

667
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 23 Ordinance/Resolution# 15-116

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of December 1, 2014
 (Adoption Date)

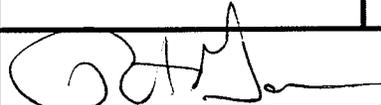
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT (BEER & WINE) LIQUOR LICENSE WITH PATIO SERVICE FOR ON AND OFF PREMISE CONSUMPTION TO NY PIZZA SLICE HOUSE, LLC D/B/A NY PIZZA SLICE HOUSE, LOCATED AT 2001 EAST LOHMAN, SUITE 111, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve or disapprove the issuance of a liquor license.

| | | |
|---|---|----------------------------------|
| COUNCIL DISTRICT: 3 | | |
| <u>Drafter/Staff Contact:</u> Monica Campbell | <u>Department/Section:</u> Legal/City Attorney | <u>Phone:</u> 541-2128 |
| <u>City Manager Signature:</u> |  | |

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 Las Cruces City Council approving of and consenting to the issuance after a public hearing.

NY Pizza Slice House, LLC d/b/a NY Pizza Slice House 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 (beer & wine) liquor license with patio service for on and off premise consumption at 2001 East Lohman, Suite 111, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval by letter, dated October 21, 2014.

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, December 1, 2014, 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 November 7 and 14, 2014, and in the *Las Cruces Sun-News* on November 9 and 16, 2014.

(Continue on additional sheets as required)

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 Traffic Operations.
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>\$300.00</u> for FY14. |
| | No | <input type="checkbox"/> | There is no new revenue generated by this action. |
| | | | |

BUDGET NARRATIVE

| |
|-----|
| N/A |
|-----|

FUND EXPENDITURE SUMMARY:

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

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve of and consent to the issuance of the restaurant (beer & wine) liquor license with patio service for on and off premise consumption 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. 15-116

A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT (BEER & WINE) LIQUOR LICENSE WITH PATIO SERVICE FOR ON AND OFF PREMISE CONSUMPTION TO NY PIZZA SLICE HOUSE, LLC D/B/A NY PIZZA SLICE HOUSE, LOCATED AT 2001 EAST LOHMAN, SUITE 111, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, NY Pizza Slice House, LLC d/b/a NY Pizza Slice House, located at 2001 East Lohman, Suite 111, 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 (beer & wine) liquor license with patio service for on and off premise consumption; and

WHEREAS, Alcohol and Gaming granted preliminary approval for the issuance of the license by letter dated October 21, 2014; and

WHEREAS, pursuant to law, the application for issuance of a liquor license must be accompanied by a resolution of the Las Cruces 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 (beer & wine) liquor license with patio service for on and off premise consumption to NY Pizza Slice House, LLC d/b/a NY Pizza Slice House, located at 2001 East Lohman, Suite 111, Las Cruces, New Mexico, as evidenced by Alcohol and Gaming's letter and the application attached hereto as Exhibit "A", is hereby approved.

(II)

THAT a copy of this resolution shall be conveyed to the Director of the Alcohol and Gaming Division of the Regulation and Licensing Department, Post Office Box 25101, Santa Fe, New Mexico 87504-5101.

(III)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED on this ____ day of _____ 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

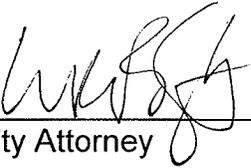
Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Levatino: _____

APPROVED AS TO FORM:

D. [unclear]


City Attorney



673

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

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

October 21, 2014

Susana Martinez
GOVERNOR

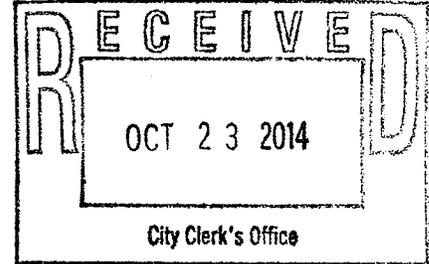
Robert "Mike" Unthank
SUPERINTENDENT

James C. McKay
CHIEF GENERAL
COUNSEL

Mary Kay Root
DIRECTOR

Certified Mail No.: 7009 2250 0000 9386 7815

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



Re: Lic. No. /Appl. No.: Appl. No. 925068
Name of Applicant: NY Pizza Slice House, LLC
Doing Business As: NY Pizza Slice House
Proposed Location: 2001 East Lohman, Suite 111
Las Cruces, New Mexico 88001

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

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

Within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body **shall** hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the Public Hearing required by the Liquor Control Act **shall** be given by the governing body by publishing a notice of the date, time, and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two weeks of publication must be satisfied before a hearing can be conducted. The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record **shall** be made of the hearing.

THE APPLICANT IS SEEKING A RESTAURANT (BEER & WINE) LICENSE WITH PATIO SERVICE FOR ON AND OFF PREMISE CONSUMPTION.

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.
- 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,



Brenda Mares
 Hearing Officer
 NM Regulation & Licensing Dept.
 Alcohol & Gaming Division
 Phone: 505-476-4548
 Fax: 505-476-4595
 Email: brenda.mares2@state.nm.us

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application, Zoning Statement, and Posting Certificate

8/21/14
ENTERED
200
160021

8/25/14
Brenda
Q



New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
PO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

Page 1
Rev. 01/14

RESTAURANT LIQUOR LICENSE APPLICATION

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

AGD USE ONLY - APPLICATION # 425068 LOD

Application is for: New License / Change of Stock among existing members only / Change of Officers (no ownership interest)

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

NAME OF APPLICANT (company or individual) NY Pizza Slice House, LLC

ADDRESS (including city, state, zip) 2001 East Lohman, Suite 111, Las Cruces, NM 88001

TELEPHONE NUMBER OWNER 575-649-8157 EMAIL _____

D/B/A name to be used: NY Pizza Slice House Phone number for licensed premises: 575-527-9180

Physical location where license is to be used: 2001 East Lohman, Suite 111, Las Cruces, Dona Ana, NM 88001
(include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 1088 Fm Drive, Las Cruces, NM 88007

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

I, (print name) Jessie Carreon as (title) 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.

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

X Signature of Applicant [Signature] Date 7/16/14

SUBSCRIBED AND SWORN TO before me this 16 day of July Notary Public Use Only 20 14 by Jessie Carreon

Notary Public [Signature] My Commission Expires August 02, 2015

Local Governing Body of: _____ (City or County): Hearing held on _____

Check one: Approved Disapproved City/County Official _____

Sign Here
(Signature & Title)

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____

RECEIVED
AUG 21 2014
ALCOHOL & GAMING DIVISION



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) Austy LLC _____

B. Date and term of lease April 16th 2013, 2 years _____

3. Premises location is zoned (example C-1) C3 _____

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 0.16 miles Name of church St. Patrick's Anglican Church Address/location of church 151 S. Solano Dr. _____

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

Miles/feet 0.29 miles Name of school Hermosa Heights Elem Address/location of school 1155 E. Amador Ave. _____

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

Miles 27.27 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).

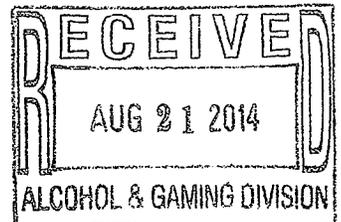
7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

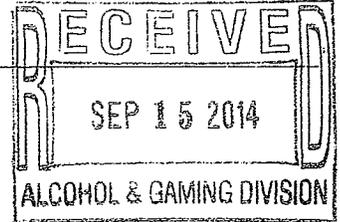
*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge _____ Restaurant Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____

Return this form to the Alcohol and Gaming Division, PO Box 25101, Santa Fe, New Mexico 87505-5101.





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. 925068

TRANSFER OF OWNERSHIP & LOCATION
 TRANSFER OF OWNERSHIP ONLY

TRANSFER OF LOCATION ONLY
 NEW LICENSE

TRANSFERRED FROM: _____

CURRENT LOCATION: _____

TRANSFERRED TO:/APPLICANT: _____

PROPOSED LOCATION: 2001 EAST LOHMAN, SUITE 111, LAS CRUCES, NM 88001

PROPOSED BUSINESS NAME NY PIZZA SLICE HOUSE

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 4 months drive
NAME OF CHURCH IS: St. Patrick's Anglican Church
4. DISTANCE FROM NEAREST SCHOOL IS: Approx 2 months drive
NAME OF SCHOOL IS: Hermosa Heights Elem 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: 09/05/2014 EXPIRATION DATE: 09/25/2014 (initial 12)

[Signature] APPLICANT'S SIGNATURE [Signature] S.I.D. SPECIAL AGENT SIGNATURE
PRINTED Brittany Baldasin PRINTED Douglas Slavens



STATEMENT OF ZONING

The property located at 2001 E. Lohman Ste. 111 Avenue, in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-18634 is zoned as follows:

C-3 (Commercial High Intensity)

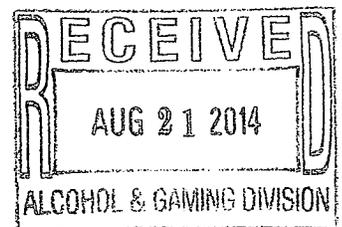
Comments: The C-3 district facilitates and encourages development of those uses which provide retail, service, and wholesale activities within the City and a regional market and whose use generally serves a population of over 15,000. A restaurant with a beer and wine dispenser's license is a permitted 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.

April 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.





AD FORM
LAS CRUCES BULLETIN
LEGAL CLASSIFIED

City contact: Monica Campbell, 541-2128

Account No. 977669 (Bill to City Clerk, PO Box 20000, Las Cruces, NM 88004)

Dates to Publish: November 7 and 14, 2014

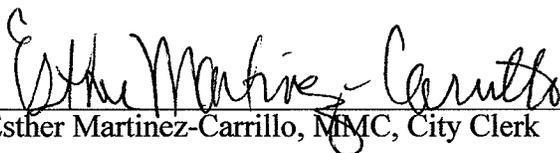
Copy to publish:

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 the issuance of a Restaurant (Beer & Wine) Liquor License with patio service for on and off premise consumption to NY Pizza Slice House, LLC d/b/a NY Pizza Slice House, located at 2001 East Lohman, Suite 111, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council on Monday, December 1, 2014, beginning at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the Alcohol and Gaming Division of 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 28th day of October 2014.



Esther Martinez-Carrillo, MMC, 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: November 9 and 16, 2014

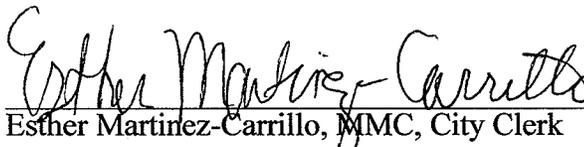
Copy to publish:

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The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council on Monday, December 1, 2014, beginning at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the Alcohol and Gaming Division of 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 28th day of October 2014.



Esther Martinez-Carrillo, MMC, City Clerk



INTER-DEPARTMENTAL MEMORANDUM

TO: Harry "Pete" Connelly, City Attorney

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

DATE: November 13, 2014

SUBJECT: **Traffic Investigation Report – Restaurant Liquor License Application
2001 East Lohman Avenue Suite 111 – NY Pizza Slice House**

As requested, Traffic Engineering has completed a traffic investigation for NY Pizza Slice House located at 2001 East Lohman Avenue Suite 111 in Las Cruces, New Mexico. The following information is submitted for review:

- NY Pizza Slice House is located within Arroyo Plaza along Lohman Avenue. According to the Mesilla Valley MPO 2013 Traffic Flow Map the traffic volume on Lohman Avenue near this location is approximately 24,900 vehicles per day.
- The Mesilla Valley MPO classifies Lohman Avenue as a principal arterial roadway near the subject location. This roadway primarily serves commercial uses near the property.
- The subject property contains four driveways along Lohman Avenue. No sight distance or operational issues are currently known at these driveways.
- The speed limit along Lohman Avenue near the subject property is 35 mph.

The approval of a Restaurant Liquor License Application at this location does not appear to adversely impact traffic operations along this roadway segment. Feel free to contact me if additional information is needed.

City of Las Cruces
Community Development Department

LIQUOR LICENSE IMPACT REPORT
Restaurant Liquor License Application No. 925068
(Beer and Wine Only)

2001 E. Lohman Ave. Ste. 111
NY Pizza Slice House

October 28, 2014

LIQUOR LICENSE IMPACT REPORT
Restaurant Liquor License
NY Pizza Slice House
2001 E. Lohman Ave. Ste. 111

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: 2001 E. Lohman Ave. Ste. 111
 Applicant: NY Pizza Slice House, LLC
 Business Name: NY Pizza Slice House

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 | R-1a/M-2 | Residential/ Industrial |
| South | C-3 | Commercial |
| West | C-2 | Commercial |
| East | 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: Lohman Avenue
 Classification: Principal Arterial
 Number of Lanes: 7
 Site Access: 3
 Nearest Intersections: Lohman Ave. & Walnut Dr.

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires restaurants located within a shopping center/ business service center to provide one (1) automobile parking space for every 250-350 square feet of gross floor area 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 subject property is located on Lohman Avenue, a designated principal arterial roadway, which is designed to accommodate heavy traffic and land uses such as restaurants. The subject property is zoned C-3 (Commercial High Intensity) which permits this use and uses related to it. 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 2001 E. Lohman Ste. 111 Avenue, in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-18634 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.

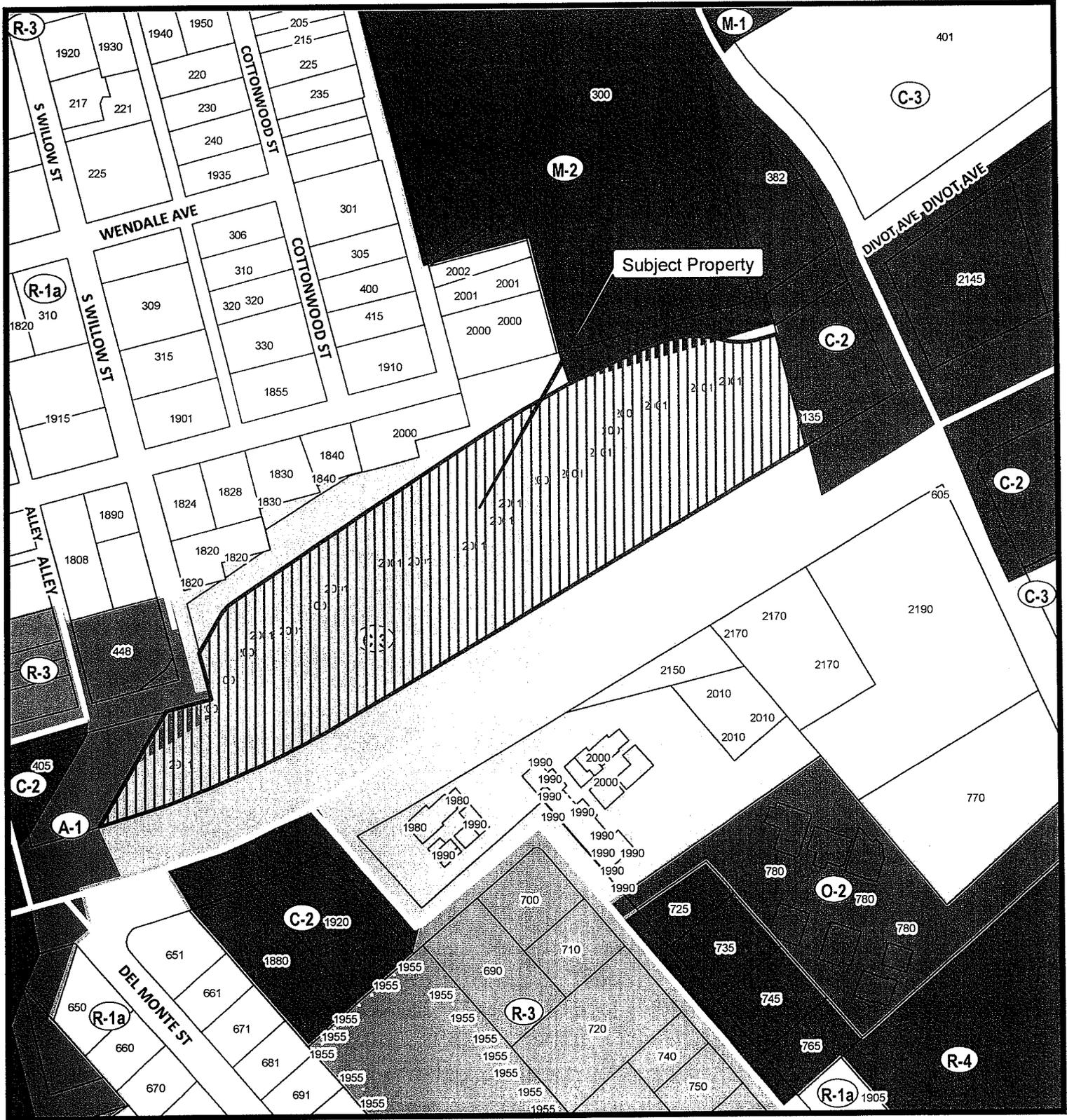
October 28, 2014
Date



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.

Zone Map



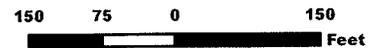
This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.



Legend

- County Parcel
- Interstates_Highway
- Railroad
- Rio Grande

2001 E. LOHMAN AVE.
ZONING C-3



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

BUSINESS REGISTRATION REPORT – NY PIZZA SLICE HOUSE

From: Sara Gonzales
Subject: RE: Liquor license report requests x 4

NY Pizza Slice House located at 2001 E Lohman Unit 111 has a current business registration through December 31, 2014.

From: Monica Campbell
Sent: Tuesday, October 28, 2014 9:15 AM
To: Lorenzo Vigil; Permitting Development Technicians
Cc: Robert Kyle
Subject: Liquor license report requests x 4

Attached are Alcohol & Gaming's letters and applications for:

1. A Bite of Belgium (Restaurant (Beer & Wine)), 741 N. Alameda, Suites 15&16;
2. Bosque Brewing Co. (Small Brewer Off-Site), 901 E. University, Bldg. 985, Suite 1B;
3. Cattle Baron (Transfer of Ownership), 790 S. Telshor; and
4. NY Pizza Slice House (Restaurant (Beer & Wine)), 2001 E. Lohman, Suite 111.

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

The reports are due to the City Attorney on or before **November 13, 2014** in order to meet required time limits and other deadlines imposed by law. All four applications will be submitted for the December 1, 2014 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: 11/14/2014
To: Pete Connelly, City Attorney
From: Jaime Montoya, Chief of Police
Subject: NY Pizza Slice House, L.L.C.

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for NY Pizza Slice House located at 2001 East Lohman, Suite 111 Las Cruces, NM 88001.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for NY Pizza Slice House be approved.

Jaime Montoya

A handwritten signature in black ink, appearing to be "J. Montoya".

Chief of Police

FIRE SAFETY COMPLIANCE REPORT – NY PIZZA SLICE HOUSE

From: Michael Danner
Subject: RE: Liquor license report requests x 4

NY Pizza Slice House is in compliance with the 2009 International Fire Code and is approved from LCFD.

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

From: Monica Campbell
Sent: Tuesday, October 28, 2014 9:15 AM
To: Travis Brown; Ted Sweetser; Michael Danner
Cc: Mary Helen Sarabia
Subject: Liquor license report requests x 4

Attached are Alcohol & Gaming's letters and applications for:

1. A Bite of Belgium (Restaurant (Beer & Wine)), 741 N. Alameda, Suites 15&16;
2. Bosque Brewing Co. (Small Brewer Off-Site), 901 E. University, Bldg. 985, Suite 1B;
3. Cattle Baron (Transfer of Ownership), 790 S. Telshor; and
4. NY Pizza Slice House (Restaurant (Beer & Wine)), 2001 E. Lohman, Suite 111.

Please review the attachments and prepare fire and safety compliance reports for each application.

The reports are due to the City Attorney on or before **November 13, 2014** in order to meet required time limits and other deadlines imposed by law. All four applications will be submitted for the December 1, 2014 City Council meeting.

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