

# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 8 Ordinance/Resolution# 14-172

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

For Meeting of April 21, 2014  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION, WITH PACKAGE SALES, OF LIQUOR LICENSE NO. 0836 TO WAL-MART STORES EAST, L.P. D/B/A WAL-MART STORE #4601, LOCATED AT 3331 RINCONADA BOULEVARD, LAS CRUCES, NEW MEXICO.

**PURPOSE(S) OF ACTION:**

To approve or disapprove the transfer of a liquor license.

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

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

Pursuant to state law, an application for the transfer of ownership and location of a liquor license must be accompanied by a resolution of the Las Cruces City Council approving of and consenting to the transfer after a public hearing.

Wal-Mart Stores East, L.P. d/b/a Wal-Mart Store #4601 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, with package sales, of Liquor License No. 0836 to 3331 Rinconada Boulevard, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval by letter dated March 19, 2014.

The City Council is required to hold a public hearing within 45 days of receipt of the preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled for Monday, April 21, 2014, 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 April 6 and 13, 2014, and in the *Las Cruces Bulletin* on April 4 and 11, 2014.

(Continue on additional sheets as required)

Council may approve or disapprove the transfer. However, Council's disapproval must be based on substantial evidence that the transfer of ownership and location of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces. Council may also fail to either approve or disapprove the license. If Council fails to approve or disapprove the license within 30 days after the public hearing, the Director of Alcohol and Gaming may give final approval of this license.

**SUPPORT INFORMATION:**

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

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

(Continue on additional sheets as required)

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve of and consent to the transfer of ownership and location, with package sales, of State Liquor License No. 0836 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. 14-172**

**A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION, WITH PACKAGE SALES, OF LIQUOR LICENSE NO. 0836 TO WAL-MART STORES EAST, L.P. D/B/A WAL-MART STORE #4601, LOCATED AT 3331 RINCONADA BOULEVARD, LAS CRUCES, NEW MEXICO.**

The City Council is informed that:

**WHEREAS**, Wal-Mart Stores East, L.P. d/b/a Wal-Mart Store #4601 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, with package sales, of Liquor License No. 0836 to 3331 Rinconada Boulevard, 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 Las Cruces 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, with package sales, of State Liquor License No. 0836 to Wal-Mart Stores East, L.P. d/b/a Wal-Mart Store #4601 at 3331

Rinconada Boulevard, 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 21<sup>st</sup> day of April 2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

Mayor Miyagishima: \_\_\_\_\_

Councillor Silva: \_\_\_\_\_

Councillor Smith: \_\_\_\_\_

Councillor Pedroza: \_\_\_\_\_

Councillor Small: \_\_\_\_\_

Councillor Sorg: \_\_\_\_\_

Councillor Levatino: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

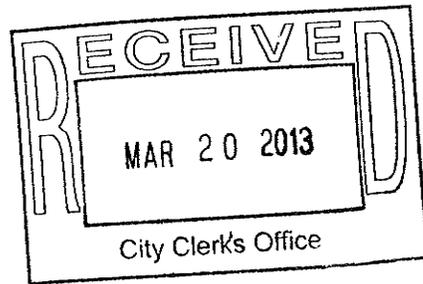


**New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION**

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505  
PO Box 25101, Santa Fe, NM 87504-5101  
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us

March 19, 2014

**Certified Mail No.: 7006 3450 0000 3001 1088**



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

Re: License / Appl. No.: **License No. 0836/Application No. 903506**  
Applicant Name: **Wal-Mart Stores East, L.P.**  
Doing Business As: **Wal-Mart Store #4601**  
Proposed Location: **3331 Rinconada Blvd.  
Las Cruces, New Mexico 88012**

**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 Conditional 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.

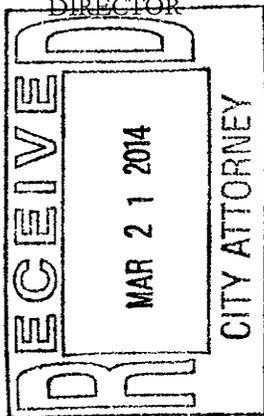
**THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP & LOCATION WITH PACKAGE SALES.**

Susana Martinez  
GOVERNOR

Robert "Mike" Unthank  
SUPERINTENDENT

James C. McKay  
CHIEF GENERAL  
COUNSEL

Mary Kay Root  
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

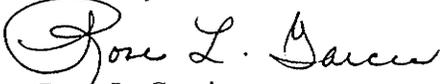
The governing body may disapprove the issuance or transfer of the license if:

- 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 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 L. Garcia  
 Hearing Officer  
 NM Regulation & Licensing Dept.  
 Alcohol & Gaming Division  
 Phone: 505-476-4552  
 Fax: 505-476-4595  
 Email: [rosel.garcia@state.nm.us](mailto:rosel.garcia@state.nm.us)

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application.

New Mexico Regulation and Licensing Department - Alcohol and Gaming Division  
PO Box 25101 • Santa Fe, New Mexico 87505-5101 • Fax (505) 476-4875 • www.rld.state.nm.us/alegation

### LIQUOR LICENSE APPLICATION

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

Record Owner of Existing License Pic Quik Stores, Inc.

Current DB/A Name Pic Quik Store # 23

Current Premises Address 1060 N. Valley Drive, Las Cruces, NM 88001

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

Issue New License \_\_\_\_\_ Type of License being applied for \_\_\_\_\_

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

NAME OF APPLICANT (company or individual)  
Wal-Mart Stores East, L.P. ADDRESS (including city, state, zip)  
702 SW 8th Street, Bentonville, AR 72716-0500

TELEPHONE NUMBER  
(479) 204-2073

WITH COPY TO: Rhodes & Salmon, PC  
1801 Lomas Blvd NW, Albuquerque, NM 87104  
(505) 247-9328

ALSO COPY TO: New Mexico Liquor Licenses, LLC  
1801 Lomas Blvd NW, Albuquerque, NM 87104  
(505) 980-5814

D/B/A name to be used: Wal-Mart Store #4601 Phone number for licensed premises: (575) 680-3772

Physical location where license is to be used: 3331 Rinconada Blvd, Las Cruces, Dona Ana County, New Mexico 88012

Mailing address: 702 SW 8th Street, Bentonville, AR 72716-0500  
(Include street number / highway number / state road, city and county, state, and zip code)

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

I, (print name) Phyllis Harris, as (title) Sr. VP & Chief Compliance Officer 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.

You must sign and date this form in the presence of a witness public.

Signature of Applicant [Signature] Date 1/28/14

SUBSCRIBED AND SWORN TO before me this January day of 2014 by Phyllis Harris

Notary Public [Signature] My Commission Expires NOV. 14, 2022

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

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

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

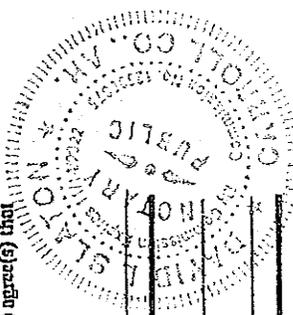
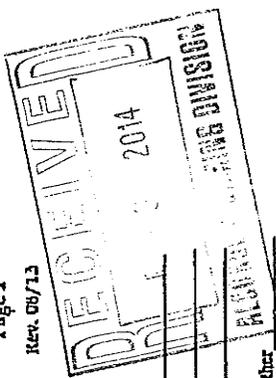
For Alcohol and Gaming Division Use Only



Handwritten notes and signatures

Handwritten: \$200.00 OK # 15558

Handwritten: R# 1566302





**PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION**  
55-60-6B-70

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) \_\_\_\_\_

B. Date and term of lease \_\_\_\_\_

3. Premises location is zoned (example C-1) PUD w/ an underlying zoning of C-2  
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 ca 1 mile \_\_\_\_\_ Name of church Church of Jesus Christ of LDS Address/location of church 3210 Venus Street, Las Cruces, NM

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

Miles/feet ca .8 mile \_\_\_\_\_ Name of school Highland Elementary Address/location of school 4201 Emerald Street, Las Cruces, NM

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

Miles ca 57 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.

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



## STATEMENT OF ZONING

The property located at 3331 Rinconada Blvd., and having a Map Code Number or Parcel ID Number of 02-39600, in Las Cruces, New Mexico, is zoned as follows:

### **PUD (Planned Unit Development)**

Comments: The subject property is zoned PUD, with an underlying zoning of C-2 (Commercial Medium Intensity). Retail packaged liquor sales is a permitted use in C-2 districts, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met (as per Section 38-44.C.4a 2001 Las Cruces Zoning Code as amended).

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.

February 4, 2014  
Date

A handwritten signature in black ink, appearing to read "L. Vigil", written over a white background.

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.

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: \_\_\_\_\_ LICENSE NO. 0836 / APPL. NO. A-903506

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

TRANSFERRED FROM: PIC QUIK STORES, INC.

CURRENT LOCATION: PIC QUIK STORE #23

TRANSFERRED TO:/APPLICANT: WAL-MART STORES EAST, L.P.

PROPOSED LOCATION: 3331 RINCONADA BLVD., LAS CRUCES, NM 88012

PROPOSED BUSINESS NAME WAL-MART STORE #4601

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: .5 tenth of a mile; approx  
NAME OF CHURCH IS: The Apostolic Church of Las Cruces
4. DISTANCE FROM NEAREST SCHOOL IS: Approx. .5 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: 03/12/2014 EXPIRATION DATE: 03/04/2014 (midnight)

[Signature] \_\_\_\_\_ [Signature] \_\_\_\_\_  
APPLICANT'S SIGNATURE S.I.D. SPECIAL AGENT SIGNATURE

JOEL AGUILAR \_\_\_\_\_ Douglas Slavers \_\_\_\_\_  
PRINTED PRINTED



**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: April 4 and 11, 2014

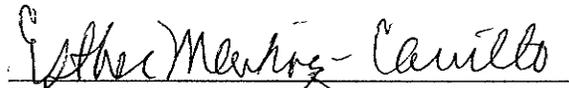
Copy to publish:

**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. 0836 to Wal-Mart Stores East, L.P. d/b/a Wal-Mart Store #4601, located at 3331 Rinconada Boulevard, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council scheduled for Monday, April 21, 2014, 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 24<sup>th</sup> day of March, 2014.

  
\_\_\_\_\_  
Esther Martinez-Carrillo, MMC, 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: April 6 and 13, 2014

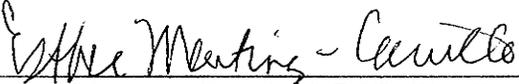
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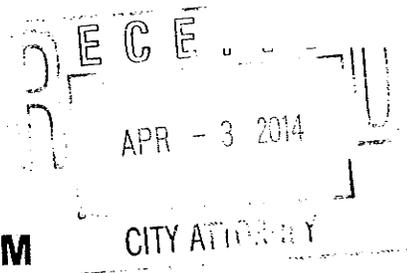
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Witness my hand and seal of the City of Las Cruces on this the 24<sup>th</sup> day of March, 2014.

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



## INTER-DEPARTMENTAL MEMORANDUM

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

**FROM:** Willie Roman, P.E., PTOE   
Acting Streets and Traffic Operations Administrator, Transportation Dept.

**DATE:** April 2, 2014

**SUBJECT:** **Traffic Investigation Report – Liquor License Application**  
**3331 Rinconada Boulevard – Wal-Mart Store #4601**

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As requested, Traffic Engineering has completed a traffic investigation for Wal-Mart Store #4601 located at 3331 Rinconada Boulevard in Las Cruces, New Mexico. The following information is submitted for review:

- Wal-Mart Store #4601 is located near the southwest corner of Rinconada Boulevard and Northrise Drive. Based on information obtained from the Mesilla Valley MPO, the traffic volume on Rinconada Boulevard near this location was approximately 3,200 vehicles per day in 2012 and the traffic volume on Northrise Drive near this location was approximately 5,600 vehicles per day in 2011. Current traffic volumes can be provided at a future date if necessary.
- The Mesilla Valley MPO classifies Rinconada Boulevard as a minor arterial roadway and Northrise Drive as a principal arterial roadway adjacent to the subject location. Both roadways primarily serve commercial uses near the property.
- The subject property can be accessed through three driveways along Rinconada Boulevard, one driveway along Northrise Drive, and through the parking lots of adjacent commercial establishments. Limited sight distance exists at some of the driveways due to the horizontal and vertical curvature of the roads. No other sight distance or operational problems are currently known at the driveways.
- The speed limit along both roadways near the subject property is 35 mph.

The approval of a Liquor License Application at this location does not appear to adversely impact traffic operations along these roadway segments. Should 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. 0836/ Application No.  
903506

3331 Rinconada Boulevard  
Wal-Mart Store # 4601

March 25, 2014

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

**Wal-Mart Store # 4601**  
**3331 Rinconada Boulevard**

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: 3331 Rinconada Boulevard  
 Applicant: Wal-Mart Stores East, LP  
 Business Name: Wal-Mart Store # 4601

**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:

<u>Adjacent Land Uses</u>	<u>Zoning</u>	<u>Land Use</u>
North	PUD	Commercial
South	A-2/EE	Residential/Vacant
East	PUD	Commercial
West	PUD/C-3	Vacant

**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: Rinconada Boulevard  
 Classification: Minor Arterial  
 Number of Lanes: 4  
 Site Access: 4  
 Nearest Intersections: Rinconada Boulevard & Northrise Drive

**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 businesses zoned in this zoning district. As the business currently exists, there is no apparent change in land use and parking is not an issue.

**IMPACT ANALYSIS:**

The subject property is located off of Rinconada Boulevard which is designated as a minor arterial and is designed to accommodate moderate traffic and land uses such as department stores and grocery stores. Zoning in this area is PUD (Planned Unit Development) with an underlying zoning of C-2 (Commercial Medium Intensity) which permits this use and uses related to it. The applicant is requesting a transfer of ownership and location of a liquor license. In terms of a transportation and land use perspective, this seems to be an appropriate location and request.



## STATEMENT OF ZONING

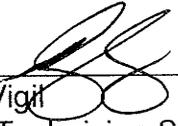
The property located at 3331 Rinconada Blvd., and having a Map Code Number or Parcel ID Number of 02-39600, in Las Cruces, New Mexico, is zoned as follows:

### **PUD (Planned Unit Development)**

Comments: The subject property is zoned PUD, with an underlying zoning of C-2 (Commercial Medium Intensity). Retail packaged liquor sales is a permitted use in C-2 districts, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met (as per Section 38-44.C.4a 2001 Las Cruces Zoning Code as amended).

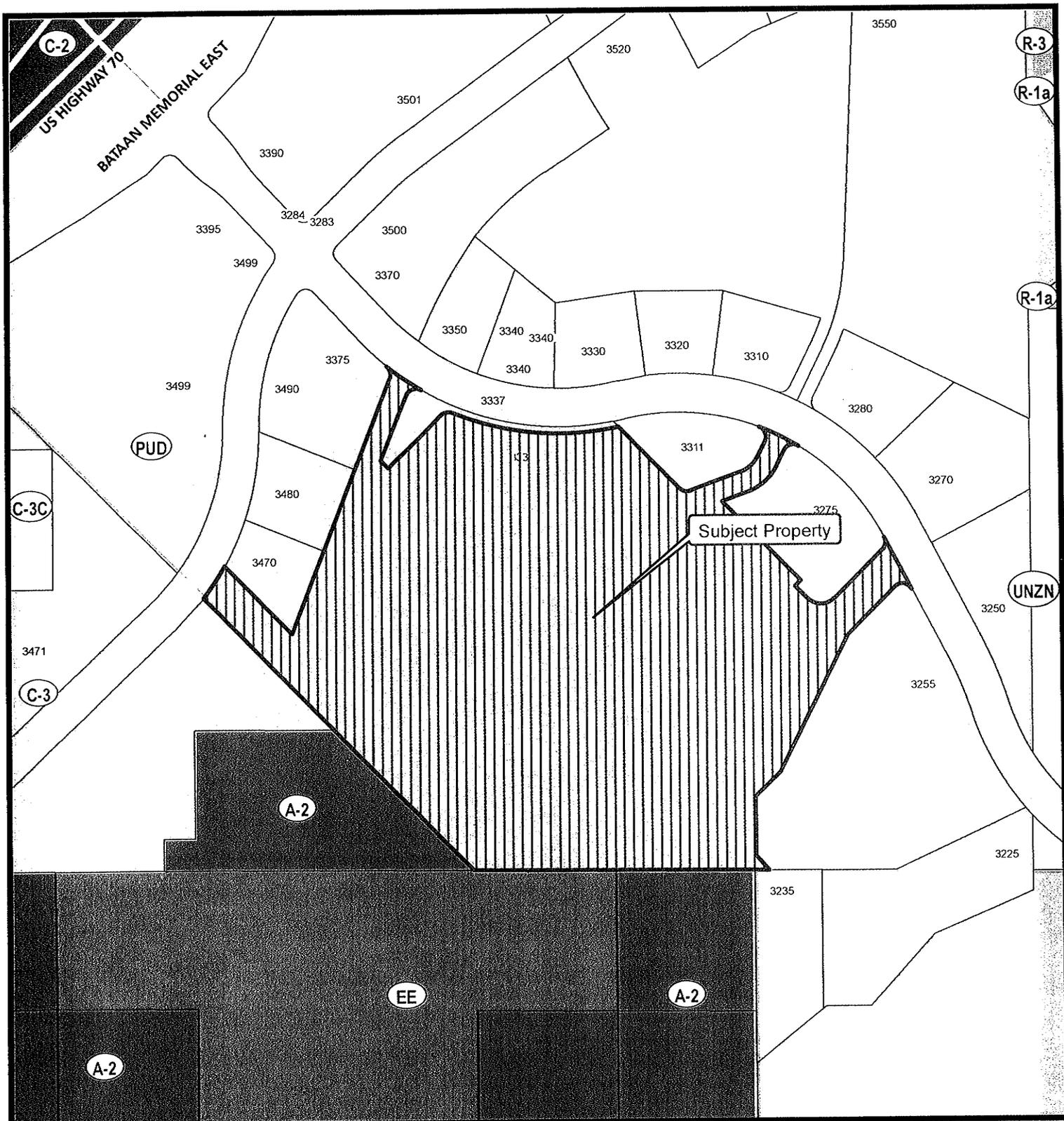
The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

March 25, 2014  
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.

# Zone 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.

**Legend**

- County Parcel
- Interstates\_Highway
- Railroad
- Rio Grande

3331 RINCONADA BLVD.  
 ZONING PUD (PLANNED UNIT DEVELOPMENT)  
 DISTANCE TO THE NEAREST SCHOOL: 2,920 FEET  
 DISTANCE TO THE NEAREST CHURCH: 4,800 FEET



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

**BUSINESS REGISTRATION REPORT  
WAL-MART #4601 ON RINCONADA BOULEVARD**

**From:** Sara Gonzales  
**Subject:** RE: Liquor license report request - Wal-Mart

The business located at 3331 Rinconada for Wal-Mart stores has a current license until June 30, 2014. The license number is 11387 in reference to this location.

**From:** Monica Campbell  
**Sent:** Monday, March 24, 2014 10:24 AM  
**To:** Lorenzo Vigil; Sara Gonzales; Business Registration  
**Cc:** Robert Kyle  
**Subject:** Liquor license report request - Wal-Mart

Attached is Alcohol and Gaming's letter and application about the transfer of a liquor license to Wal-Mart #4601 on Rinconada Blvd.

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 **April 3, 2014** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the April 21, 2014 Council meeting.

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



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

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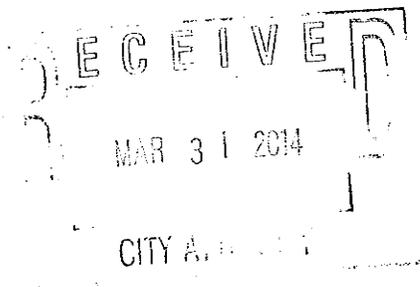
**Date:** March 31.2014  
**To:** Pete Connelly, City Attorney  
**From:** Jaime Montoya, Chief of Police  
**Subject:** Wal-Mart Store #4601

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I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for the Wal-Mart Store # 4601 located at 3331 Rinconada Blvd.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for Wal-Mart Store # 4601 be approved.

Jaime Montoya  
Chief of Police



**FIRE SAFETY COMPLIANCE REPORT  
WAL-MART #4601 ON RINCONADA BOULEVARD**

**From:** Billy Chaires  
**Subject:** RE: Liquor license report request - Wal-Mart

Wal-Mart meets Fire Code requirements for a liquor license.

**From:** Monica Campbell  
**Sent:** Monday, March 24, 2014 10:24 AM  
**To:** Travis Brown; Ted Sweetser; Billy Chaires  
**Cc:** Mary Helen Sarabia  
**Subject:** Liquor license report request - Wal-Mart

Attached is Alcohol and Gaming's letter and application about the transfer of a liquor license to Wal-Mart #4601 on Rinconada Blvd.

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

The report is due to the City Attorney on or before **April 3, 2014** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the April 21, 2014 Council meeting.

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