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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8 Resolution #10- 129 Council District:

For Meeting of November 2, 2009
 (Adoption Date)

A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO JOSEPH J. MATHIEU D/B/A DICKEY'S BARBECUE PIT, LOCATED AT 1660 SOUTH VALLEY DRIVE, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION: To approve, disapprove, or not approve or disapprove the issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to Dickey's Barbecue Pit.

Name of Drafter: Monica Campbell <i>mc</i>		Department: Legal		Phone: 541-2128	
Department	Signature	Phone	Department	Signature	Phone
Originating Department		541-2128	Budget	<i>Richard M. ...</i>	541-2107
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: Pursuant to state law, the application for the issuance of a Restaurant Liquor License must be accompanied by a resolution of the City Council approving of and consenting to the issuance after a public hearing.

Joseph J. Mathieu d/b/a Dickey's Barbecue Pit applied to the Alcohol & Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) at 1660 South Valley Drive, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on September 18, 2009.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled for Monday, November 2, 2009, beginning at 1:00 p.m., in the City Council Chambers, City Hall, 200 North Church Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Sun-News* on October 18 and 25, 2009, and in the *Las Cruces Bulletin* on October 23 and 30, 2009.

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.

(Continue on additional sheets as required)

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:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Resolution with Alcohol and Gaming's preliminary approval with the application attached as Exhibit "A".
2. Notices of Intent to Adopt, Attachments "1" and "2".
3. Traffic Impact Report from the Traffic Engineering Section, Attachment "3".
4. Liquor License Impact Report (zoning) from the Community Development Department, Attachment "4".
5. Liquor License Impact Report (registration and permits) from the Economic Development Department, Attachment "5".
6. Criminal Activity Report from the Las Cruces Police Department, Attachment "6".
7. Fire and Safety Compliance Report from the Las Cruces Fire Department, Attachment "7".

OPTIONS / ALTERNATIVES:

1. Approve the resolution and consent to the issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to Joseph J. Mathieu d/b/a Dickey's Barbecue Pit. Approval will allow Alcohol and Gaming to continue with its application process.
2. Disapprove the resolution. Council's disapproval must be based on substantial evidence that the issuance of the Restaurant Liquor License would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.
3. Not approve or disapprove the Resolution. If the Council fails to either approve or disapprove the issuance of the Restaurant Liquor License, the Director of Alcohol and Gaming may give final approval to said issuance.

(Continue on additional sheets as required)

RESOLUTION NO. 10- 129

A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO JOSEPH J. MATHIEU D/B/A DICKEY'S BARBECUE PIT, LOCATED AT 1660 SOUTH VALLEY DRIVE, LAS CRUCES, NEW MEXICO.

The City Council of the City of Las Cruces is informed that:

WHEREAS, Joseph J. Mathieu d/b/a Dickey's Barbecue Pit applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) at 1660 South Valley Drive, Las Cruces, New Mexico; and

WHEREAS, on September 18, 2009 Alcohol and Gaming granted preliminary approval for the issuance of the liquor license, as evidenced by their letter with the application attached; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS CRUCES:

(I)

THAT the issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to Joseph J. Mathieu d/b/a Dickey's Barbecue Pit, located at 1660 South Valley Drive, Las Cruces, New Mexico, 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 authorized to do all deeds necessary to accomplish the intent of this Resolution.

DONE AND APPROVED on this 2 day of November 2009.

Mayor

ATTEST:

City Clerk

{SEAL}

Moved by: _____

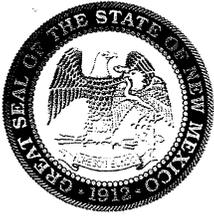
Seconded by: _____

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Archuleta:	_____
Councillor Small:	_____
Councillor Jones:	_____
Councillor Thomas:	_____

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
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/agd

Bill Richardson
GOVERNOR

September 18, 2009

Kelly O'Donnell, Ph.D.
SUPERINTENDENT

Certified Mail No.: 7006 3450 0001 4339 5709

Julie Ann Meade
DEPUTY
SUPERINTENDENT

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

Randall Cherry
CHIEF GENERAL
COUNSEL

Re: License / App. No.: Application #A-608541
Applicant Name: Joseph J. Mathieu
Doing Business As: Dickey's Barbecue Pit
Proposed Location: 1660 S. Valley Drive, Las Cruces, NM 88005

Gary J. Tomada
DIRECTOR

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 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 LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY).

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

EXHIBIT A

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

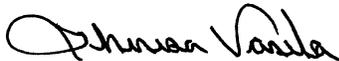
Administrative Services Division
(505) 476-4800

- proposed licensed premises⁷⁵).
- 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 of 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 page noting disapproval).

Sincerely,



Theresa Varela
Administrative Law Judge

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.**
4. **Copy of Floor Plan (no outdoor patios).**
5. **Copy of No Objection Letter from Heart for the World Church.**
6. **Copy of certified Surveyor's Certificate Plat.**

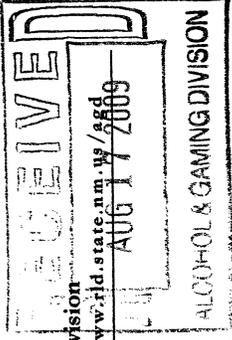


New Mexico Regulation and Licensing Department - Alcohol and Gaming Division
P.O. Box 25101 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd

9-8-5-09

LIQUOR LICENSE APPLICATION

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



State Liquor License # _____
Application Number 608547
Local option (AGD use) Las Cruces

Record Owner of Existing License _____
Current D/B/A Name _____
Current Premises Address _____
Transfer Ownership of Existing License _____
Transfer Ownership and Location _____
Transfer Location _____
Other _____

Application is for: Change of Stock Issue New License Type of License being applied for Beer & Wine
Partnership (General or Limited) _____
Limited Liability Company _____
Applicant is: Individual Corporation _____

NAME OF APPLICANT (company or individual) Joseph J. Mathieu
ADDRESS (including city, state, zip) 5300 Remington Road Las Cruces, NM 88011
TELEPHONE NUMBER 575-642-3375

D/B/A name to be used: Dickey's Barbecue Pit
Physical location where license is to be used: 1660 So. Valley Drive Las Cruces NM 88005
Mailing address: 5300 Remington Road Las Cruces, NM 88011
Phone number for licensed premises: 575-642-3375

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

I, (print name) Joseph J. Mathieu, 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 _____

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

Signature of Applicant Joseph J. Mathieu Date 7-20-09 Joseph J. Mathieu
Notary Public Use Only _____

SUBSCRIBED AND SWORN TO before me this 20th day of July, 2009 by Dustin Rose
Notary Public Dustin Rose My Commission Expires 08/26/12
OFFICIAL SEAL: DUSTIN ROSE, NOTARY PUBLIC, STATE OF NEW MEXICO, Com. Expires 08/26/12

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



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/agd

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) _____

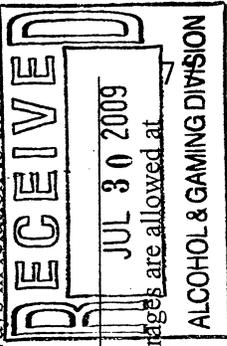
2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) _____

B. Date and term of lease _____

Attach a hand drawn map, zoning map, or other map showing the location of the proposed premises and the main adjacent streets, roads or highways in relation to the closest church and school properties. This map should be drawn on a sheet of paper no larger than 8 1/2 x 11 inches.

3. Premises location is zoned (example C-1) C-2 (Commercial Medium Intensity) TV 08-11-09



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).
1.5 miles North, per Posting. First Assembly of God Church per Posting. Address unavailable, per Posting. TV 08-31-09
Miles/feet 439 Name of church Heart for the World Church Address/location of church 1605 So. Valley Dr.

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).
1.1 miles North, per Posting. Las Cruces High School, per Posting. Address unavailable, per Posting. TV 08-31-09
Miles/feet 1.5 miles Name of school Zia Middle School Address/location of school 1300 W. University Ave.

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

Miles 45 Name of Military Installation, circle one: White Sands Missile Range (Las Cruces).
Holloman Air Force Base (Albuquerque), 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) _____

**City of Las Cruces**®**STATEMENT OF ZONING**

The property located at 1660 S. Valley Drive, and having a Map Code Number or Parcel ID Number of 02-29440, in Las Cruces, New Mexico, is zoned as follows:

C-2 (Commercial Medium Intensity)

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.

July 21, 2009

Date

A handwritten signature in cursive script, appearing to read "Adam Ochoa", written over a horizontal line.

Adam Ochoa
Associate Planner

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. A restaurant with a beer and wine dispenser's licenses 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 of the 2001 Las Cruces Zoning Code as amended).

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.



Heart for the World Church

a neighborhood church on a worldwide mission

Dale Walker, Senior Pastor

1605 S Valley Drive
Las Cruces, NM 88005

575-523-1113

<http://www.hftwchurch.org>

July 22, 2009

Jim Mathieu
Dickie's BBQ

To Whom It May Concern:

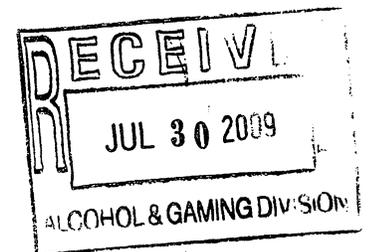
Please accept this letter as a confirmation that our organization, Heart for the World Church, located at 1605 S. Valley Dr., across from the proposed sight of the new Dickie's BBQ, has been contacted and informed by Jr. Jim Mathieu that this restaurant has applied to sell beer and wine to its patrons.

Our organization would like to express that we do not have any objections to this application. If we can be of further assistance, feel free to contact our office at 523.1113.

Sincerely,



Johnny Terrazas
Executive Pastor
HFTW Church



81
DISTANCE SURVEY

SURVEY DEPICTING THE DISTANCE BETWEEN A
NEW BUSINESS ESTABLISHMENT AND THE
EXISTING FIRST ASSEMBLY OF GOD CHURCH

JANUARY 10, 2005

now called:
Heart for the
World Church

FIRST ASSEMBLY OF GOD CHURCH
1605 S. VALLEY DRIVE



1" = 60'
0 10 60 120
Scale in Feet

DISTANCE TO CHURCH PROPERTY = 433.7'

DISTANCE TO CLOSEST
CHURCH ENTRANCE = 493.4'

VESTA MOTORS

MULE BARN

AIR COOLED ENGINES

RECEIVED
JUL 30 2009
ALCOHOL & GAMING DIVISION

TERENCE G. SCANLON
NEW MEXICO
0436
NEW MEXICO PROFESSIONAL SURVEYORS

01/11/05

NEW EATING
ESTABLISHMENT



scanlon white
inc.

540 North Water Street
Las Cruces, New Mexico 86001
Phone: (505) 525-2112
Fax: (505) 525-1226



AD FORM

LAS CRUCES BULLETIN	
CLASSIFIED LEGAL AD	
DATE TO PUBLISH: 10/23/09 & 10/30/09	
CITY CONTACT & PHONE NUMBER: MONICA CAMPBELL 541-2128 FAX: 541-2017	BILL TO: CITY CLERK P O Box 20000 LAS CRUCES, NM 88004
PROOF OF PUBLICATION REQUIRED.	

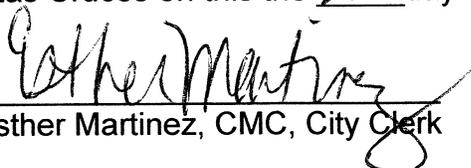
COPY TO PUBLISH:

NOTICE OF INTENT TO ADOPT

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of the **issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to Joseph J. Mathieu d/b/a Dickey's Barbecue Pit, located at 1660 South Valley Drive, Las Cruces, New Mexico.**

The Public Hearing will be held at a meeting of the City Council on Monday, November 2, 2009, at 1:00 p.m. in the City Council Chambers, 200 North Church, City Hall. If passed, the State of New Mexico Regulation & Licensing Department, Alcohol and Gaming Division, may approve the issuance of the Restaurant Liquor License.

Witness my hand and seal of the City of Las Cruces on this the 20th day of October 2009.



 Esther Martinez, CMC, City Clerk



AD FORM

LAS CRUCES SUN NEWS	
CLASSIFIED LEGAL AD	
DATE TO PUBLISH: 10/18/09 & 10/25/09	Account No. 720680
CITY CONTACT & PHONE NUMBER: MONICA CAMPBELL 541-2128 FAX: 541-2017	BILL TO: CITY CLERK P O BOX 20000 LAS CRUCES, NM 88004
PROOF OF PUBLICATION REQUIRED.	

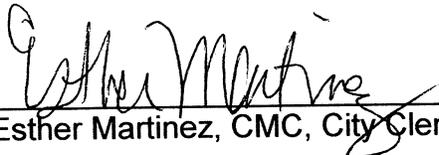
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The Public Hearing will be held at a meeting of the City Council on Monday, November 2, 2009, at 1:00 p.m. in the City Council Chambers, 200 North Church, City Hall. If passed, the State of New Mexico Regulation & Licensing Department, Alcohol and Gaming Division, may approve the issuance of the Restaurant Liquor License.

Witness my hand and seal of the City of Las Cruces on this the 7th day of October 2009.


Esther Martinez, CMC, City Clerk



City of Las Cruces

**INTER-DEPARTMENTAL
MEMORANDUM**

=====

TO: Fermin A. Rubio, City Attorney

FROM: Dan Soriano, Traffic Engineer, Public Works 

SUBJECT: Traffic Investigation Report

DATE: October 9, 2009

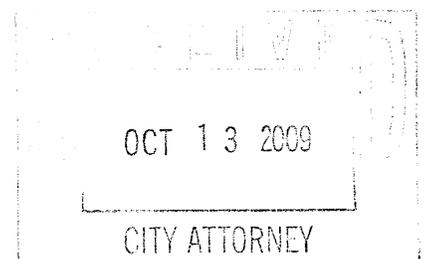
=====

As requested, Traffic Engineering has completed a traffic investigation for Dickey's Barbeque Pit located at 1660 S. Valley Drive, Las Cruces, New Mexico. The following information is submitted for review:

- Valley Drive at this location carries approximately 16,660 vehicles per day.
- Valley Drive is operated as a four lane major arterial roadway used for commercial use.
- Access to the property in question is off of Valley Drive via a service road with no sight distance problems.
- The speed limit on Valley Drive in this area is 40 mph.

The approval of a Liquor License Transfer at this location has not appeared to adversely impact traffic operations in the past along this segment of roadway.

Should any additional information be needed, please contact me.



**City of Las Cruces
Community Development Department**

LIQUOR LICENSE IMPACT REPORT

**Restaurant Liquor License Application No. A-608541
(Beer and Wine Only)**

**Dickey's Barbecue Pit
1660 S. Valley Drive**

October 8, 2009

LIQUOR LICENSE IMPACT REPORT
Restaurant Liquor License (Beer and Wine On-Premise Consumption Only)

Dickey's Barbecue Pit
1660 S. Valley Drive

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: 1660 S. Valley Drive
 Applicant: Joseph J. Mathieu
 Business Name: Dickey's Barbecue Pit

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	M-1/M-2/C-3C	Industrial/Commercial
East	M-1/M-2/C-2	Industrial/Commercial
West	C-3C	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: South Valley Drive
 Classification: Principal Arterial
 Number of Lanes: 4
 Site Access: 2
 Nearest Intersection: S. Valley Dr. & Barker Rd.

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires restaurants to provide one (1) automobile parking space for every 2-5 seats and one (1) bicycle parking space per one thousand (1,000) square feet of gross floor area. As the restaurant is already in existence and there is no change in land use, parking for the business is not an issue. The parking issue may be reinvestigated if any additions or modifications are done to the business.

IMPACT ANALYSIS:

The applicant is requesting a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) for this establishment. The subject property is located on S. Valley Drive which is designated as a principal arterial and is designed to accommodate moderate to heavy traffic and land uses such as restaurants. Zoning for this property is C-2 (Commercial Medium Intensity) which permits this use and uses related to it. 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 1660 S. Valley Drive, and having a Map Code Number or Parcel ID Number of 02-29440, in Las Cruces, New Mexico, is zoned as follows:

C-2 (Commercial Medium Intensity)

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.

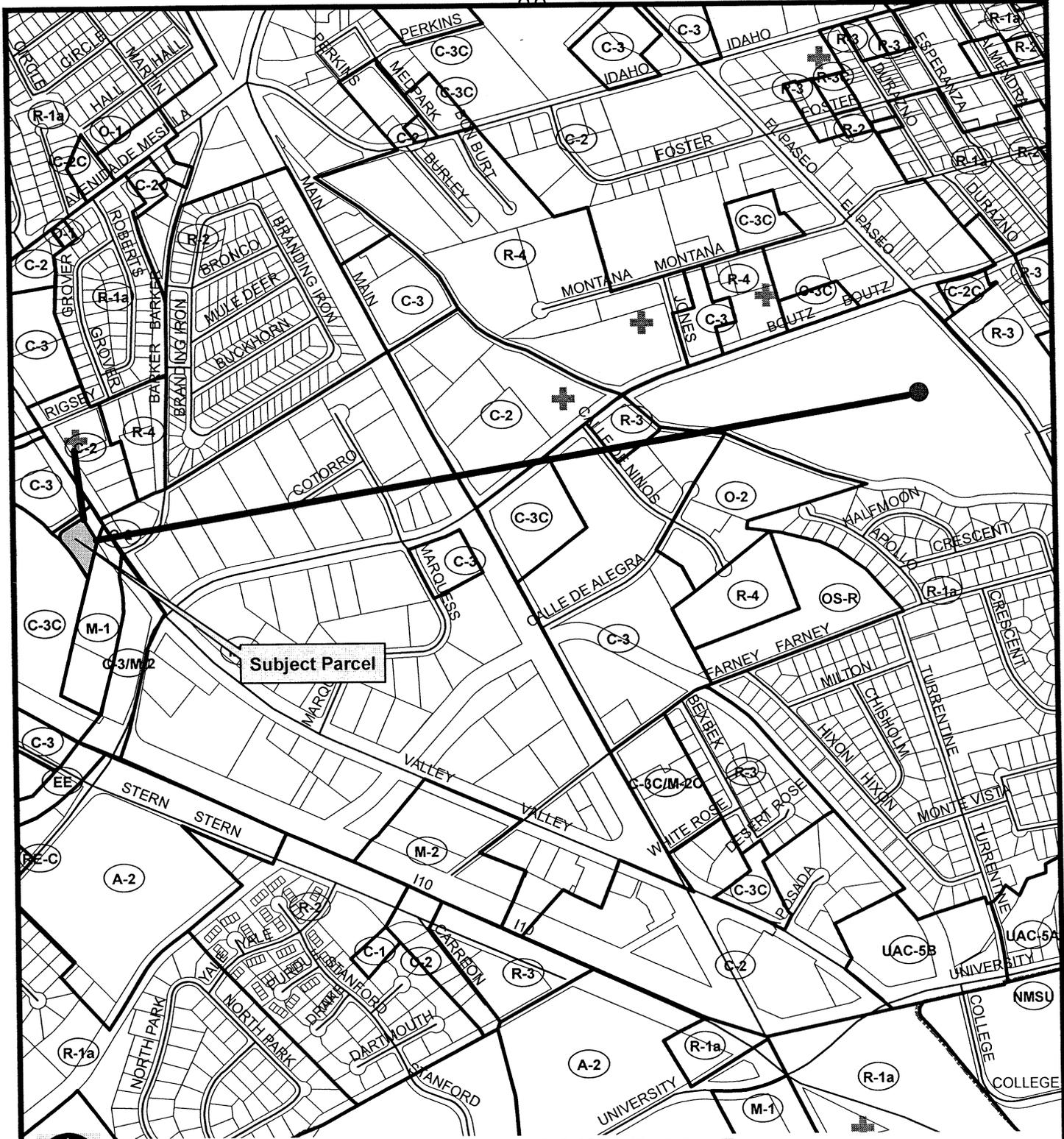
October 8, 2009

Date

Adam Ochoa
Associate Planner

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. A restaurant with a beer and wine dispenser's licenses 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 of the 2001 Las Cruces Zoning Code as amended).

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.



Subject Parcel



1660 S. VALLEY DRIVE
 PARCEL ID#: 02-29440
 ZONING: C-2

DISTANCE TO NEAREST SCHOOL: ~3,375 FT.
 DISTANCE TO NEAREST CHURCH: ~430 FT.

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 Community Development Department at (505) 528-3043.

VICINITY/ZONING MAP

- ZONING
- CHURCH
- SCHOOL



Community Development Department
 575 S Alameda Blvd.
 Las Cruces, NM 88001
 (505) 528-3222

From: Christine Logan
Subject: RE: Review of Liquor License application

The business license for Dickey's Barbecue Pit is up to date.

From: Monica Campbell
Sent: Wednesday, September 30, 2009 10:39 AM
To: Christine Logan
Cc: Vicki Montez
Subject: Review of Liquor License application

Attached is Alcohol & Gaming's letter and application for the issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to Dickey's Barbecue Pit at 1660 S. Valley Drive, Las Cruces.

Please review the application and report on whether this business has obtained a business license and permits, if applicable.

In order to meet the time limits and publication deadlines imposed by law, I would appreciate it if you would submit your report no later than **October 15, 2009**.

Monica Campbell
City Attorney's Office
541-2128

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LAS CRUCES POLICE DEPARTMENT
PO BOX 20000
217 E. Picacho
Las Cruces, New Mexico 88004

DATE: *October 5, 2009*

TO: *Fermin A. Rubio, City Attorney*

From: *Harry Romero, Chief of Police*

Subject: *Dickey's Barbecue Pit*

I have reviewed all available statistical information obtained from the Las Cruces Police Department Crime Analyst in reference to the attached liquor license application for Dickey's Barbecue Pit 1660 S. Valley Drive, Las Cruces, NM 88005.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for Dickey's Barbecue Pit to be approved.



Harry Romero
Chief of Police



Interdepartmental Memorandum

TO: Fermin A. Rubio, City Attorney

FROM: Travis A. Brown, Deputy Chief *TAB*

SUBJECT: Liquor License Review

DATE: October 2, 2009

FILE #:

Our department has reviewed the liquor license application for Joseph J. Mathieu, d/b/a Dickey's Barbeque Pit, located at 1660 S. Valley Drive, Las Cruces, New Mexico 88005.

This location in question is an existing facility that previously served alcoholic beverages. The building was inspected for compliance with the 2006 International Fire Code (IFC) and was found to be in conformance with the requirements for a facility that serves alcoholic beverages.

Please contact me if you have questions or desire additional information.

Attachment 7

