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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 12 Resolution #10-196 Council District:

For Meeting of February 2, 2010
 (Adoption Date)

A RESOLUTION APPROVING THE ISSUANCE OF A (MASTER) SMALL BREWER LIQUOR LICENSE TO HIGH DESERT BREWING CO. LOCATED AT 1201 WEST HADLEY AVENUE, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION: To approve, disapprove, or not approve or disapprove the issuance of a (Master) Small Brewer Liquor License to High Desert Brewing.

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 Walker</i>	541-2107
			Assistant City Manager	<i>Debra Saxe</i>	541-2271
Legal	<i>Janet</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 (Master) Small Brewer Liquor License must be accompanied by a resolution of the City Council approving of and consenting to the issuance after a public hearing.

High Desert Brewing Co. applied to the Alcohol & Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a (Master) Small Brewer Liquor License at 1201 W. Hadley Avenue, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on December 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 Tuesday, February 2, 2010, 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 January 24 and 31, 2010, and in the *Las Cruces Bulletin* on January 22 and 29, 2010.

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 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 and 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 (Master) Small Brewer Liquor License to High Desert Brewing Co. 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 (Master) Small Brewer 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 (Master) Small Brewer Liquor License, the Director of Alcohol and Gaming may give final approval to said issuance.

(Continue on additional sheets as required)

RESOLUTION NO. 10-196**A RESOLUTION APPROVING THE ISSUANCE OF A (MASTER) SMALL BREWER LIQUOR LICENSE TO HIGH DESERT BREWING CO. LOCATED AT 1201 WEST HADLEY AVENUE, LAS CRUCES, NEW MEXICO.**

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

WHEREAS, High Desert Brewing Co. applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a (Master) Small Brewer Liquor License at 1201 West Hadley Avenue, Las Cruces, New Mexico; and

WHEREAS, on December 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 (Master) Small Brewer Liquor License to High Desert Brewing Co. located at 1201 West Hadley Avenue, 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 February, 2010.

Mayor

ATTEST:

City Clerk

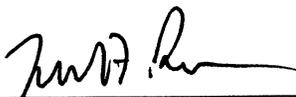
{SEAL}

Moved by: _____

Seconded by: _____

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
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

Kelly O'Donnell, Ph.D.
SUPERINTENDENT

Julie Ann Meade
DEPUTY
SUPERINTENDENT

Randall Cherry
CHIEF GENERAL
COUNSEL

Gary J. Tomada
DIRECTOR

December 18, 2009

Certified Mail No.: 7006 3450 0001 4339 5877

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

Re: License / App. No.: Application #A-608385
Applicant Name: High Desert Brewing Co.
Doing Business As: High Desert Brewing Company
Proposed Location: 1201 W. Hadley Avenue, Las Cruces, NM 88005

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 (MASTER) SMALL BREWER LIQUOR LICENSE (BEER PRODUCTION). THERE IS AN EXISTING LIQUOR LICENSE AT THIS LOCATION OWNED BY THE SAME ENTITY. SINCE THE CORPORATE STRUCTURE HAS CHANGED, A NEW APPLICATION IS REQUIRED.

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

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

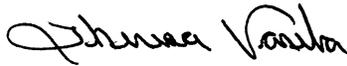
the proposed location ⁵¹¹ is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).

- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval. Attached is a copy of a Zoning Statement from the local governing body.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance 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

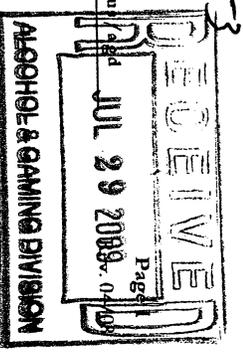
ENCLOSURES

- 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 with attachment (includes outdoor patio).**
- 5. Copy of Page 4 of the Application.**



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.nm.gov

109 8953
ENTERED
2009
JUL 29 2009



LIQUOR LICENSE APPLICATION

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

State Liquor License # ~~608385~~ **608385**
Application Number **608385**
Local option (AGID use) **Las Cruces**
Record Owner of Existing License **Robert E. Gasselino**
Current D/B/A Name **High Desert Brewing Co**
Current Premises Address **1201 W. Hadley Ave, Las Cruces, NM 88005**

Application is for: Change of Stock Change of Officers/Directors Transfer Ownership of Existing License Transfer Ownership and Location Other
Issue New License Type of License being applied for **Small Brewer (Master)** Partnership (General or Limited) Limited Liability Company

Applicant is: Individual Corporation
NAME OF APPLICANT (company or individual) **HIGH DESERT BREWING CO** ADDRESS (including city, state, zip) **1201 W. HADLEY AVE, LAS CRUCES, NM 88005** TELEPHONE NUMBER **(575) 25-6752**
HIGH DESERT BREWING CO **1201 W. HADLEY AVE, LAS CRUCES, NM 88005** **(575) 25-6752**

D/B/A name to be used: **HIGH DESERT BREWING COMPANY** Phone number for licensed premises: **(575) 525-6752**

Physical location where license is to be used: **1201 W. HADLEY AVE. LAS CRUCES, NM 88005** **Dona Ana County**
(Include street number / highway number / state road, city and county, state, and zip code) **NW 10-07-09**
Mailing address: **1201 W. HADLEY AVE. LAS CRUCES, NM 88005** **NW 10-07-09**

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If yes, give license number and type **New Mexico Small Brewers license 6719**
I, (print name) **ROBERT E. GASELINO**, as (title) **PRESIDENT**, 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 revoke 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 **Robert E Gasselino**
OFFICIAL SEAL
PATRICIA GONZALEZ
NOTARY PUBLIC - STATE OF NEW MEXICO
My commission expires **1/25/2011** Date **28 JULY 09**

SUBSCRIBED AND SWORN TO before me this **28th** day of **July** Notary Public Use Only
Notary Public: **Patricia Gonzales** My Commission Expires **1st last 09**
Robert E. Gasselino by **Robert E. Gasselino**

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



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) ROBERT E. GOSSELIN

B. Date and term of lease ~~ANYWHERE~~ STAN 1 2009 - December 31, 2009 with 1 1-year renewal option. to 10-07-09

3. Premises location is zoned (example C-1) M1/M2 (Industrial Standard)
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).
5/10 of a mile or less, per posting. Church of Christ, per posting. Address unavailable, per posting. to 10-20-09

5. Distance from nearest school *(Property line of school to licensed premises - shortest distance).
9/10 of a mile east, per posting. Alma D. Harte Christian High School, per posting. Address unavailable, per posting. to 10-20-09

Miles/feet 410 ft. Name of school MacArthur Elementary Address/location of school 655 N. Fourth St., Las Cruces, NM 88505

6. Distance from military installation *(Property line of military installation to licensed premises - shortest distance.)
Miles 19 miles Name of Military Installation, circle one: White Sands Missile Range (Las Cruces),
Kirtland Air Force Base (Albuquerque), 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) Small Brewery (Brewpub)

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



City of Las Cruces
RECEIVED

STATEMENT OF ZONING

NOV 25 2009

ALCOHOL AND
GAMING DIVISION

The property located at 1201 W. Hadley Ave., and having a Map Code Number or Parcel ID Number of 02-02251, in Las Cruces, New Mexico, is zoned as follows:

M-1/M-2 (Industrial Standard)

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 19, 2009
Date


Adam Ochoa
Associate Planner

Comments: The M-1/M-2 zoning district is intended to provide for industrial uses that consist of full-scale fabrication, manufacturing, packaging and processing of products that can be conducted in a generally clean, quiet, and safe environment with minimal negative impacts on the surrounding environment and uses. A brewery and the act of brewing beer is a permitted use in the M-1/M-2 zoning district.

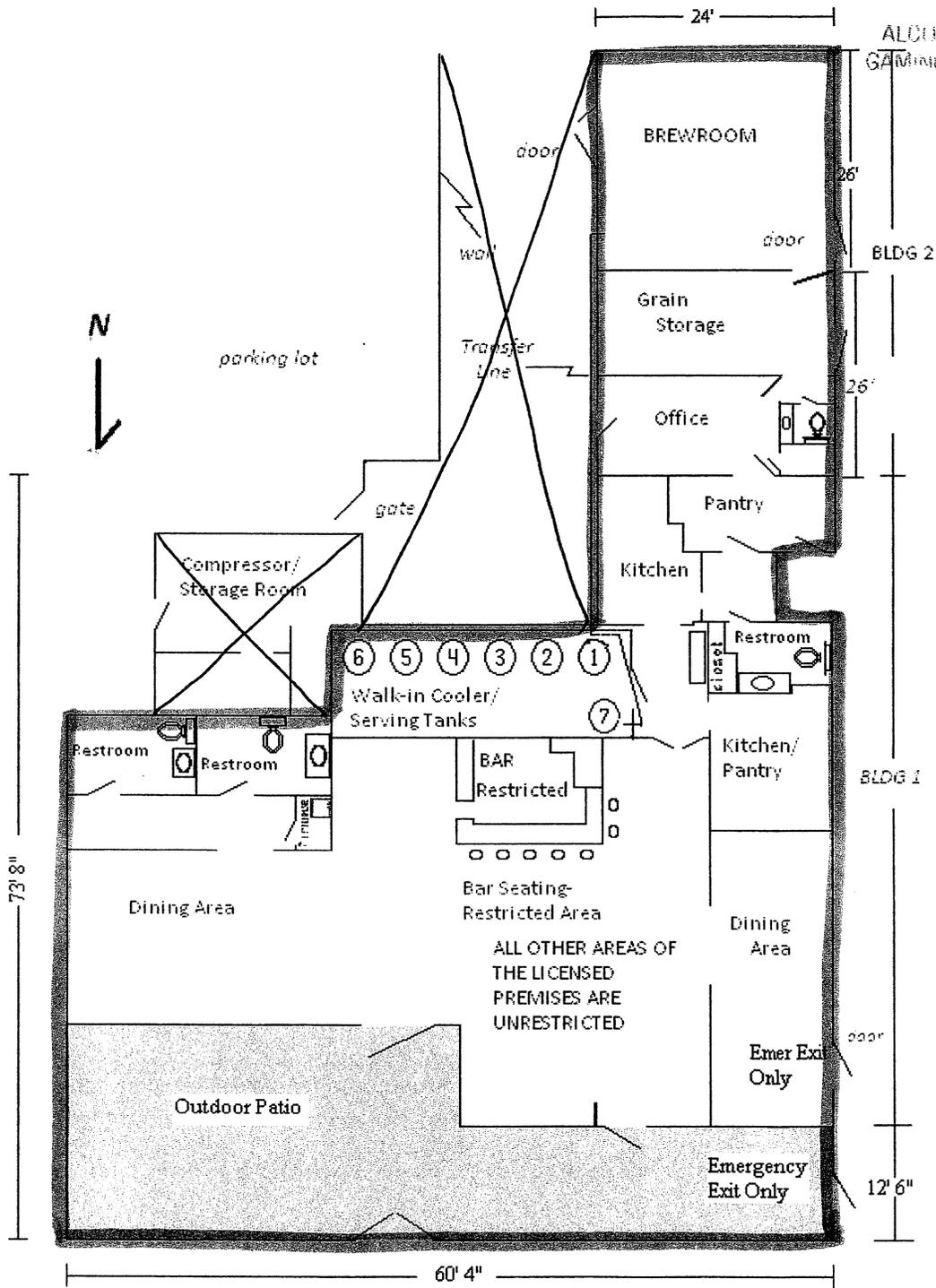
Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.

RECEIVED

HIGH DESERT BREWING COMPANY FLOOR PLAN

NOV 25 2009

ALCOHOL AND GAMING DIVISION



Total Square Footage of Proposed Licensed Premises is 5272 square feet.

HADLEY AVE

PROPOSED CONSTRUCTION OF THE PATIO AREA ENCLOSURE AND CONNECTING INTERIOR DOORS

The proposed patio area will be enclosed by a five feet high slump block wall except at the east wall of the existing patio, where the enclosure is currently comprised of railroad ties, metal and shrubbery. This nine foot section will be enclosed by a four feet high section of four inch by six inch mesh stock panel.

The front double gate of wrought iron will be six feet wide by four feet high and the west side gate will be three feet wide by four feet high and constructed of wood paneling. This gate will be an emergency exit only and is required by the Las Cruces Fire Department.

The doors connecting the Office with the Grain Storage Room and the Grain Storage Room with the Brew Room will be standard 36 inches by 80 inches hollow core wooden doors.

The current status of the patio construction is that the proposed plan has preliminary approval by the City of Las Cruces and construction will begin pending submission and approval of the detailed construction plans.

The estimated completion for all demolition and construction is December 31, 2009.

Robert E Gosselin, President, HDBC 22 NOV 09

RECEIVED

NOV 25 2009

ALCOHOL AND
GAMING DIVISION



CORPORATION

SS 60-6B-2

Name of Corporation: HIGH DESERT BREWING CO. ~~NEW MEXICO~~ W 10-07-09

(Corporations must attach certified copy of its Certificate of Incorporation and Articles of Incorporation. Foreign corporations must also include a certified copy of its New Mexico certificate of authority.)

Date of Incorporation: JANUARY 13, 1994 In what State? NEW MEXICO

Mailing Address of Corporate Office: 1201 W. HADLEY AVE. City LAS CRUCES State NM Zip 88005 Phone 575 525-6752

Provide complete names and addresses of all officers and directors of the Corporation, also the names and addresses of all stockholders of 10% or more of the stock in the Corporation. If a stockholder of 10% or more of the stock is any other legal entity, complete the appropriate disclosure page for the stockholding entity.

Name and Title of Officers, Directors and Stockholders	Complete Address	% Stock Held
ROBERT E. GOSS ELM, PRESIDENT, TREASURER, DIRECTOR, STOCKHOLDER	5146 ISSACKS AVE, LAS CRUCES, NM 88011	45.36%
DEBNA ALMAREZ, VICE PRESIDENT, SECRETARY, STOCKHOLDER	7121 WACAMETHUR RD, LAS CRUCES, NM 88012	12.99%
REUBEN GALVAN, STOCKHOLDER	4783 SUFFLOWER PL., LAS CRUCES, NM 88007	12.99% 12.9%
JAMES J. COLGAN, STOCKHOLDER	2198 LAKE CREST DR., SPARTA, GA 31087	10.82%
KEN and DELIA SCHWARTZ, STOCKHOLDERS	690 BLUFF CANYON CIRCLE, EL PASO, TX 79912	6.51% 6.51
SHARIE THOMSON, STOCKHOLDER	1401 GEORGIA ST., SILVER CITY, NM 88061	5.95%
CHRIS WHITMAN, STOCKHOLDER	4080 SEMORA DR., LAS CRUCES, NM 88012	5.41%

USE ADDITIONAL PAGES IF NECESSARY.

Has this Corporation ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Corporation been denied the issuance of a liquor license? No Yes If Yes, provide details:

List every liquor license in which the Corporation holds any interest, direct or indirect: NEW MEXICO SMALL BREWERS LICENSE No. 6719

Has this Corporation ever been convicted of a felony? No Yes If Yes, provide details:

RECEIVED

NOV 25 2009

** Note: For each individual applicant, partner, officer, director, and stockholder of 10% or more of stock in corporation, complete the Personal Data Information Form (page 6) and attach two completed sets of fingerprint cards (available from the Alcohol and Gaming Division) along with fees and supporting documentation. Fingerprints must be taken by City Auditor, Sheriff, or Sheriff (any state).

GAMING DIVISION

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



AD FORM

LAS CRUCES BULLETIN	
CLASSIFIED LEGAL AD	
DATE TO PUBLISH: JANUARY 22 AND 29, 2010	
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.	

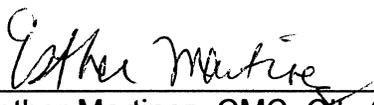
COPY TO PUBLISH:

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 (Master) Small Brewer License to High Desert Brewing Co., located at 1201 West Hadley Avenue, Las Cruces, New Mexico.**

The Public Hearing will be held at a meeting of the City Council on Tuesday, February 2, 2010, 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 19th day of January 2010.


 Esther Martinez, CMC, City Clerk



AD FORM

LAS CRUCES SUN NEWS	
CLASSIFIED LEGAL AD	
DATE TO PUBLISH: JANUARY 24 AND 31, 2010	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.	

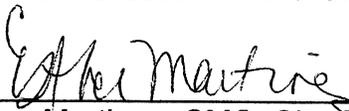
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Witness my hand and seal of the City of Las Cruces on this the 19th day of January 2010.



 Esther Martinez, CMC, City Clerk



City of Las Cruces
PEOPLE HELPING PEOPLE

**INTER-DEPARTMENTAL
MEMORANDUM**

=====

TO: Fermin A. Rubio, City Attorney

FROM: Dan Soriano, Traffic Engineer, Public Works 

SUBJECT: Traffic Investigation Report

DATE: December 31, 2009

=====

As requested, Traffic Engineering has completed a traffic investigation for High Desert Brewing Company located at 1201 W. Hadley Avenue, Las Cruces., New Mexico. The following information is submitted for review:

- Hadley Avenue at this location carries approximately 1900 vehicles per day.
- Hadley Avenue is operated as a two lane roadway and primarily serves commercial and industrial use properties in this area.
- Access to the property in question is off of Hadley Avenue. No sight distance or operational problems exist.
- The speed limit on Hadley Avenue is 30 mph.

The approval of a Liquor License Transfer at this location does not appear it will adversely impact traffic operations along this segment of roadway.

Should any additional information be needed, please contact me.

JAN - 5 2010

**City of Las Cruces
Community Development Department**

LIQUOR LICENSE IMPACT REPORT

**Restaurant Liquor License Application No. A-608385
(Beer and Wine Only)**

**High Desert Brewing Company
1201 W. Hadley Avenue**

January 12, 2010

**LIQUOR LICENSE IMPACT REPORT
Restaurant Liquor License (Beer and Wine ONLY)**

**High Desert Brewing Company
1201 W. Hadley Avenue**

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: 1201 W. Hadley Avenue
Applicant: High Desert Brewing Co.
Business Name: High Desert Brewing Company

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: M-1/M-2 (Industrial Standard-Conditional)
(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-2	Residential/Commercial
South	M-1/M-2	Residential
East	M-1/M-2	Residential
West	M-1/M-2	Industrial/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: Hadley Avenue
Classification: Collector
Number of Lanes: 2
Site Access: 2
Nearest Intersection: Hadley Ave. & 5th St.

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires restaurants to provide one (1) auto parking space per 2-5 seats. As the business currently exists, there is no apparent change in land use and parking is not an issue.

IMPACT ANALYSIS:

The applicant is requesting a new restaurant liquor license for beer and wine only for this establishment. The subject property is located on Hadley Avenue which is designated as a collector roadway and is designed to accommodate moderate traffic and land uses such as restaurants. Zoning for this property is M-1/M-2 (Industrial Standard-Conditional) 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 1201 W. Hadley Avenue, and having a Map Code Number or Parcel ID Number of 02-02251, in Las Cruces, New Mexico, is zoned as follows:

M-1/M-2 (Industrial Standard-Conditional)

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.

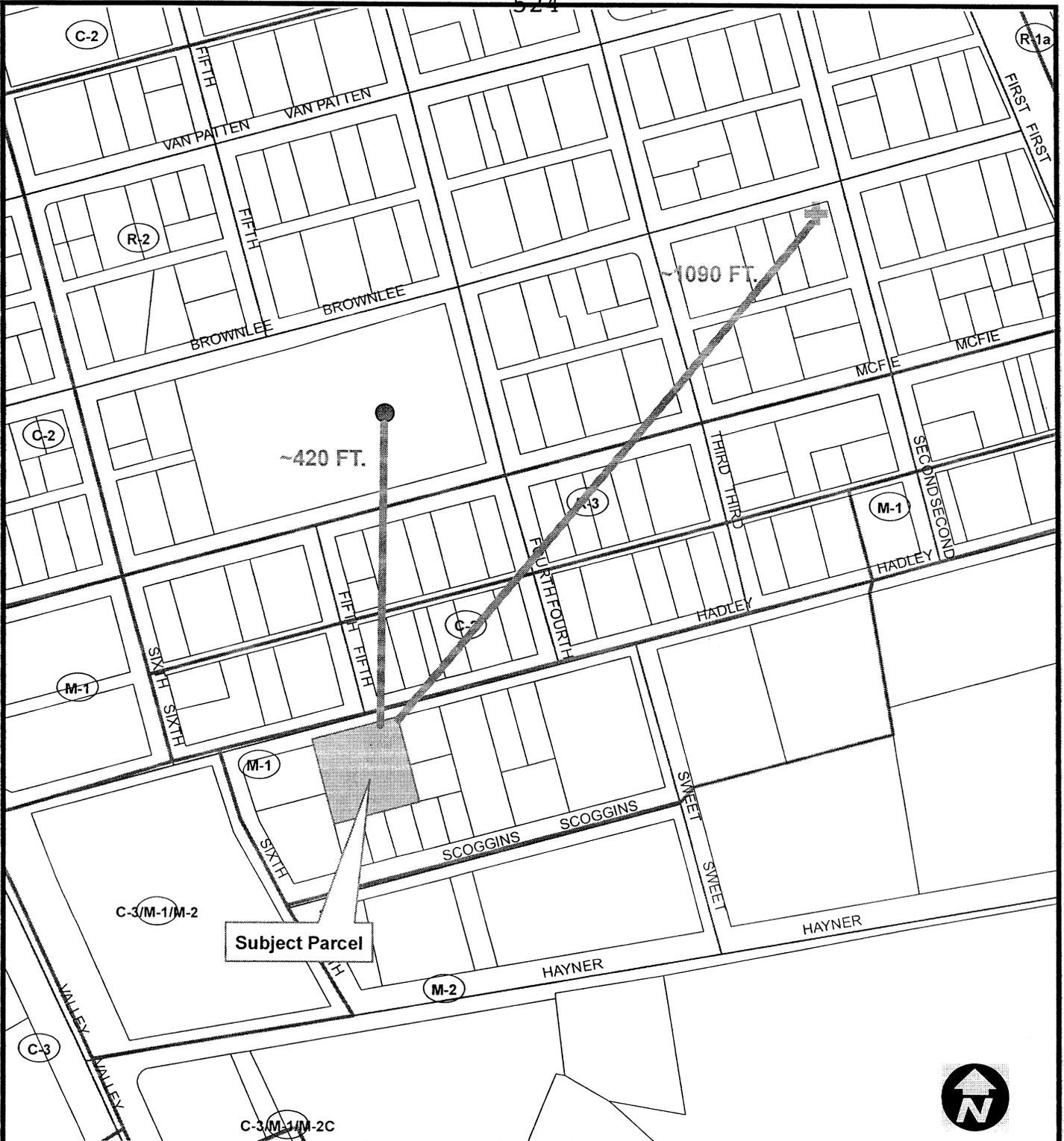
January 12, 2010

Date

Adam Ochoa
Acting Planner

Comments: The M1/M2 zoning district is intended to provide for industrial uses that consist of full-scale fabrication, manufacturing, packaging and processing of products that can be conducted in a generally clean, quiet, and safe environment with minimal negative impacts on the surrounding environment and uses. Food and beverage establishments with a dispenser's liquor license are permitted uses within this zoning district, providing that all requirements prescribed for liquor establishments by the State of New Mexico are met.

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/VICINITY MAP

1201 W. HADLEY AVENUE

PARCEL: 02-02251

ZONING: M-1/M-2

DISTANCE TO NEAREST SCHOOL: ~420 FT.

DISTANCE TO NEAREST CHURCH: ~1090 FT.

ZONING

CHURCH

SCHOOL

0 75 150 300 450 600

Feet



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.

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

ECONOMIC DEVELOPMENT REPORT – HIGH DESERT BREWERY

From: Christine Logan

Subject: RE: Review of 3 liquor license applications

Each of these 3 businesses have a current city business registration and a current city liquor license.

From: Monica Campbell

Sent: Tuesday, December 29, 2009 9:18 AM

To: Christine Logan

Cc: Vicki Montez

Subject: Review of 3 liquor license applications

Attached are Alcohol & Gaming's liquor license letters and applications as follows:

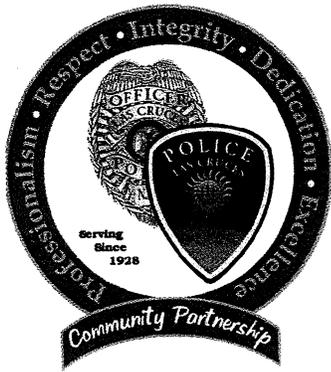
1. Howdy's #15, 2210 E. Lohman, Change in Corporate Structure
2. Howdy's #16, 1685 E. University, Change in Corporate Structure
3. High Desert Brewing Co., 1201 W. Hadley, Restaurant Liquor License (Beer and Wine)

Please review the applications and report on whether or not each business has obtained applicable licenses and/or permits.

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 **January 14, 2010**.

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: *January 4, 2010*

TO: *Fermin A. Rubio, City Attorney*

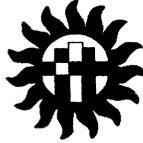
From: *Peter Bradley, Interim Chief of Police*

Subject: *HIGH DESERT BREWING COMPANY*

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 HIGH DESERT BREWING COMPANY located at 1201 W. Hadley Avenue, Las Cruces. NM 88005.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for HIGH DESERT BREWING COMPANY to be approved.


Peter Bradley
Interim Chief of Police

**City of Las Cruces**

TO: Fermin A. Rubio, City Attorney

FROM: Lt. Robert P. Gonzales, Prevention Bureau

Lt. R.A.

SUBJECT: Application # A-608385

DATE: 1/6/10

FILE #:

Our department has reviewed the liquor license application # A-608385 for restaurant liquor license (Beer and wine on-premise consumption only). The applicant for this transfer is High Desert Brewing Co., d/b/a High Desert Brewing Company at 1201 W. Hadley, Las Cruces, NM 88005.

This facility was inspected and found to be in compliance with the 2006 International Fire Code. This facility is in conformance with the requirements for a facility that serves alcoholic beverages.

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

