

# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 9 Ordinance/Resolution# 14-087

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

For Meeting of November 4, 2013  
(Adoption Date)

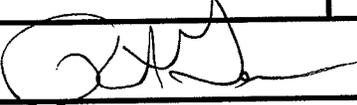
Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE TO LUONG PHAN D/B/A PHO SAIGON RESTAURANT, LOCATED AT 1160 EL PASEO ROAD, SUITES D12-D14, LAS CRUCES, NEW MEXICO.

**PURPOSE(S) OF ACTION:**

To approve the issuance of a Restaurant Liquor License.

<b>COUNCIL DISTRICT: 4</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 New Mexico Statutes, an application for the issuance of a Restaurant Liquor License must be accompanied by a resolution of the City Council approving of and consenting to the issuance after a public hearing.

Luong Phan d/b/a Pho Saigon Restaurant applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for the issuance of a Restaurant Liquor License at 1160 El Paseo, Suites D12-D14, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on September 26, 2013.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the approval letter from Alcohol and Gaming. A public hearing to review this issue is scheduled during the regular City Council meeting to be held on Monday, November 4, 2013, beginning at 1:00 p.m. in the City Council Chambers, City Hall, 700 North Main Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Bulletin* on October 18 and 25, 2013, and in the *Las Cruces Sun-News* on October 20 and 27, 2013.

Council may approve or disapprove the issuance of the license. However, Council's disapproval must be based on substantial evidence that the issuance of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.

Council may also fail to either approve or disapprove the license. If Council fails to approve or disapprove the license within 30 days after the public hearing, the Director of Alcohol and Gaming may give final approval of the license.

**SUPPORT INFORMATION:**

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

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>	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.
<b>Does this action create any revenue?</b>	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>1000-10180010-520002</u> in the amount of <u>\$300.00</u> for <u>FY14</u> .
	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 issuance of the Restaurant Liquor License and Alcohol and Gaming will continue with the application process.
2. Vote "No"; this must be based on substantial evidence that the issuance of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.
3. Vote to "Amend"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.
4. Vote to "Table"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.

**REFERENCE INFORMATION:**

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. 14-087****A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE TO LUONG PHAN D/B/A PHO SAIGON RESTAURANT, LOCATED AT 1160 EL PASEO ROAD, SUITES D12-D14, LAS CRUCES, NEW MEXICO.**

The City Council is informed that:

**WHEREAS**, Luong Phan d/b/a Pho Saigon Restaurant, located at 1160 El Paseo Road, Suites D12-D14, Las Cruces, New Mexico, applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico (“Alcohol and Gaming”) for the issuance of a Restaurant Liquor License; and

**WHEREAS**, on September 26, 2013, Alcohol and Gaming granted preliminary approval for the issuance of the license; and

**WHEREAS**, pursuant to law, the application for issuance of a liquor license must be accompanied by a resolution of the City Council approving of and consenting to the issuance after a public hearing upon reasonable notice of such hearing; and

**WHEREAS**, the City Council did on this date hold a public hearing after reasonable notice setting forth the appropriate information concerning the public hearing. The City Council has considered the issuance of the liquor license and it has determined that the approval of said license is not detrimental to the public health, safety or welfare of the City of Las Cruces.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces:

(I)

**THAT** the issuance of a Restaurant Liquor License to Luong Phan d/b/a Pho Saigon Restaurant, located at 1160 El Paseo Road, Suites D12-D14, Las Cruces, New Mexico, as noted on 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 \_\_\_\_ day of \_\_\_\_\_ 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

159

# 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/agd



**Suzanna Martinez**  
GOVERNOR

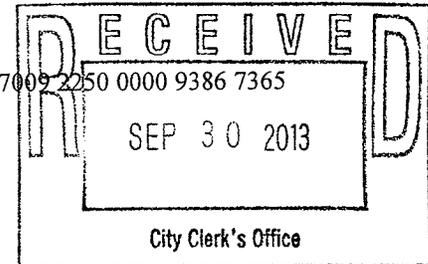
**J. Dee Dennis, Jr.**  
SUPERINTENDENT

**Jennifer M. Anderson**  
DIRECTOR

September 26, 2013

Certified Mail No: 7009 2250 0000 9386 7365

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



Re: License/App. No. 884762  
 Applicant Name: Luong Phan  
 Doing Business As: Pho Saigon Restaurant  
 Proposed Location: 1160 El Paseo Rd., Suites D 12-14, 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:

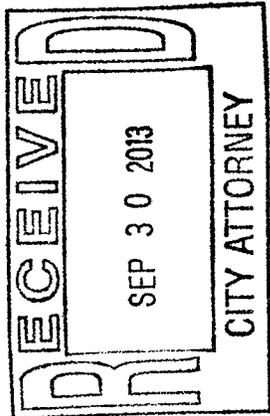
The Director of the Alcohol and Gaming Division has granted Preliminary Approval for the referenced application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

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 Restaurant 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 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.)



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 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,

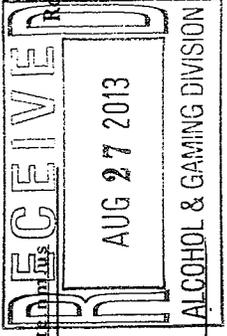


Rose Garcia/AMB  
Hearing Officer

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



**PAID**  
\$200  
R#1515010



### LIQUOR LICENSE APPLICATION

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

Record Owner of Existing License

Current D/B/A Name

Current Premises Address

State Liquor License # \_\_\_\_\_  
Application Number 884762  
Local option (AGD use) \_\_\_\_\_

Application is for: Change of Stock \_\_\_\_\_ Change of Officers/Directors \_\_\_\_\_ Transfer Ownership of Existing License \_\_\_\_\_ Transfer Ownership and Location \_\_\_\_\_ Of \_\_\_\_\_

Issue New License  Type of License being applied for BEER & WINE (RESTAURANT)  
Applicant is: Individual  LUONG PHAN Corporation NIA Partnership (General or Limited) NIA Limited Liability Company NIA

NAME OF APPLICANT (company or individual) LUONG PHAN ADDRESS (including city, state, zip) 2608 CODY CIRCLE, LAS CRUCES, NM. 575-640-1914  
88011 TELEPHONE NUMBER \_\_\_\_\_

D/B/A name to be used: ~~LUONG PHAN~~ PHAN D.B.A. PHO SAIGON RESTAURANT Phone number for licensed premises: 575-652-4326

Physical location where license is to be used: 1160 EL PASO RD. #12-14, LAS CRUCES, NEW MEXICO 88001  
(Include street number / highway number / state road, city and county, state, and zip code) 01

Mailing address: 2608 CODY CIRCLE, LAS CRUCES, NEW MEXICO 88011

Are alcoholic beverages currently being dispensed at the proposed location? Yes \_\_\_\_\_ No  If yes, give license number and type \_\_\_\_\_

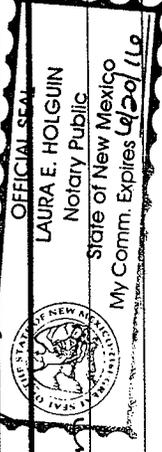
I, (print name) LUONG PHAN, as (title) Sole Proprietor/owner being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

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

Signature of Applicant Luong Phan Date 6/16/13

SUBSCRIBED AND SWORN TO before me this 17 day of June, 2013 by Luong Phan

Notary Public Laura Estolgu My Commission Expires 6/20/16



Local Governing Body of: \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_ 20 \_\_\_\_\_

Check one: Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ City/County Official \_\_\_\_\_ (Signature & Title)

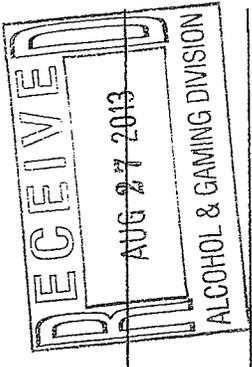
For Alcohol and Gaming Division Use Only

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Director Approval \_\_\_\_\_ Date \_\_\_\_\_



**COPY**

**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) PRO RANCH MARKET

B. Date and term of lease APRIL 2, 2013 - November 11, 2016

3. Premises location is zoned (example C-1) COMMERCIAL 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 1500' Name of church Immaculate Heart of Mary Address/location of church 1240 S. ESPINA ST. LAS CRUCES, N.M. 88001

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

Miles/feet 2700' Name of school LAS MONTANAS Address/location of school 201 E. LOHMAN, LAS CRUCES, N.M. 88001

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

N: 50 miles Name of Military Installation, circle one: 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.

\*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) \_\_\_\_\_

ALCOHOL & GAMING DIVISION  
2550 CERRILLOS ROAD  
SANTA FE, NEW MEXICO 87505  
**POSTING CERTIFICATE**



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

LICENSE NUMBER /APPLICATION NUMBER: APPL. NO. A-884762

- TRANSFER OF OWNERSHIP & LOCATION
- TRANSFER OF OWNERSHIP ONLY
- TRANSFER OF LOCATION ONLY
- NEW LICENSE

TRANSFERRED FROM: \_\_\_\_\_

CURRENT LOCATION: \_\_\_\_\_

TRANSFERRED TO:/APPLICANT: LUONG PHAN

PROPOSED LOCATION: 1160 EL PASEO ROAD, SUITES #12D-14D, LAS CRUCES, NM 88001

PROPOSED BUSINESS NAME PHO SAIGON RESTAURANT

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: NA
3. DISTANCE FROM NEAREST CHURCH IS: Approx. 35 tenths of a mile  
NAME OF CHURCH IS: Cathedral of the Immaculate Heart of Mary
4. DISTANCE FROM NEAREST SCHOOL IS: Approx. 25 tenths of a mile  
NAME OF SCHOOL IS: Valley View Elementary School
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: NA  
NAME OF INSTALLATION IS: NA
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:  
BY PASSABLE ROAD: NA BY STRAIGHT AIRLINE: NA
7. NOTICE POSTED ON:  
 BUILDING  BILLBOARD  
 BUILDING UNDER CONSTRUCTION  
 BUILDING BEING REMODELED  NO BUILDING

DATE POSTED: 09/04/2013

EXPIRATION DATE: 09/24/2013 (midnight)

APPLICANT'S SIGNATURE  
Luong - P HAN  
PRINTED

~~Signature~~  
S.I.D. SPECIAL AGENT SIGNATURE  
Douglas Slaven's  
PRINTED



**AD FORM**  
**LAS CRUCES BULLETIN**  
**LEGAL CLASSIFIED**

City contact: Monica Campbell, 541-2128

Proof of publication/bill to: City Clerk, PO Box 20000, Las Cruces, NM 88004

Dates to Publish: October 18 and 25, 2013

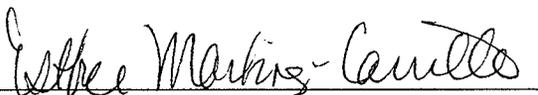
Copy to publish:

**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 the issuance of a Restaurant Liquor License to Luong Phan d/b/a Pho Saigon Restaurant at 1160 El Paseo Road, Suites D12-D14, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council on Monday, November 4, 2013, beginning at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the issuance.

Witness my hand and seal of the City of Las Cruces on this the 8<sup>th</sup> day of October 2013.

  
\_\_\_\_\_  
Esther Martinez, CMC/City Clerk



**AD FORM**  
**LAS CRUCES SUN NEWS**  
**LEGAL CLASSIFIED**

City contact: Monica Campbell, 541-2128

Account No. 26484 (Bill to City Clerk, PO Box 20000, Las Cruces, NM 88004)

Dates to Publish: October 20 and 27, 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 the issuance of a Restaurant Liquor License to Luong Phan d/b/a Pho Saigon Restaurant at 1160 El Paseo Road, Suites D12-D14, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council on Monday, November 4, 2013, beginning at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the issuance.

Witness my hand and seal of the City of Las Cruces on this the 8<sup>th</sup> day of October 2013.

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



## INTER-DEPARTMENTAL MEMORANDUM

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

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

**DATE:** October 16, 2013

**SUBJECT:** **Traffic Investigation Report – Liquor License Application  
1160 El Paseo Road Suites D 12-14 – Pho Saigon Restaurant**

---

As requested, Traffic Engineering has completed a traffic investigation for Pho Saigon Restaurant located at 1160 El Paseo Road Suites D 12-14, Las Cruces, New Mexico. The following information is submitted for review:

- Pho Saigon Restaurant is located within the El Paseo Plaza, which abuts El Paseo Road, Wyatt Drive, Mesquite Street, Arizona Avenue, and Utah Avenue. The traffic volume on El Paseo Road near this location is approximately 11,500 vehicles per day. The traffic volume on Wyatt Drive near this location is approximately 5,000 vehicles per day. The traffic volume on Mesquite Street near this location is approximately 1,900 vehicles per day. Traffic data for Arizona Avenue and Utah Avenue is not available at this location but is estimated to be 1000-2000 vehicles per day.
- The Mesilla Valley MPO classifies El Paseo Road and Wyatt Drive as minor arterial roadways adjacent to the subject location. The remaining adjacent roadways are not classified by the Mesilla Valley MPO and are considered local roads. All roadways primarily serve commercial or multi-family uses near the property.
- The subject property has customer access through the El Paseo Plaza driveways along El Paseo Road, Wyatt Drive, and Utah Avenue. No sight distance or operational problems are currently known at the driveways along El Paseo Road and Wyatt Drive. Roadside brush near the east driveway along Utah Avenue affects sight distance.
- The speed limit on El Paseo Road is 35 mph near the subject property. Speed limits on all other adjacent roads ranges from 25 to 30 mph near the subject property.

The approval of a Liquor License Application at this location does not appear to adversely impact traffic operations along these segments of roadways. Should any additional information be needed, please contact me.

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City of Las Cruces  
Community Development Department

LIQUOR LICENSE IMPACT REPORT

Restaurant Liquor License Application No. 884762  
(Beer and Wine Only)

Pho Saigon Restaurant  
1160 El Paseo Rd. Ste. D 12-14

October 17, 2013

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

**Pho Saigon Restaurant**  
**1160 El Paseo Rd. Ste. D 12-14**

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: 1160 El Paseo Rd.  
 Applicant: Luong Phan  
 Business Name: Pho Saigon Restaurant

**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-3	Commercial
South	C-2	Commercial
East	C-2	Commercial
West	C-2	Commercial

**DISTANCE REQUIREMENTS:**

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

**TRAFFIC COUNT AND ACCESS INFORMATION:**

Roadway: El Paseo  
 Classification: Minor Arterial  
 Number of Lanes: 5  
 Site Access: 3  
 Nearest intersection: El Paseo & Utah

**PARKING REQUIREMENTS:**

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

**IMPACT ANALYSIS:**

The site of Pho Saigon Restaurant is located along a Minor Arterial roadway which is designed to accommodate heavy traffic and land uses such as restaurants. The subject property is zoned C-3 which allows a restaurant as a permitted use by right. The applicant is requesting a new restaurant liquor license (beer & wine only) for this location. In terms of a transportation and land use perspective, this seems to be an appropriate location and request.



### STATEMENT OF ZONING

The property located at 1160 El Paseo Road in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-21835 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. A restaurant with a beer and wine dispenser's license is a permitted use in the C-3 zoning district, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met.

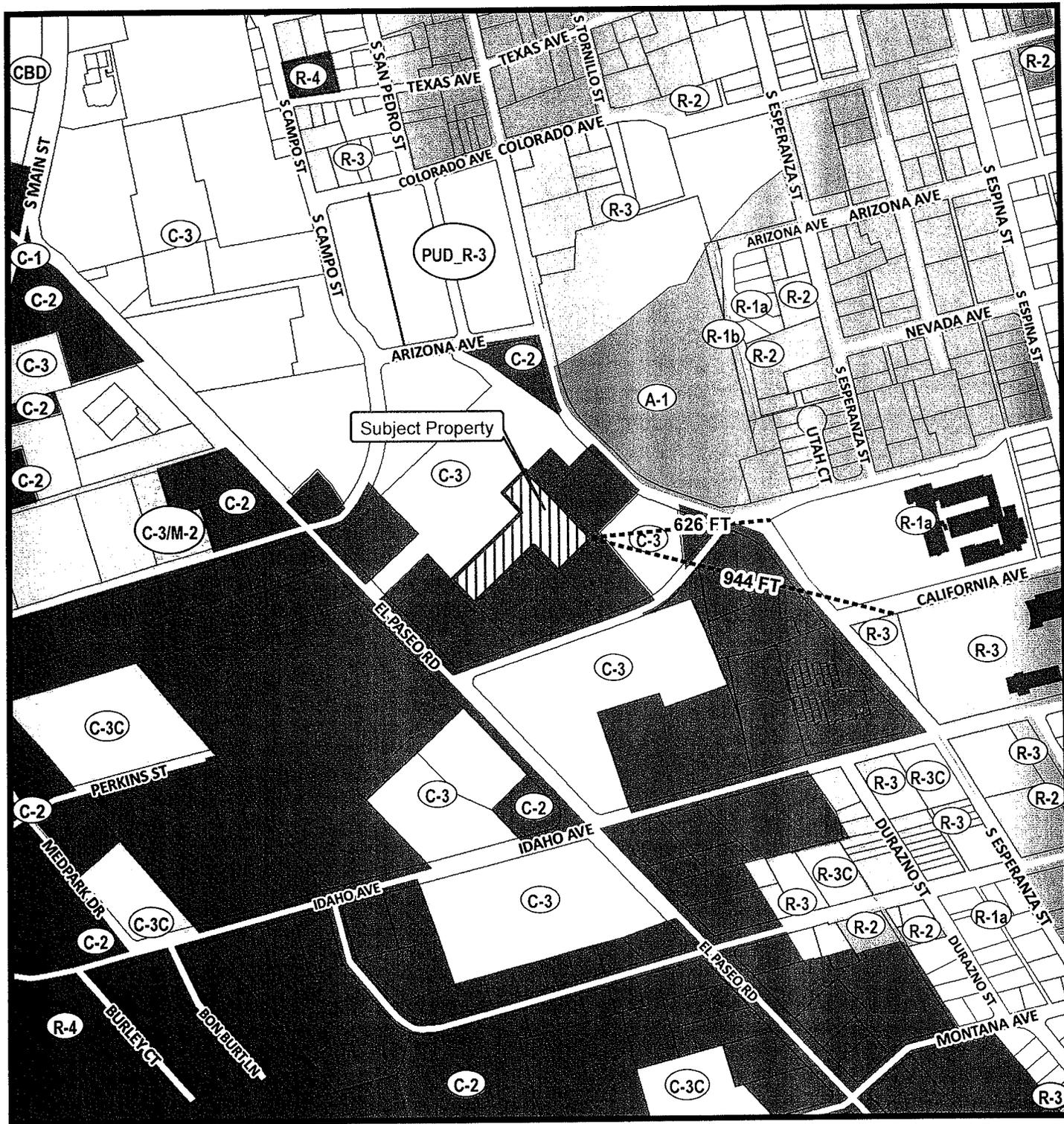
The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

October 17, 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.

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Zoning / Vicinity Map



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.

1160 EL PASEO, SUITES D12-14  
ZONING C-2  
DISTANCE TO NEAREST SCHOOL 626 FT  
DISTANCE TO NEAREST CHURCH 944 FT

**Legend**

 Buildings Considered



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

## BUSINESS REGISTRATION REPORT – PHO SAIGON RESTAURANT

**From:** Sara Gonzales

**Subject:** RE: Liquor license report request - Pho Saigon Restaurant

This business has a current license until February 28, 2014. Pho Saigon is located at 1160 El Paseo suites D12-D14.

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**From:** Monica Campbell

**Sent:** Monday, October 07, 2013 11:07 AM

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

**Cc:** Robert Kyle

**Subject:** Liquor license report request - Pho Saigon Restaurant

Hello,

Attached is Alcohol and Gaming's letter and application about a Restaurant Liquor License for Pho Saigon Restaurant which is located at 1160 El Paseo Road, Suites D12-D14, Las Cruces.

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

The report is due to the City Attorney on or before **October 17, 2013** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the November 4, 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

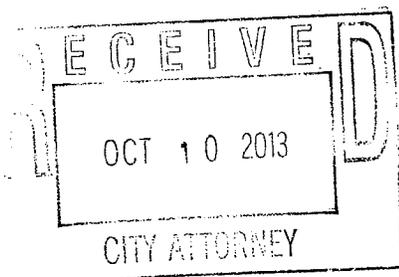


**Date:** October 7, 2013  
**To:** Pete Connelly, City Attorney  
**From:** Richard Williams Chief of Police *RSW*  
**Subject:** Pho Saigon Restaurant

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Pho Saigon Restaurant located at 1160 El Paseo Rd. Suites D 12-14, Las Cruces, NM 88001.

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

Richard Williams  
Chief of Police



## FIRE SAFETY AND COMPLIANCE REPORT – PHO SAIGON RESTAURANT

**From:** Michael Danner  
**Subject:** RE: Liquor license report request - Pho Saigon Restaurant

Pho Saigon Restaurant, located at 1160 El Paseo Road, Suites D12-D14, is in compliance with the 2009 International Fire Code and is approved by LCFD for their Restaurant Liquor License.

**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](mailto:mdanner@las-cruces.org)**

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**From:** Monica Campbell  
**Sent:** Monday, October 07, 2013 11:08 AM  
**To:** Travis Brown; Ted Sweetser; Billy Chaires  
**Cc:** Mary Helen Sarabia  
**Subject:** Liquor license report request - Pho Saigon Restaurant

Hello,

Attached is Alcohol and Gaming's letter and application about a Restaurant Liquor License for Pho Saigon Restaurant which is located at 1160 El Paseo Road, Suites D12-D14, Las Cruces.

Please review the attachment and prepare a fire and safety compliance report.

The report is due to the City Attorney on or before **October 17, 2013** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the November 4, 2013 Council meeting.

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