

The following address is in compliance with the 2009 IFC for its liquor license:

3490 Northrise Dr., Walgreens #13927

Michael Danner
Fire Inspector
Las Cruces Fire Department
Station 1
201 E. Picacho Ave.
(575) 528-3473
(575) 528-4049 Direct
mdanner@las-cruces.org