



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 11

Ordinance/Resolution# 16-211

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of May 2, 2016
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

LEGISLATIVE

ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE TRANSFER OF LOCATION OF RETAILER LIQUOR LICENSE NO. 4034 TO WESTERN REFINING RETAIL, LLC D/B/A GIANT STORE #336, LOCATED AT 1998 BATAAN MEMORIAL EAST, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve or disapprove a liquor license transfer.

COUNCIL DISTRICT: 6		
<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 state law, an application for the transfer of 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.

Western Refining Retail, LLC d/b/a Giant Store #336 applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a transfer of location of Retailer Liquor License No. 4034 to 1998 Bataan Memorial East, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval by letter dated March 18, 2016.

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, May 2, 2016, 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 3 and 10, 2016, and in the *Las Cruces Bulletin* on April 1 and 8, 2016.

(Continue on additional sheets as required)

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

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Letter from Alcohol and Gaming with 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 from Building & Development Services.
7. Attachment "5", Business Registration Report from Building & 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"/>	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	<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 \$600.00 for FY16.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve of and consent to the transfer of location of Retailer Liquor License No. 4034 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



3

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of May 2, 2016
(Adoption Date)

TITLE:

A RESOLUTION APPROVING THE TRANSFER OF LOCATION OF RETAILER LIQUOR LICENSE NO. 4034 TO WESTERN REFINING RETAIL, LLC D/B/A GIANT STORE #336, LOCATED AT 1998 BATAAN MEMORIAL EAST, LAS CRUCES, NEW MEXICO.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Alicia Campbell</i>	541-2128	4/4/2016
Department Director	<i>WRB</i>	541-2128	5 April 2016
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>Alan Williams</i>	541-2100 541-2107	4-7-2016 4-6-2016
Assistant City Manager/COO	<i>DJ De</i>	541-2271	4-7-16
City Attorney	<i>WRB</i>	541-2128	5 April 2016
City Clerk	<i>Diana Davis</i>	541-2115	4-15-16

RESOLUTION NO. 16-211

A RESOLUTION APPROVING THE TRANSFER OF LOCATION OF RETAILER LIQUOR LICENSE NO. 4034 TO WESTERN REFINING RETAIL, LLC D/B/A GIANT STORE #336, LOCATED AT 1998 BATAAN MEMORIAL EAST, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, Western Refining Retail, LLC d/b/a Giant Store #336 applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a transfer of location of Retailer Liquor License No. 4034 to 1998 Bataan Memorial East; 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 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 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 location 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 of Retailer Liquor License No. 4034 to 1998 Bataan Memorial East, Las Cruces, New Mexico, as shown on Exhibit "A" attached hereto and made a part of this Resolution, is hereby approved.

(II)

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 _____, 20____.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Gandara: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Eakman: _____

Councillor Sorg: _____

Councillor Levatino: _____

APPROVED AS TO FORM:



City Attorney



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

P.O. Box 25101 ▪ Santa Fe, New Mexico 87504-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/alcoholandgaming

March 18, 2016

Certified Mail No.: 9171 9690 0935 0079 1752 48

City of Las Cruces
Linda Lewis, Clerk
PO Box 20000
Las Cruces, NM 88004-9002

Re: Lic. No. /Appl. No.: License No. 4034 / Application No. 989086
Name of Applicant: Western Refining Retail, LLC
Doing Business As: Giant Store #336
Proposed Location: 1998 Bataan Memorial, Las Cruces, NM 88011

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

Greetings:

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

While the law states that “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”, we recognize the inherent conflict between the new 30 day notice and the existing 45 day hearing requirement. Extensions to the 45-day hearing requirement will be granted when necessary to allow for compliance with the 30 day notice. 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 twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur 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 & 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 SEEKING A TRANSFER OF LOCATION FOR RETAILER LICENSE NO. 4034, WITH PACKAGE SALES FOR OFF PREMISES CONSUMPTION.

- Susana Martinez
Governor
- Robert “Mike” Unthank
Superintendent
- David Jablonski
Deputy Superintendent
- Diana A. Martwick
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.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). **If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may give Final Approval to the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Beverly Kennedy, Hearing Officer
 NM Regulation & Licensing Dept. | Alcohol & Gaming Division
 Phone: (505) 476-4548 Fax: (505) 476-4595
 Email: beverly.kennedy@state.nm.us

Enclosures:

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

xc by email: Applicant



1/22/16 Beverly D

LIQUOR LICENSE APPLICATION

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

RECEIVED

JAN 21 2016

1/22/16
ENTERED
2:50
1795916

State Liquor License # 4034

Application Number 989086

Local option (AGD use) _____

Record Owner of Existing License: Western Refining Retail, LLC

Current D/B/A Name: Giant Store # 706

Current Premises Address: 1241 W. Highway 170, La Plata, NM

ALCOHOL & GAMING DIVISION

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

Issue New License _____ Type of License being applied for Retailer Partnership (General or Limited) _____ Limited Liability Company

NAME OF APPLICANT (company or individual) Western Refining Retail, LLC ADDRESS (including city, state, zip) 1025 W. Washington, Suite 101, Tempe, AZ 85281 TELEPHONE NUMBER (602)286-1921

Also Notice: Jerry A. Hamm, Liquor License Brokerage & Consulting, 3301-R Coors Rd NW # 127, Albuquerque, NM 87120 (505)342-0523 or jhammlbc@aol.com

D/B/A name to be used: Giant Store # 336 Phone number for licensed premises: (575)522-5140 (Exhibit A - Tax Registration Certificate)

Physical location where license is to be used: 1998 Bataan Memorial, Las Cruces, NM 88011 (Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 1250 W. Washington, Suite 101, Tempe, AZ 85281

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

I, (print name) Robert C. Sprouse, as (title) Vice President Retail 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 just sign and date this form in the presence of a notary public.

Signature of Applicant Robert C. Sprouse Date 1-11-16

SUBSCRIBED AND SWORN TO before me this 11th day of January 2016 Notary Public Use Only
Notary Public Robert C. Sprouse My Commission Expires 06/10/2018

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

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

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____





PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
SS-60-6B-10

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

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) X _____ Other (provide details) _____
(Exhibit B – Master Lease) ✓ (Exhibit C – Assignment and Assumption Agreement) ✓

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

A. Owner(s): JTC Stores, LLC

B. Date and term of lease: August 30, 2011 20 year term + 2-5 year renewal option periods

3. Premises location is zoned (example C-1) C-2 Commercial Medium Intensity (Exhibit D – Zoning Statement) ✓
If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

(Exhibit E – Area Map) ✓
4. Distance from nearest church *(Property line of church to licensed premises—shortest distance).

Miles/feet Approx. 1,200 ft Name of church Church of JC 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 Approx. 3,500 ft. Name of school Jornada Elementary Address/location of school 3400 Elis Drive, Las Cruces, NM

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

Miles Approx 40 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.

(Exhibit F – Floor Plan)

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

8. Type of Operation:

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

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

COPY

RECEIVED
JAN 21 2016
ALCOHOL & GAMING DIVISION

EXHIBIT D



STATEMENT OF ZONING

The property located at 1998 Bataan Memorial E., and having a Map Code Number or Parcel ID Number of 02-21184, in Las Cruces, New Mexico, is zoned as follows:

C-2 (Commercial Medium Intensity)

Comments: The C-2 district facilitates and encourages development of those uses which provide retail and service activities as a convenience to adjacent neighborhoods and whose use generally serves a population of 5,000 to 30,000. 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.

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.

December 21, 2015
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.

PLANNING & GAMING DIVISION

JAN 21 2016

RECEIVED

COPY



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 1 and 8, 2016

Copy to publish:

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of a transfer of location of Liquor License No. 4034 to Western Refining Retail, LLC d/b/a Giant Store #336, to be located at 1998 Bataan Memorial E., Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the City Council to be held on Monday, May 2, 2016, 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 29 day of March 2016.


Linda Lewis, CMC, City Clerk



AD FORM
LAS CRUCES SUN NEWS
LEGAL CLASSIFIED

City contact: Monica Campbell; 541-2014 / 541-2128

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

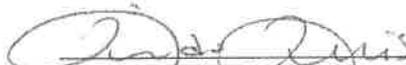
Dates to Publish: April 3 and 10, 2016

Copy to publish:

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of a transfer of location of Liquor License No. 4034 to Western Refining Retail, LLC d/b/a Giant Store #336, to be located at 1998 Bataan Memorial, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the City Council to be held on Monday, May 2, 2016, 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 21 day of March 2016.


Linda Lewis, CMC, City Clerk



City of Las Cruces®
PEOPLE HELPING PEOPLE

INTER-DEPARTMENTAL MEMORANDUM

TO: William "Rusty" Babington, City Attorney

FROM: SooGyu Lee, P.E., Traffic Operations Engineer 

DATE: March 31, 2016

SUBJECT: **Traffic Investigation Report – Liquor License Application
1998 Bataan Memorial East – Western Refining Retail "Giant Store"**

As requested, Traffic Engineering has completed a traffic investigation for Western Refining Retail "Giant Store" located at 1998 Bataan Memorial East in Las Cruces, New Mexico. The following information is submitted for review:

- Giant Store is located in a commercial complex at the southwest corner of Bataan Memorial East and North Telshor Blvd. According to the Mesilla Valley MPO 2015 Traffic Flow Map the most recent traffic volume on North Telshor Blvd. near this location is approximately 12,320 vehicles per day. The traffic volume on Bataan Memorial East near this location is approximately 8,190 vehicles per day.
- The Mesilla Valley MPO classifies both North Telshor Blvd. and Bataan Memorial East as minor arterial roadways adjacent to the subject location. All roadways primarily serve commercial use near the property.
- The subject property can be accessed through K-Mart parking facilities along Bataan Memorial East and has one driveway along Bataan Memorial East and one driveway along North Telshor Blvd. Both driveways are located in close proximity to the signalized intersection and therefore may experience operational issues for certain turn movements. 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. Feel free to contact me if additional information is needed.

City of Las Cruces
Community Development Department

LIQUOR LICENSE IMPACT REPORT

Transfer of Location for Liquor License No. 4034
Application No.856716

1998 Bataan Memorial East
Western Refining Retail, LLC

March 30, 2016

LIQUOR LICENSE IMPACT REPORT
Transfer of Location

Western Refining Retail, LLC
1998 Bataan Memorial East

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: 1998 Bataan Memorial East
 Applicant: Western Refining Retail, LLC
 Business Name: Giant Store #336

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: C-2 (Commercial Medium 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
West	C-2	Commercial
East	PUD	Commercial

DISTANCE REQUIREMENTS:

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

TRAFFIC COUNT AND ACCESS INFORMATION:

Roadway: Bataan Memorial East
 Classification: Minor Arterial
 Number of Lanes: 2
 Site Access: 2
 Nearest Intersections: Bataan Memorial East & Del Rey Blvd.

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires one (1) automobile space for every 200-300 sq. ft. of Gross Floor Area (GFA) and one (1) bicycle parking space for every 2,000 sq. ft. of GFA for a gas station with a convenience store in the C-2 zoning district.

IMPACT ANALYSIS:

The site of the Giant Store #336 is located along a minor arterial roadway. Valley Drive is designed to accommodate moderate to heavy traffic and land uses such as gas stations with convenience stores. The subject property is located in the C-2 zoning district where a gas station with a convenience store is a permitted use. The applicant is requesting a transfer of location of a liquor license. In terms of a transportation and land use perspective, this seems an appropriate location and request.



STATEMENT OF ZONING

The property located at 1998 Bataan Memorial E., and having a Map Code Number or Parcel ID Number of 02-21184, in Las Cruces, New Mexico, is zoned as follows:

C-2 (Commercial Medium Intensity)

Comments: The C-2 district facilitates and encourages development of those uses which provide retail and service activities as a convenience to adjacent neighborhoods and whose use generally serves a population of 5,000 to 30,000. 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.

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.

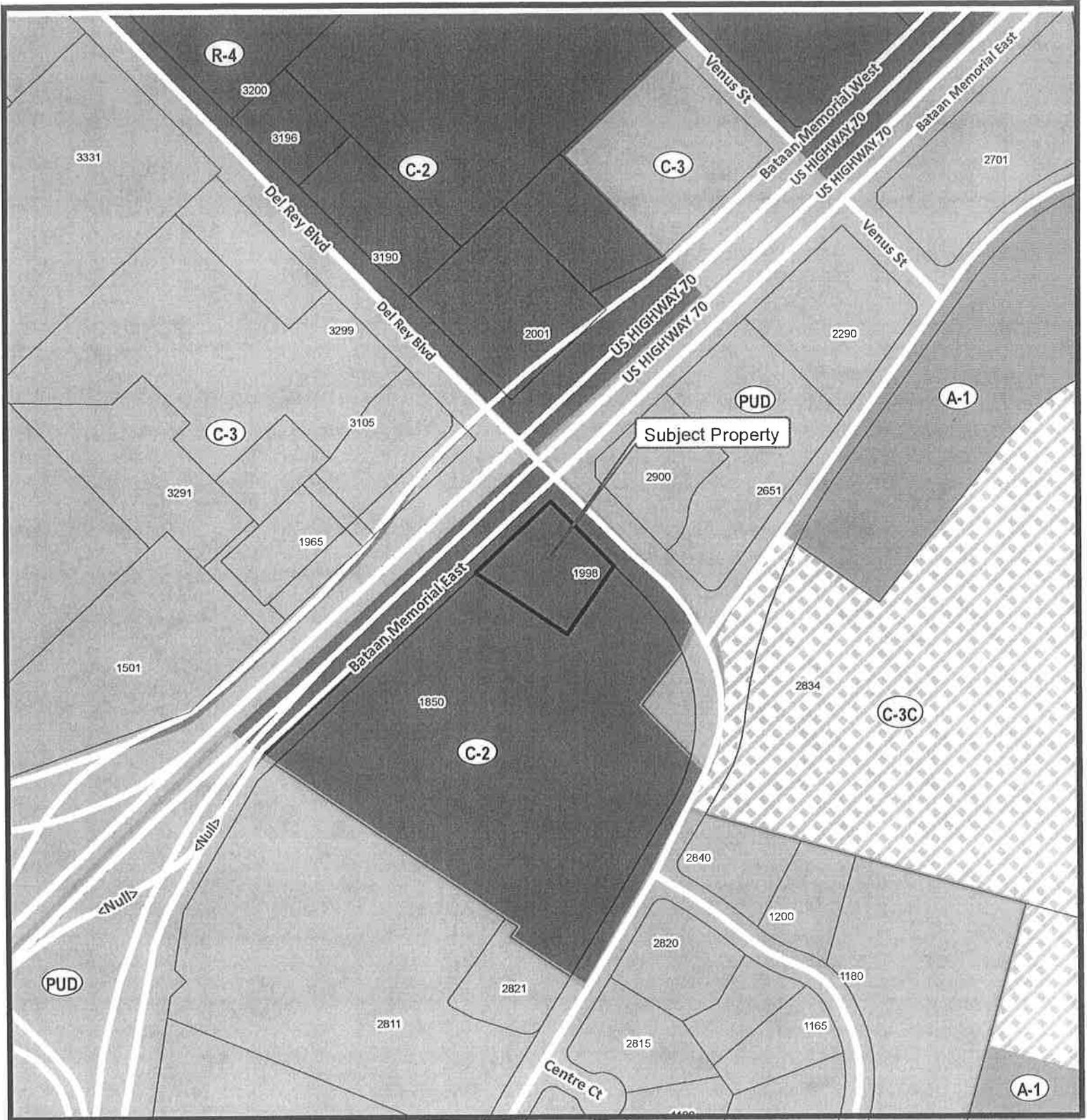
March 30, 2016
Date



Lorenzo Vigil
Planning Technician Senior

Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.

Zoning / Neighnity 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

1998 BATAAN MEMORIAL EAST

ZONING C-2

DISTANCE TO THE NEAREST SCHOOL: 3500 FEET

DISTANCE TO THE NEAREST CHURCH: 1200 FEET



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

BUSINESS REGISTRATION REPORT – WESTERN REFINING, GIANT STORE #336

From: Sara Gonzales
Subject: liquor license report request, Giant #336

Giant Store #336 at location 1998 Bataan Memorial E. has a current business registration through September 30, 2016.

From: Monica Campbell
Sent: Tuesday, March 29, 2016 2:25 PM

Attached are two preliminary approval letters from Alcohol and Gaming:

1. Giant Store #336, 1998 Bataan Memorial E., Las Cruces. Transfer of location of liquor license.
2. NY Pizza Slice House, 1001 E. University, Suite D2, Las Cruces. Restaurant beer and wine license.

Please review the attachments and prepare reports for 1) zoning and 2) business registrations for each location.

The reports are due to the City Attorney on or before **April 1, 2016** in order to meet required time limits and other deadlines imposed by law. The items will be submitted for the May 2, 2016 City Council meeting.

If the reports cannot be ready by Friday, let me know when you expect them to be completed. Thank you.



**LAS CRUCES POLICE DEPARTMENT
MEMORANDUM**



Date: April 1, 2016
To: Rusty Babington, City Attorney
From: Jaime Montoya, Chief of Police
Subject: Giant Store #336

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Giant Store #336 located at 1998 Bataan Memorial, Las Cruces, NM 88011.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for Giant Store #336 be approved.

A handwritten signature in black ink, appearing to read 'J. Montoya'.

Jaime Montoya
Chief of Police

FIRE SAFETY COMPLIANCE REPORT – WESTERN REFINING, GIANT STORE #336**From:** Chris Mount**Subject:** RE: 2 liquor license report requests - Giant #336, NY Pizza

Approved by Las Cruces Fire Department. Giant Store #336 is in compliance.

From: Monica Campbell**Sent:** Tuesday, March 29, 2016 2:26 PM**To:** Travis Brown <tbrown@las-cruces.org>; Ted Sweetser <TSweetser@las-cruces.org>; Chris Mount <cmount@las-cruces.org>**Cc:** Mary Helen Sarabia <MaryS@las-cruces.org>**Subject:** 2 liquor license report requests - Giant #336, NY Pizza

Attached are two preliminary approval letters from Alcohol and Gaming:

1. Giant Store #336, 1998 Bataan Memorial E., Las Cruces. Transfer of location of liquor license.
2. NY Pizza Slice House, 1001 E. University, Suite D2, Las Cruces. Restaurant beer and wine license.

Please review the attachments and prepare a safety compliance report for each location.

The reports are due to the City Attorney on or before **April 1, 2016** in order to meet required time limits and other deadlines imposed by law. The items will be submitted for the May 2, 2016 City Council meeting.

If the reports cannot be ready by Friday, let me know when you expect them to be completed. Thank you.

Monica Campbell

Office Manager Senior/City Attorney's Office/Legal Department

Direct: 575-541-2014 Main: 575-541-2128, mcampbell@las-cruces.org