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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 11      Resolution #10-299      Council District:     

**For Meeting of June 7, 2010**  
 (Adoption Date)

**A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER & WINE ON-PREMISE CONSUMPTION ONLY) TO M & M's LEAPING LIZARDS, L.L.C. D/B/A LA IGUANA RESTAURANT TO BE LOCATED AT 139 NORTH MAIN STREET, LAS CRUCES, NEW MEXICO.**

**PURPOSE(S) OF ACTION:** To approve, disapprove, or not approve or disapprove the issuance of a Restaurant Liquor License (Beer & Wine On-Premise Consumption Only) to La Iguana Restaurant.

<b>Name of Drafter:</b> Monica Campbell <i>mc</i>		<b>Department:</b> Legal		<b>Phone:</b> 541-2128	
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
Originating Department		541-2128	Budget	<i>Richard Hubbard</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 (Beer & Wine On-Premise Consumption Only) must be accompanied by a resolution of the City Council approving of and consenting to the issuance after a public hearing.

M & M's Leaping Lizards, L.L.C. d/b/a La Iguana Restaurant 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 & Wine On-Premise Consumption Only) at 139 North Main Street, Las Cruces, New Mexico. Alcohol and Gaming granted conditional preliminary approval on April 29, 2010.

The City Council is required to hold a public hearing within 45 days of the date of receipt of the conditional preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled for Monday, June 7, 2010, beginning at 1:00 p.m., in the City Council Chambers, City Hall, 700 North Main Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Sun-News* on May 16 and 23, 2010, and in the *Las Cruces Bulletin* on May 14 and 21, 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

(Continue on additional sheets as required)

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 conditional 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 & Wine On-Premise Consumption Only) to M & M's Leaping Lizards, L.L.C. d/b/a La Iguana Restaurant. 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. 10-299**

**A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER & WINE ON-PREMISE CONSUMPTION ONLY) TO M & M's LEAPING LIZARDS, L.L.C. D/B/A LA IGUANA RESTAURANT TO BE LOCATED AT 139 NORTH MAIN STREET, LAS CRUCES, NEW MEXICO.**

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

**WHEREAS**, M & M's Leaping Lizards, L.L.C. d/b/a La Iguana Restaurant 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 & Wine On-Premise Consumption Only) at 139 North Main Street, Las Cruces, New Mexico; and

**WHEREAS**, on April 29, 2010, Alcohol and Gaming granted conditional 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 & Wine On-Premise Consumption Only) to M & M's Leaping Lizards, L.L.C. d/b/a La Iguana Restaurant, to be located at 139 North Main Street, 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 7 day of June 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:

  
\_\_\_\_\_  
Interim City Attorney



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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](http://www.rld.state.nm.us/agd)

Bill Richardson  
GOVERNOR

April 29, 2010

Kelly O'Donnell, Ph.D.  
SUPERINTENDENT

Certified Mail No.: 7006 3450 0001 4339 6218

Julie Ann Meade  
DEPUTY  
SUPERINTENDENT

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

Randall Cherry  
CHIEF GENERAL  
COUNSEL

Re: License / App. No.: Application #A-631500  
Applicant Name: M & M's Leaping Lizards, L.L.C.  
Doing Business As: La Iguana Restaurant  
Proposed Location: 139 N. Main Street, Las Cruces, NM 88001

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 for **Conditional Preliminary Approval** 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 & WINE ON-PREMISE CONSUMPTION ONLY). THE APPLICANT IS ALSO SEEKING AN APPROVED WAIVER FROM THE CITY OF LAS CRUCES SINCE THE PROPOSED LIQUOR-LICENSED PREMISES ARE WITHIN 300 FEET FROM THE NEAREST CHURCH, CASA DE ALABANZA.**

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

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

Exhibit A

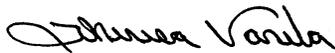
the proposed location <sup>2.49</sup> is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).

- 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 (including outdoor patio).**
- 5. Copy of Limited Liability Company Page 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) 476-4507

3-12-10  
Shawee

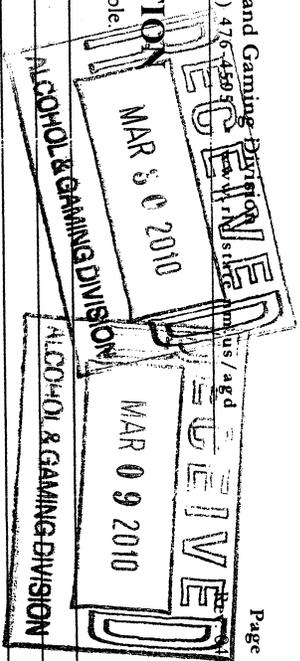


### LIQUOR LICENSE APPLICATION

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

State Liquor License # 631500  
Application Number 631500  
Local option (AGD use) Las Cruces

Record Owner of Existing License  
Current D/B/A Name  
Current Premises Address



Application is for: Change of Stock  Change of Officers/Directors  Transfer Ownership of Existing License Barbujines Restaurant TX 03-23-10 Other   
Issue New License  Type of License being applied for: Barbujines Restaurant TX 03-23-10  
Applicant is: Individual  Corporation  Partnership (General or Limited)  Limited Liability Company

NAME OF APPLICANT (company or individual) NAME'S Barbing Lizards, LLC ADDRESS (including city, state, zip) 420 McChesno Palms Avenue, NM 88005 575-520-6260 TELEPHONE NUMBER 575-520-6260

D/B/A name to be used: LA Iguana Restaurant Phone number for licensed premises: 575-520-6260

Physical location where license is to be used: 139 N. Main St Las Cruces, NM 88001 Doña Ana County  
Mailing address: 139 N. Main St Las Cruces, NM Doña Ana County, 88001

Are alcoholic beverages currently being dispensed at the proposed location? Yes  No  If yes, give license number and type \_\_\_\_\_  
I, (print name) Michael LeBlanc as (title) Registered Agent being first duly sworn upon oath  
deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same, knows the contents therein contained are true. Applicant(s) agree(s) that  
if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.  
Signature of Applicant [Signature] Date 3-8-10

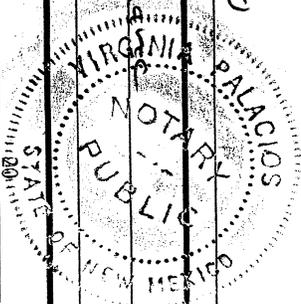
SUBSCRIBED AND SWORN TO before me this 8th day of March 2010 by Michael LeBlanc  
Notary Public Use Only My Commission Expires 01-28-13

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

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

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Director Approval \_\_\_\_\_ Date \_\_\_\_\_

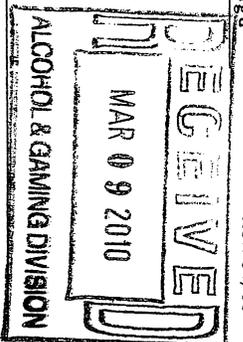
For Alcohol and Gaming Division Use Only  
"CONFIDENTIAL" - Univera required. TV





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) Richard Reson, Inc

B. Date and term of lease 60 months 3/4/10 with 3 3-year renewal options. TN 03-73-10

3. Premises location is zoned (example C-1) EBD Central Business District and Main Street Plaza Overlay  
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). Address unavailable, per Posting. TN 04-13-11  
2 Parish of St. Mary's, per Posting. St. Anthony's Catholic Church, per Posting.  
Miles (feet) 275 Name of church Casade Habonza Address/location of church 1005. Church St.

5. Distance from nearest school \*(Property line of school to licensed premises-shortest distance). Address unavailable, per Posting. TN 04-13-11  
2 St. Anthony's Catholic School, per Posting.  
Miles (feet) 2600 Name of school Las Montanas School Address/location of school 201 E Sherman Ave

6. Distance from military installation \*(Property line of military installation to licensed premises-shortest distance.)  
Miles 0 ~~17.5~~ 40 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) \_\_\_\_\_

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

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**City of Las Cruces**

**STATEMENT OF ZONING**

The property located at 139 N. Main Street, and having a Map Code Number or Parcel ID Number of 02-05997, in Las Cruces, New Mexico, is zoned as follows:

**CBD (Central Business District and Main Street Plaza Overlay)**

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.

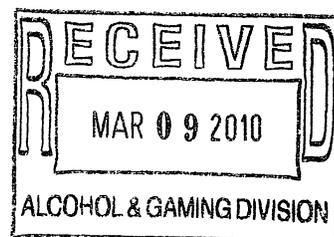
February 12, 2010

Date

Adam Ochoa  
Associate Planner

Comments: The purpose of this district is to accommodate government facilities, retail, office, residential, and other similar uses in the central business area of the City with appropriate height, yard, and intensity standards to allow for a higher density of development. Furthermore, the properties described within the "Main Street Plaza" Overlay Zone are identified as a special area within the Central Business District (CBD) to encourage revitalization through incentives and clearly defined development standards. A restaurant with a liquor dispenser's license is a permitted use in the CBD, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met (as per Section 38-44.C.4a 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.



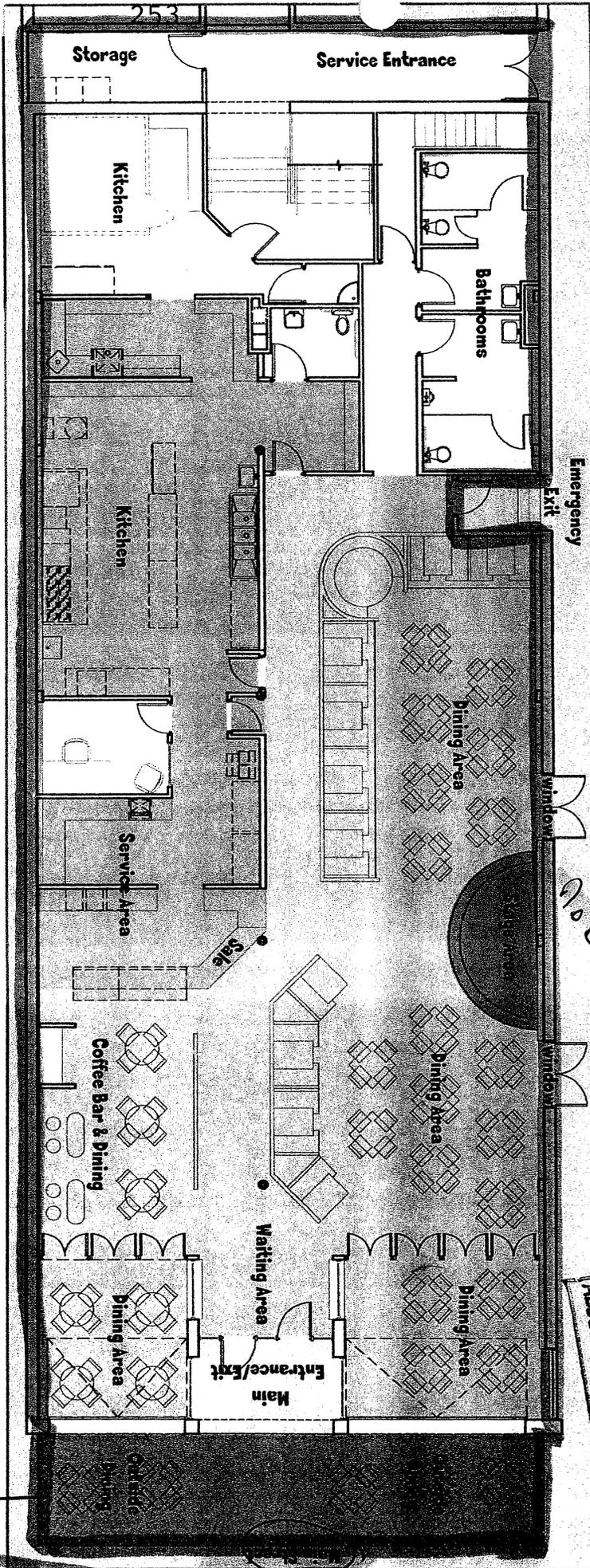


**La Iguana Floor Plan**  
Total Square Footage: 5,800 sq. feet

NORTH

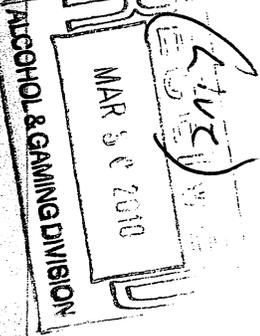


Botted line represents  
40in. Rod Iron Fence



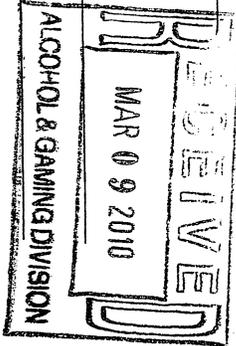
*Stage is for Dinner Music*

*No Bands/Dancing  
03-21-2010*





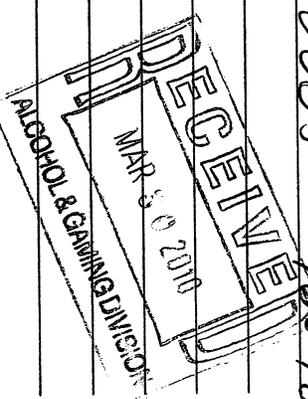
**LIMITED LIABILITY COMPANY**



- Name of Limited Liability Company W & M's Heating & Air Conditioning, LLC <sup>SS 60-68-24</sup>
- Date company formed (attach copy of Operating Agreement) 11/17/2009 <sup>11-17-10</sup> ~~04-05-10~~
- Date company registered (attach copy of certificate and Article of Organization) 11/17/2009
- Mailing Address: Street 420 McClure Rd City Los Lunas State NM Zip 88005 Phone 575-520-6260
- Names and addresses of all Members – full disclosure is required. If a Member is a corporation, Trust, Limited Liability Company, General or Limited Partnership, complete the appropriate entity information page.

**LIST ALL MEMBERS AND MANAGERS**

Name	Title	Address	% of interest/contribution
<u>Michael Le Blanc</u>	<u>Managing Member</u>	<u>420 McClure Rd Los Lunas, NM 88005</u>	<u>100%</u>
<u>W</u>	<u>Member</u>	<u>W 04-05-10</u>	



- Has this Limited Liability Company ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Limited Liability Company been denied the issuance of a liquor license? No  Yes  If Yes, provide details: \_\_\_\_\_
- List every liquor license in which this Limited Liability Company owns any interest, direct or indirect: NA

**NOTE:** For each Member who is an individual, complete the Personal Data Information Form (page 6), and for each person attach two (2) completed fingerprints cards (available from the Alcohol and Gaming Division) along with fees and supporting documentation. Fingerprints must be taken by City Police, State Police or Sheriff (any state).

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 SUN NEWS	
CLASSIFIED LEGAL AD	Acct # 26484
DATE TO PUBLISH: <b>MAY 16 AND 23, 2010</b>	
CITY CONTACT & PHONE NUMBER: MONICA CAMPBELL 541-2128 FAX: 541-2017	BILL TO: <u>CITY CLERK</u> P O Box 20000 LAS CRUCES, NM 88004
<b>PROOF OF PUBLICATION REQUIRED.</b>	

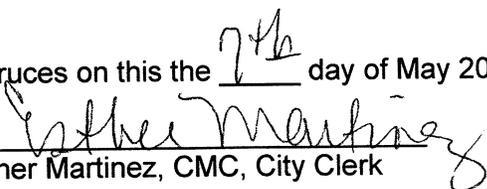
COPY TO PUBLISH:

## 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 & Wine On-Premise Consumption Only)** to **M & M's Leaping Lizards, L.L.C. d/b/a La Iguana Restaurant**, to be located at 139 North Main Street, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, June 7, 2010, at 1:00 p.m. in the City Council Chambers, City Hall, 700 North Main Street, Las Cruces. 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 2<sup>nd</sup> day of May 2010.

  
Esther Martinez, CMC, City Clerk



**AD FORM**

LAS CRUCES BULLETIN	
CLASSIFIED LEGAL AD	
DATE TO PUBLISH: <b>MAY 14 AND 21, 2010</b>	
CITY CONTACT & PHONE NUMBER: MONICA CAMPBELL 541-2128 FAX: 541-2017	BILL TO: <u>CITY CLERK</u> P O Box 20000 LAS CRUCES, NM 88004
<b>PROOF OF PUBLICATION REQUIRED.</b>	

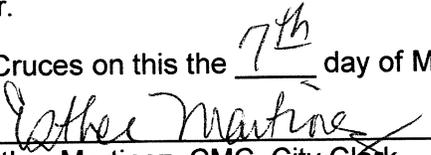
**COPY TO PUBLISH:**

**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 & Wine On-Premise Consumption Only) to M & M's Leaping Lizards, L.L.C. d/b/a La Iguana Restaurant, to be located at 139 North Main Street, Las Cruces, New Mexico.**

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, June 7, 2010, at 1:00 p.m. in the City Council Chambers, City Hall, 700 North Main Street, Las Cruces. 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 7<sup>th</sup> day of May 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: May 4, 2010**

=====

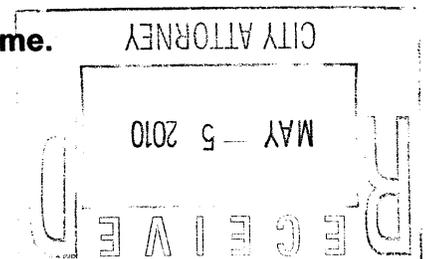
As requested, Traffic Engineering has completed a traffic investigation for La Iguana Restaurant, 139 North Main Street, Las Cruces, NM. The following information is submitted for review:

- North Main at this location carries approximately 1500 vehicles per day.
- North Main is operated as a two lane roadway and primarily serves commercial use.
- Primary vehicle access to the property in question is off of Water Street via the off street parking areas. No potential sight distance or operational problems exist.
- The speed limit on N Main Street is 15 mph and on Water Street 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.

Attachment 3



**City of Las Cruces  
Community Development Department**

**LIQUOR LICENSE IMPACT REPORT**

**Restaurant Liquor License Application No. A-631500  
(Beer and Wine Only)**

**La Iguana Restaurant  
139 N. Main Street**

**May 12, 2010**

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

**La Iguana Restaurant**  
**139 N. Main Street**

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: 139 N. Main Street  
 Applicant: M & M's Leaping Lizards, LLC.  
 Business Name: La Iguana Restaurant

**LAND USE AND ZONING INFORMATION:**

Subject Property Zoning: CBD (Central Business District and Main Street Plaza Overlay Zone)  
 (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	CBD	Commercial
South	CBD	Commercial
East	CBD	Commercial
West	CBD	Commercial

**DISTANCE REQUIREMENTS:**

Greater than 300 feet to a school: YES  
 Greater than 300 feet to a church: NO  
 Greater than 300 feet to a military installation: YES

**TRAFFIC COUNT AND ACCESS INFORMATION:**

Roadway: N. Main Street  
 Classification: Existing Local Roadway  
 Number of Lanes: 2  
 Site Access: 3  
 Nearest Intersection: Main & Griggs

**PARKING REQUIREMENTS:**

The 2001 Las Cruces Zoning Code, as amended, requires restaurants to provide one automobile space for each 2-5 seats. However, the business is in the Main Street Plaza Overlay Zone in which several parking lots are shared among various businesses. Hence, parking is adequate for the use.

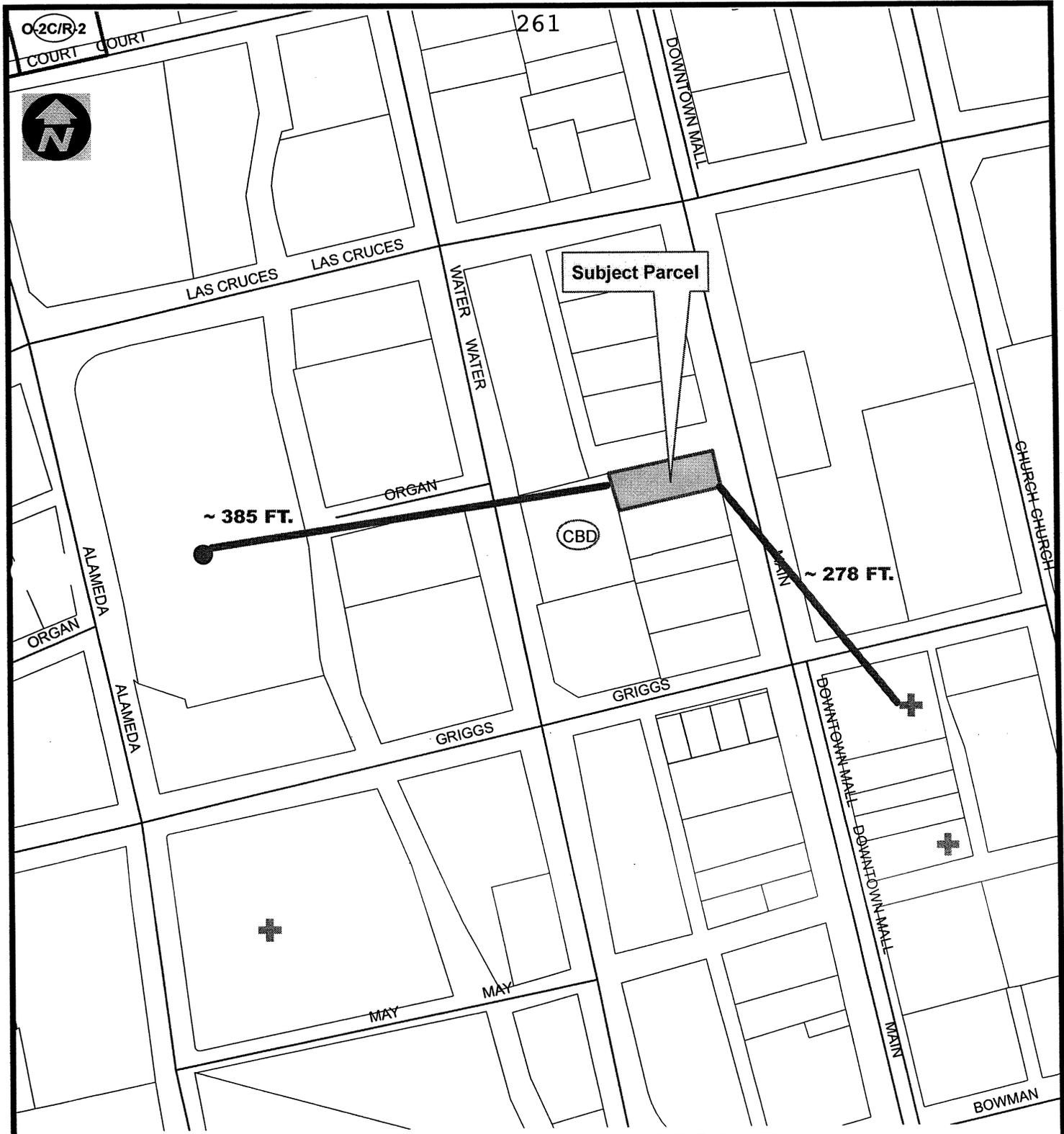
**IMPACT ANALYSIS:**

The applicant is requesting a new restaurant liquor license for beer and wine only for this establishment. The subject property is located on N. Main Street which is designated as an existing local roadway, but vehicular access to the subject property is only located off of Water Street which is designated as a principal existing roadway and is designed to accommodate

moderate to heavy traffic and land uses such as restaurants. Zoning for this property is CBD (Central Business District and Main Street Plaza Overlay Zone) 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.

There is a question, however, concerning the required distance between liquor establishments and military installations, churches, and schools. New Mexico State Statutes read that the property line of a liquor establishment must be 300 feet from the property line of military installations, churches and schools. The property line of the proposed new restaurant is approximately 278 feet from the property line of a church known as Casa de Alabanza, located at 100 S. Church Street.

According to New Mexico State Law, a local governing district may grant a waiver to allow such a business within 300 feet of a church or school. Thus the local governing district may determine whether or not the location of the restaurant license request is appropriate. The law does not set parameters to assist in determining applicability. Therefore, Planning Staff assumes the local government district may use traditional guidelines, such as, health, safety, and welfare to make this decision.



# ZONING/VICINITY MAP

**139 N. MAIN STREET**

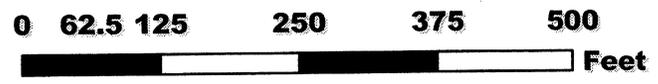
**PARCEL: 02-05997**

**ZONING: CBD**

**DISTANCE TO NEAREST SCHOOL: ~ 385 FEET**

**DISTANCE TO NEAREST CHURCH: ~ 278 FEET**

-  ZONING
-  CHURCH
-  SCHOOL



*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



## STATEMENT OF ZONING

The property located at 139 N. Main Street, and having a Map Code Number or Parcel ID Number of 02-05997, in Las Cruces, New Mexico, is zoned as follows:

### **CBD (Central Business District and Main Street Plaza Overlay Zone)**

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.

May 12, 2010  
Date

  
\_\_\_\_\_  
Adam Ochoa  
Acting Planner

Comments: The purpose of this district is to accommodate government facilities, retail, office, residential, and other similar uses in the central business area of the City with appropriate height, yard, and intensity standards to allow for a higher density of development. Furthermore, the properties described within the following "Main Street Plaza" Overlay Zone are identified as a special area within the Central Business District (CBD) to encourage revitalization through incentives and clearly defined development standards. A restaurant with a beer and wine dispenser's license is a permitted use in the CBD, 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.

Economic Development Report

**From:** Christine Logan  
**Sent:** Monday, May 03, 2010 1:56 PM

This business is still being remodeled and as such, does not require a business license as of yet.

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**From:** Monica Campbell  
**Sent:** Monday, May 03, 2010 11:22 AM  
**To:** Christine Logan  
**Cc:** Vicki Montez  
**Subject:** Review of liquor license application

Attached is Alcohol & Gaming's letter with the application for the issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to La Iguana Restaurant, 139 North Main Street.

Please review the application and report on whether or not this 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 **May 13, 2010**.

Monica Campbell  
City Attorney's Office  
541-2128



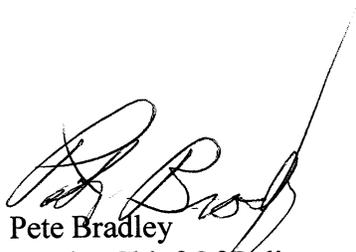
LAS CRUCES POLICE DEPARTMENT  
PO BOX 20000  
217 E. Picacho  
Las Cruces, New Mexico 88004

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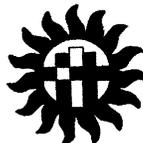
**DATE:** May 5, 2010  
**TO:** Fermin A. Rubio, City Attorney  
**From:** Pete Bradley, Interim Chief of Police  
**Subject:** M&M's Leaping Lizards, L.L.C.(La Iguana Restaurant)

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 La Iguana Restaurant, 139 N.Main Street, Las Cruces, NM 88001.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for M&M's Leaping Lizards, L.L.C.(La Iguana Restaurant) to be approved.



Pete Bradley  
Interim Chief Of Police

**City of Las Cruces****TO: Fermin A. Rubio, City Attorney****FROM: Lt. Robert P. Gonzales, Prevention Bureau***RA***SUBJECT: Liquor License / Application #A-631500****DATE: 5/6/10****FILE #:**

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**Our Fire Department has reviewed the liquor license application #A-631500 for La Iguana Restaurant located at 139 N. Main Street, Las Cruces, NM 88001. This applicant is seeking a restaurant liquor license for beer & wine on-premise consumption only. The applicant is also seeking an approved waiver from the city of Las Cruces since the establishment is within 300 feet from the nearest church, Casa De Alabanza.**

**The facility in question is an existing building that is currently being renovated. The construction plans were reviewed for compliance with the 2006 International Fire Code (IFC) and are in conformance with the requirements for a facility that serves/sells alcoholic beverages.**

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

