



# City of Santa Fe, New Mexico

# memo

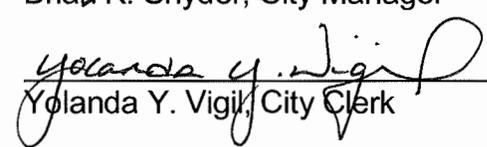
DATE: December 4, 2015

TO: Mayor Gonzales & City Councilors

VIA:

  
\_\_\_\_\_  
Brian K. Snyder, City Manager

FROM:

  
\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

## **ITEM & ISSUE**

Request for a Transfer of Ownership and Location of Retailer License #4022 with Package Sales.

## **BACKGROUND AND SUMMARY**

Wal-Mart Stores East, LP has requested the transfer of ownership and location of Retailer License #4022 from CNG Ranch, LLC, dba Los Altos Ranch Market, 320 Wyatt Drive, Las Cruces to Wal-Mart Stores East, LP, dba Wal-Mart Store #829, 3251 Cerrillos Road. This location is not within 300 feet of a church or school.

Attached are staff reports regarding litter, noise and traffic. Staff does not anticipate a substantial change in litter and noise or any unacceptable traffic impacts due to the approval of this request.

Staff is recommending that it be noted Wal-Mart Store #829 is required to comply with all of the city's ordinances as a condition of doing business in the city.

## **ACTION REQUESTED**

I request that the City Council indicate its decision on the transfer of ownership and location of Retailer License #4022 from CNG Ranch, LLC, dba Los Altos Ranch Market, 320 Wyatt Drive, Las Cruces to Wal-Mart Stores East, LP, dba Wal-Mart Store #829, 3251 Cerrillos Road.

Attachments: Alcohol & Gaming Division Application  
Notice of Public Hearing  
Staff Reports



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/alcoholandgaming

October 9, 2015

Certified Mail No.: 9171 9690 0935 0078 6751 45

City of Santa Fe  
Attn: Yolanda Y. Vigil, City Clerk  
P.O. Box 909  
Santa Fe, NM 87504-0909



Susana Martinez  
GOVERNOR

Robert "Mike" Unthank  
SUPERINTENDENT

Tania Maestas, Esq.  
ACTING CHIEF GENERAL  
COUNSEL

Mary Kay Root  
DIRECTOR

Re: Lic. No. /Appl. No.: License No. 4022 / Appl. No. 965789  
Applicant Name: Wal-Mart Stores East, LP  
Doing Business As: Wal-Mart Market #829  
Proposed Location: 3251 Cerrillos Road  
Santa Fe, New Mexico 87507

**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.

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 and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

**THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 4022 WITH PACKAGE SALES.**

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

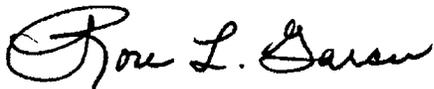
The governing body may disapprove the issuance or transfer of the license if:

- 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 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,



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

Enclosures: Original Page 1 of Application  
Copy of Page 2 of Application  
Copy of Floor Plan



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

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Page 1748418  
08/13  
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### LIQUOR LICENSE APPLICATION

JULI 24 2015

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

State Liquor License # 4022  
Application Number 96518A  
Local option (AGD use) \_\_\_\_\_  
Record Owner of Existing License CNG Ranch, LLC  
Current D/B/A Name Los Altos Ranch Market  
Current Premises Address 320 Wyatt Drive, Las Cruces, NM 88001  
ALCOHOL & GAMING DIVISION

Application is for: Change of Stock \_\_\_\_\_ Transfer Ownership of Existing License \_\_\_\_\_ Transfer Ownership and Location \_\_\_\_\_ X \_\_\_\_\_ Other \_\_\_\_\_  
Type of license being applied for Retailer

Issue New license \_\_\_\_\_ Type of license being applied for Limited Partnership \_\_\_\_\_ X \_\_\_\_\_ Company \_\_\_\_\_

Wal-Mart Stores East, LP  
ADDRESS ip  
702 SW 8th Street, Bentonville, AR 72716  
1801 Lomas Blvd NW, Albuquerque, NM 87104 AND  
5739 Academy Road NE Suite 110, Albuquerque, NM 87109  
TELEPHONE NUMBER  
(505) 247-0328

D/B/A name to be used: Wal-Mart Store #829 Phone number for licensed premises: (505) 474-4727

Physical location where license is to be used: 3251 Cerrillos Rd, Santa Fe, Santa Fe County, New Mexico 87507  
Mailing address: 702 SW 8th Street, Bentonville, AR 72716  
(Include street number highway number state road, city and county, state, and zip code)

Are alcoholic beverages currently being dispensed at the proposed location? Yes \_\_\_\_\_ No X If yes, give license number and type  
I, (print name) AMY THRASHER, as (title) ASST. SECRETARY 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 \_\_\_\_\_  
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.

Signature of Applicant Amy Thrasher Date 7/15/15

SUBSCRIBED AND SWORN TO before me this 15<sup>TH</sup> day of JULY, 2015 by AMY THRASHER  
Notary Public BENTON COUNTY  
NOTARY PUBLIC - ARKANSAS  
My Commission Expires APRIL 14<sup>TH</sup>, 2025  
Local Governing Body Commission No. 12693667

Check one: Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Director Approval \_\_\_\_\_ Date \_\_\_\_\_  
(City or County). Hearing held on \_\_\_\_\_ 20 \_\_\_\_\_ T

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PO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.az

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JUL 24 2015

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

ALCOHOL & GAMING DIVISION

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

Owned by Applicant  Leased by Applicant (attach copy of deed or lease) \_\_\_\_\_ Other (provide details) \_\_\_\_\_

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

A. Owner(s) \_\_\_\_\_

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

3. Premises location is zoned (example C-1) C-2 General Commercial District

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

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

Miles/feet ca. .4 mile Name of church Sonlit Hills Christian Fellowship Address/location of church 2235 Henry Lynch Road, Santa Fe, NM

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

Miles/feet ca. .4 mile Name of school Agua Fria Elementary Address/location of school 3160 Agua Fria, Santa Fe, NM

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

Miles ca. 63 miles Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque) White Sands Missile Range (Las Cruces), Holloman Air Force Base (Atamogordo), Cannon Air Force Base (Clovis).

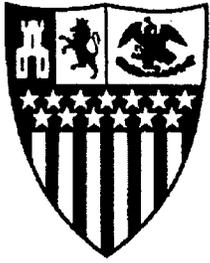
7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total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

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



# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

*Javier M. Gonzales, Mayor*

Councilors:

Patti J. Bushee, Dist. 1  
Signe I. Lindell, Dist. 1  
Peter N. Ives, Dist. 2  
Joseph M. Maestas, Dist. 2  
Carmichael A. Dominguez, Dist. 3  
Christopher M. Rivera, Dist. 3  
Ronald S. Trujillo, Dist. 4  
Bill Dimas, Dist. 4

June 11, 2015

Kyla Rhodes Stoker  
New Mexico Liquor Licenses, LLC  
1801 Lomas Blvd NW  
Albuquerque, NM 87104

RE: Zoning Verification for:  
**3251 Cerrillos Road**  
**Santa Fe NM**

Dear Ms. Kyla Rhodes Stoker.

This is in response to a request for zoning verification on the above referenced property. According to the Official Zoning Map, Page K-15, this property is zoned C2 (General Commercial District).

## **14-4.3(B) C-2 General Commercial District**

The C-2 general commercial district includes areas along streets carrying large volumes of traffic where commercial uses are appropriate. Regulations are designed to guide future additions or changes so as to discourage extension of existing and formation of future strip commercial development, to preserve the carrying capacity of the streets and to provide for off-street parking and loading.

- Full service off premises consumption only (package) liquor license is a permitted use within a C-2 district.

For additional information, reference City of Santa Fe Chapter 14 SFCC regarding these districts (Chapter 14-4 – Zoning Districts/14-6 Permitted Uses).

Note: The information provided in this letter is solely derived from the Official Zoning Map and the minimum requirements set forth in Chapter 14, SFCC 1987. It is the intent of this letter to advise of the ordinances pertaining to the zone districts. It is not the intent to state that the subject property complies with zoning requirements.

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ALCOHOL & GAMING DIVISION 6

Occupancy is determined based on zoning compliance at the time of building permit or certificate of occupancy, whichever applies. Additionally, it is not the intent to interfere with or to abrogate or annul any official document including conditions or safeguards made a part of the subject property at the time of any public hearings. Applicants are advised to pursue an independent search of official documents.

If you have any questions, please call me at 505-955-6325.

Sincerely,



**Donna J. Wynant, AICP**  
Land Use Senior Planner  
City of Santa Fe Land Use Department  
200 Lincoln Ave., Box 909  
Santa Fe, NM 87504-0909  
(505) 955-6325  
(505) 955-6829 (fax)  
[djwynant@santafenm.gov](mailto:djwynant@santafenm.gov)

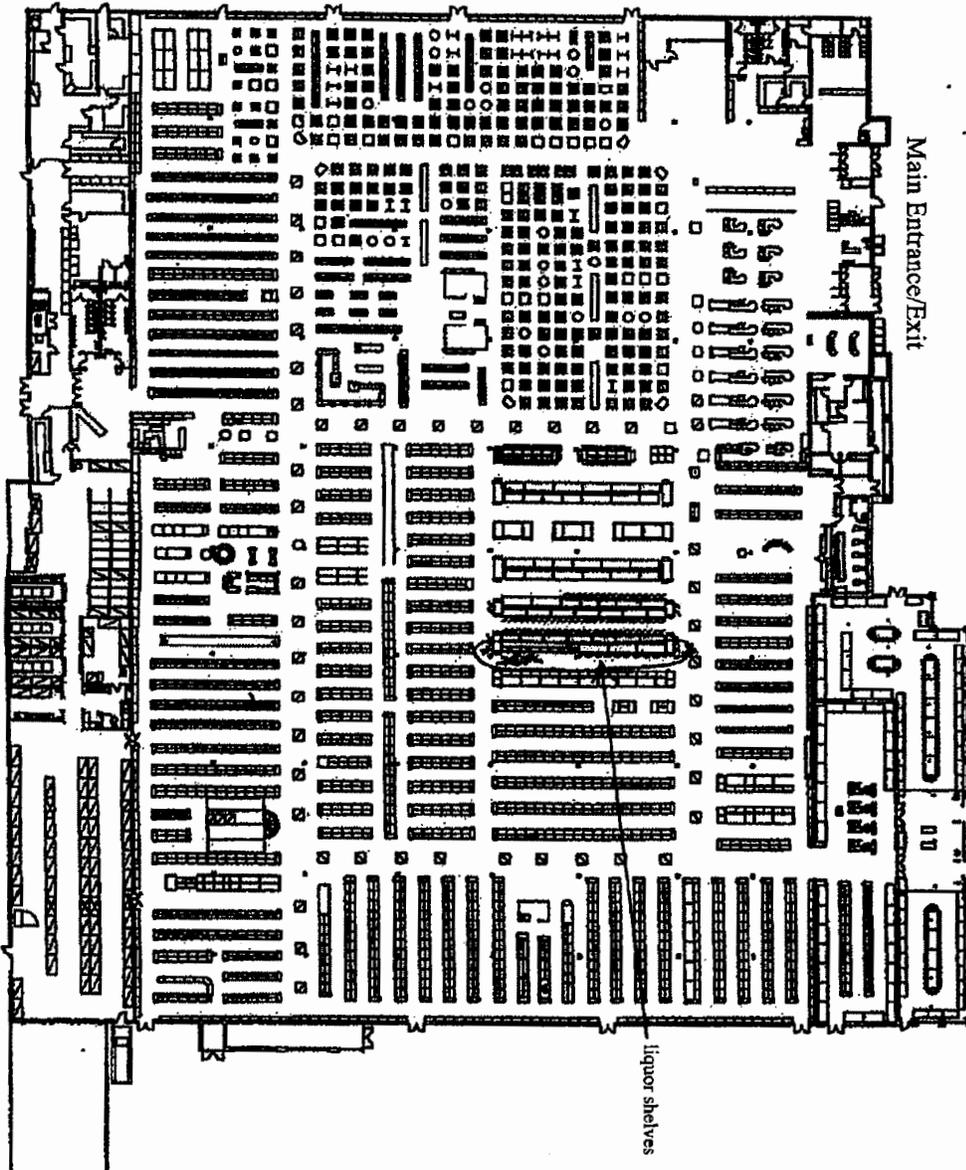
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JUL 24 2015

ALCOHOL & GAMING DIVISION

SQUARE FOOTAGE - 146,351

Unrestricted



Wal-Mart #829

**2015**

- Greengrass Staff
- In-Store Staff
- Item Pickup Staff
- Event Staff
- Quick Response Team
- Contracted Security Staff
- Hot Item Icon
- Tab Item Icon
- Distribution Point
- Product Storage Area
- Queue Lines
- Queue Entry Point
- Bike Barricade
- Tent/Barricade
- Relief
- Communication Podium

← CERILLOS RD. →

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2015

PLANNING DIVISION

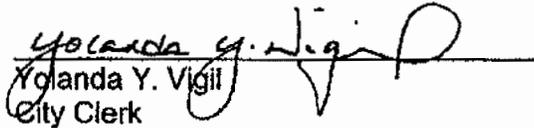
CITY OF SANTA FE

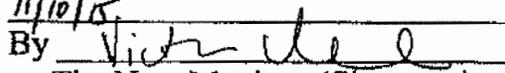
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing on Wednesday, December 9, 2015 at its regular City Council Meeting, 7:00 p.m. session, at City Hall Council Chambers, 200 Lincoln Avenue.

The purpose of this hearing is to discuss a request from Wal-Mart Stores East, LP for a Transfer of Ownership and Location of Retailer License #4022, with Package Sales, from CNG Ranch, LLC, dba Los Altos Ranch Market, 320 Wyatt Drive, Las Cruces to Wal-Mart Stores East, LP, dba Wal-Mart Store #829, 3251 Cerrillos Road, Santa Fe.

All interested citizens are invited to attend this public hearing.

  
Yolanda Y. Vigil  
City Clerk

Received by The New Mexican  
Date 10/29/15  
To Be Published 11/3/15 and  
11/10/15  
By   
The New Mexican (Signature)



**Instructions:**

The following information is needed regarding this request. Please type or print clearly.  
Complete this form and leave with the City Clerk while picking up the newspaper publication notice.

Thank you.

1. Name of owner of business Wal-Mart Stores East, LP  
Name of business where proposed license is to be used 3251 Cerrillos Rd. Santa Fe, NM  
Business street address 702 SW 8th Street, Bentonville, AR 72716  
Telephone number 505-247-0328
2. Indicate the type of liquor license this request entails.  
 issuance of new license (indicate type: \_\_\_\_\_)  
 transfer of location of existing license (indicate type: Retailer License #4022)  
 transfer of ownership of existing license (location to remain the same)
3. Is this an existing business?  
 yes  
 no
4. Does the location where this license will be used currently sell liquor?  
 yes  
 no

5. If the answer to question #3 is yes, indicate the current hours of operation of the business.  
 Open 24 hours  
 If the hours of operation will change due to the sales of liquor, indicate the revised hours.  
 n/a
6. If this is a new business, indicate the anticipated hours of operation of the business.  
 n/a
7. If the answer to question #3 is yes, indicate the anticipated change in business volume due to the sales of liquor.  
 Business is expected to increase (number of customers per day \_\_\_\_\_)  
 Business is expected to decrease (number of customers per day \_\_\_\_\_)  
 Business is expected to remain the same
8. If the answer to question #3 is no, indicate the number of customers anticipated per day at the business.  
 \_\_\_\_\_
9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk.  
 Unknown number of customers who drive  
 Unknown number of customers who walk
10. Has liquor ever been sold at this business site?  
 yes  
 no
11. If the answer to question #10 is yes, indicate the name of the establishment and the year(s) that liquor sales occurred.  
 Name \_\_\_\_\_  
 Year(s) \_\_\_\_\_
12. Indicate which of the following statements best reflects your opinion regarding traffic impacts if this request is approved.  
 traffic can be expected to increase on adjacent streets if this request is approved  
 traffic will not increase on adjacent streets if this request is approved

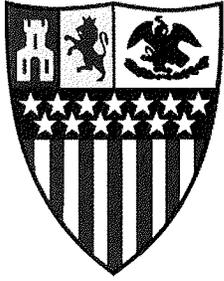
Name of person completing this form Mark Rhodes  
 Telephone number (505) 247-0328  
 Date November 4, 2015

(For City Use Only)

Based upon the information provided above, staff has the following comments:

- It does not appear that the approval of this request will create any unacceptable traffic impacts.  
 It appears that the approval of this request will create unacceptable traffic impacts (see comments below).  
 Other comments \_\_\_\_\_

By [Signature]  
 Title TRAFFIC ENGINEER  
 Date 11/24/15



# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

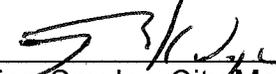
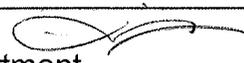
*Javier M. Gonzales, Mayor*

**Councilors:**

- Patti J. Bushee, Dist. 1
- Signe I. Lindell, Dist. 1
- Peter N. Ives, Dist. 2
- Joseph M. Maestas, Dist. 2
- Carmichael A. Dominguez, Dist. 3
- Christopher M. Rivera, Dist. 3
- Ronald S. Trujillo, Dist. 4
- Bill Dimas, Dist. 4

**DATE:** November 30, 2015 for the City Council Meeting of December 9, 2015

**TO:** Mayor and City Council Members

**VIA:**   
 \_\_\_\_\_  
 Brian Snyder, City Manager   
 Lisa Martinez, Director, Land Use Department

**FROM:** Antoinette Padilla, Code Enforcement Specialist 

**ITEM AND ISSUE**

Litter and noise impact assessment, due to a request from Wal-Mart Stores East, LP for a Transfer of Ownership and Location of Retailer License #4022, with Package Sales, from CNG Ranch, LLC, dba Los Altos Ranch Market, 320 Wyatt Drive, Las Cruces to Wal-Mart Stores East, LP, dba Wal-Mart Store #829, 3251 Cerrillos Road, Santa Fe, New Mexico.

**BACKGROUND AND SUMMARY**

A substantial change in litter and noise due to this request is not anticipated.

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7 -I	RC-5, RC-8	R-10 -R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU	Use-Specific Regs 14-6.2	
Florist shops								P	P		P		P	P	P			P	P	P	P <sup>2</sup>		
Funeral homes or mortuaries										P	P			P	P								
Furniture stores											P			P	P				P	P	P <sup>2</sup>		
Neighborhood grocery stores and laundromats	S	S S	S S		S S	S S		S	S	S	P S	S S	S								P <sup>2</sup>	(C)(5)	
Office equipment sales and service; retail sale of office supplies											P			P	P				P	P	P <sup>2</sup>		
Retail establishments not listed elsewhere											P			P	P			P	P	P	P <sup>2</sup>		
Retail and service uses that are intended to serve the primary uses and that do not exceed 5,000 square feet															P						P <sup>2</sup>		

*Italicized words defined in Article 14-12*

