

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 15 Resolution #11- 169 Council District: 6

For Meeting of February 7, 2011  
(Adoption Date)

**A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO LOS COMPAS DE LAS CRUCES, LLC, LOCATED AT 1120 COMMERCE DRIVE, SUITE C, LAS CRUCES, NEW MEXICO.**

**PURPOSE(S) OF ACTION:** To approve, disapprove, or not approve the issuance of a Restaurant Liquor License to Los Compas De Las Cruces, LLC.

<b>Drafter and Staff Contact:</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>
Department Director			Budget	<i>[Signature]</i>	541-2107
Other			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, an application for the issuance of a Restaurant Liquor License (Beer and 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.

Los Compas De Las Cruces, LLC applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for the issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) at 1100 Commerce Drive, Suite C, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on December 29, 2010.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled for Monday, February 7, 2011, 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 Bulletin* on January 14 and 21, 2011, and in the *Las Cruces Sun-News* on January 16 and 23, 2011.

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

**SUPPORT INFORMATION:**

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

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>  N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.	
<b>Does this action create any revenue?</b>	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>1015-10180020-520002</u> (Permits – Liquor Licenses) in the amount of \$300.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

N/A

**FUND EXPENDITURE SUMMARY:**

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

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes". This will approve of and consent to the issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to Los Compas De Las Cruces, LLC, and Alcohol and Gaming will continue with the application process.
2. Vote "No". A "No" vote 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. Vote to "Amend". Any amendments must comply with state statute and/or the requirements of Alcohol and Gaming.
4. Vote to "Table". If the Council fails to either approve, disapprove or not approve the transfer of the liquor license, the Director of Alcohol and Gaming may give final approval and issue the license.

**REFERENCE INFORMATION**

None.

**RESOLUTION NO. 11-169**

**A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO LOS COMPAS DE LAS CRUCES, LLC, LOCATED AT 1120 COMMERCE DRIVE, SUITE C, LAS CRUCES, NEW MEXICO.**

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

**WHEREAS**, Los Compas De Las Cruces, LLC, located at 1100 Commerce Drive, Suite C, Las Cruces, New Mexico, applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for the issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only); and

**WHEREAS**, on December 29, 2010, Alcohol and Gaming granted preliminary approval for the issuance of the 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 public notice of such hearing; and

**WHEREAS**, the City Council did on this date hold a public hearing after reasonable public 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 license is not detrimental to the public health, safety or welfare of the City of Las Cruces.

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

**(I)**

**THAT** the issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to Los Compas De Las Cruces, LLC, located at 1100 Commerce Drive, Suite C, 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 February 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

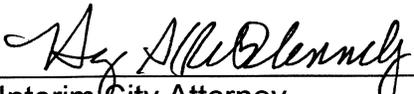
{SEAL}

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

**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

**Kelly O'Donnell, Ph.D.**  
SUPERINTENDENT

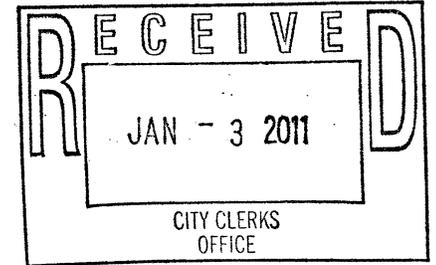
**Randall Cherry**  
CHIEF GENERAL  
COUNSEL

**Gary J. Tomada**  
DIRECTOR

December 29, 2010

**Certified Mail No.: 7009 1680 0000 1945 8646**

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



Re: License / App. No.: Application #A-651635  
Applicant Name: Los Compas De Las Cruces, LLC  
Doing Business As: Los Compas De Las Cruces, LLC  
Proposed Location: 1120 Commerce Drive, Suite C, Las Cruces, NM 88011

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

Greetings:

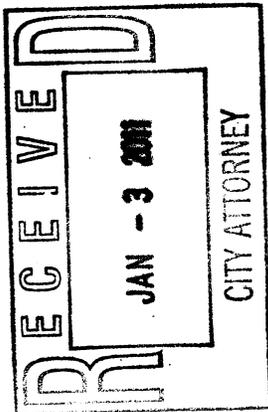
The Director of the Alcohol and Gaming Division has reviewed the referenced Application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

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 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



Alcohol and Gaming Division  
(505) 476-4875

Boards and Commissions Division  
(505) 476-4600

Construction Industries Division  
(505) 476-4700

Financial Institutions Division  
(505) 476-4885

Manufactured Housing Division  
(505) 476-4770

Securities Division  
(505) 476-4580

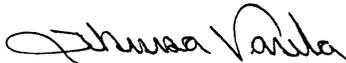
Administrative Services Division  
(505) 476-4800

- proposed licensed premises<sup>249</sup>).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval. Attached is a copy of a Zoning Statement from the local governing body.
  - 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

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

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

Sincerely,



Theresa Varela  
Administrative Law Judge

#### **ENCLOSURES**

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application.
3. Copy of Zoning Statement.
4. Copy of Floor Plan (no outdoor patios).
5. Copy of Limited Liability Company Page of the Application.

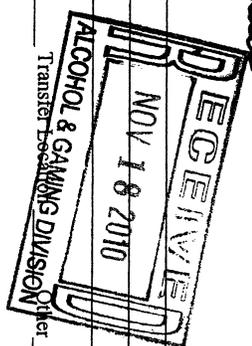
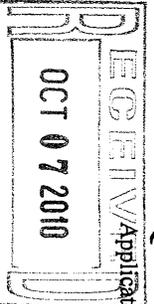


ENTERED  
2010

9-10-13-10  
Traves

### LIQUOR LICENSE APPLICATION

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



State Liquor License # 651635

Application Number 651635

Local option (AGD use) Las Cruces

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

Issue New License  Type of license being applied for: Restaurant

Applicant is: Individual  Corporation  Partnership (General or Limited)  Limited Liability Company

FAM. F APPLICANT (company or individual) Los Compas De Las Cruces, LLC ADDRESS (including city, state, zip) 1120 Commerce Dr, Ste C Las Cruces, NM 88011 TELEPHONE NUMBER 595-521-6228

Y/B/A name to be used: Los Compas De Las Cruces, LLC Phone number for licensed premises: 595-521-6228

Physical location where license is to be used: 1120 Commerce Dr, Ste C Las Cruces, NM 88011  
Include street number /highway number / state road, city and county, state, and zip code)  
Mailing address: 603 S. NEVAREZ LAS CRUCES, NM 88001 Dona Ana County

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

(print name) Margarita B. Gutierrez, as (title) managing member, being first duly sworn upon oath 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 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 or sign and date this form in the presence of a notary public.

Signature of Applicant: [Signature] Date 8/18/10

Subscribed and sworn to before me this 18th day of August Notary Public Use Only  
20 by Margarita Gutierrez  
My Commission Expires 12-09-2011  
My commission expires: 12/9/10



OFFICIAL SEAL  
Anna Marie Carmona  
NOTARY PUBLIC  
STATE OF NEW MEXICO

Local Governing Body of: \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_ 20\_\_\_\_  
I hereby approve: \_\_\_\_\_ Disapproved \_\_\_\_\_  
City/County Official \_\_\_\_\_ Director Approval \_\_\_\_\_  
For Alcohol and Gaming Division Use Only

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Date \_\_\_\_\_



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

1. The land and building which is proposed to be the licensed premises is (check one):  
 Owned by Applicant \_\_\_\_\_ Leased by Applicant (attach copy of deed or lease)  Other (provide details) \_\_\_\_\_

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

A. Owner(s) ~~John Curry Construction Real Estate~~ 1120 Commerce, LLC TR 10-27-10  
 B. Date and term of lease 10/1/09 thru 10/31/2014 with 5-year renewal option TR 12-10-10

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

3. Premises location is zoned (example C-1) RMU(M-1) - Planned Unit Development (Industrial Light) TR 10-27-10

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).  
 Church of Jesus Christ

Miles/feet 0.8 miles Name of church of Latter Day Saints Address/location of church 3210 Venus St. Las Cruces, NM  
700 of a mile, per posting. Grace Covenant Church, per posting. Address unavailable, per posting. TR 12-10-10

5. Distance from nearest school \*(Property line of school to licensed premises—shortest distance).  
 Miles/feet 1.16 miles Name of school Camins Real Middle School Address/location of school 2911 North Roadrunner Parkway  
9/0 of a mile, per posting. Sarah Elementary School, per posting. Address unavailable, per posting. TR 12-10-10

Distance from military installation \*(Property line of military installation to licensed premises—shortest distance).  
 Miles 30 Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

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

\*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) \_\_\_\_\_  
 OCT 4 2010

3.



**STATEMENT OF ZONING**

The property located at 1120 Commerce Drive, and having a Map Code Number or Parcel ID Number of 02-25030, in Las Cruces, New Mexico, is zoned as follows:

**PUD (M-1) -- Planned Unit Development (Industrial Light)**

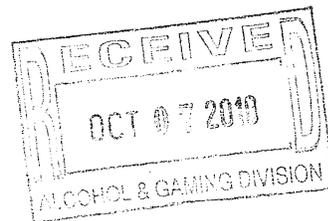
The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

August 30, 2010  
Date

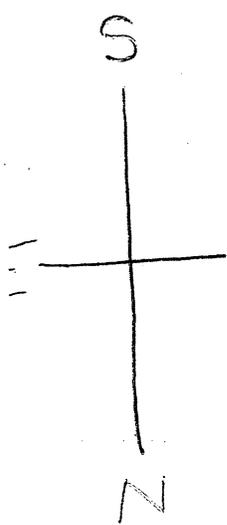
  
\_\_\_\_\_  
Adam Ochoa  
Acting Planner

Comments: This property is part of Parcel 5 in the Northrise Planned Unit Development, which utilizes provisions from the 1981 Zoning Code, as amended. The subject property has an underlying zoning designation of M-1 (Light Industrial). 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.

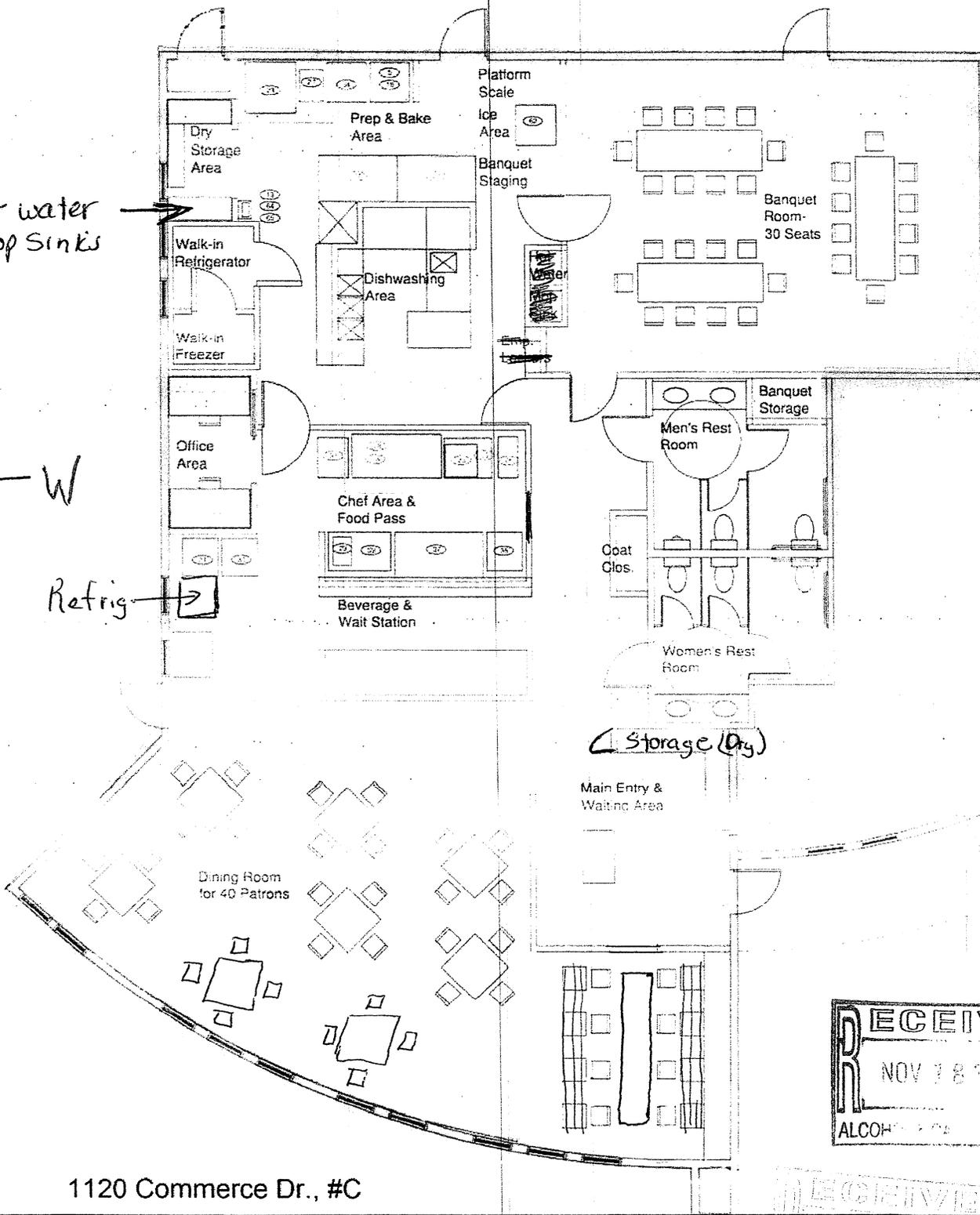


253



Hot water  
Mop Sinks

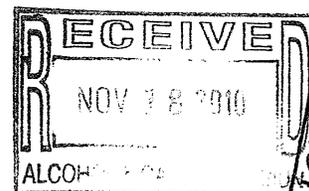
Refrig



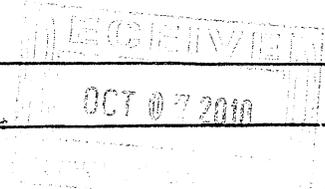
1120 Commerce Dr., #C

← Commerce Drive →

Sq. ft. 3270



Elsthor Blvd





**LIMITED LIABILITY COMPANY**

SS 60-6B-24

1. Name of Limited Liability Company Los Compas De Las Cruces, LLC

2. Date company formed (attach copy of Operating Agreement) Dec 13<sup>th</sup> 2010 SI 10-27-10

3. Date company registered (attach copy of certificate and Article of Organization) Dec 130 / 2010

4. Mailing Address: Street 1003 S. Newaree City Las Cruces State NM zip 88001 Phone 575-527-5590

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	Interest/contribution
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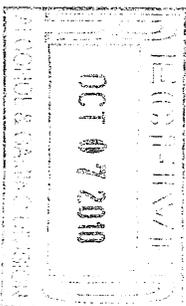
<u>Margarta B. Butierrez</u>	<u>Managing Member</u>	<u>4006 Llag, Las Cruces, NM 88005</u>	<u>100%</u>
------------------------------	------------------------	--	-------------

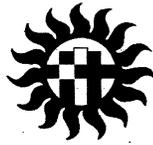
Has this Limited Liability Company ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Limited Liability Company been denied the issuance of a liquor license? No  Yes  If Yes, provide details:

7. List every liquor license in which this Limited Liability Company owns any interest, direct or indirect:  
none

**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, P.O. Box 25101, Santa Fe, New Mexico 87504.





# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## AD FORM LAS CRUCES SUN NEWS LEGAL CLASSIFIED

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

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

Dates to Publish: January 16 and 23, 2011

Copy to publish:

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of the issuance of a Restaurant Liquor License (beer and wine only) to Los Compas De Las Cruces, LLC, located at 1100 Commerce Drive, Suite C, 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, February 7, 2011, at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the transfer.

Witness my hand and seal of the City of Las Cruces on this the 16<sup>th</sup> day of January 2011.

  
\_\_\_\_\_  
Esther Martinez, CMC, City Clerk



**AD FORM**  
**LAS CRUCES BULLETIN**  
**LEGAL CLASSIFIED**

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

Proof of publication/bill to: City Clerk, PO Box 20000, Las Cruces, NM 88004

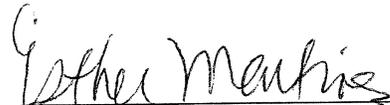
Dates to Publish: January 14 and 21, 2011

Copy to publish:

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of the issuance of a Restaurant Liquor License (beer and wine only) to Los Compas De Las Cruces, LLC, located at 1100 Commerce Drive, Suite C, 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, February 7, 2011, at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the transfer.

Witness my hand and seal of the City of Las Cruces on this 6<sup>th</sup> day of January 2011.

  
\_\_\_\_\_  
Esther Martinez, CMC, City Clerk



**City of Las Cruces**  
PEOPLE HELPING PEOPLE

**INTER-DEPARTMENTAL  
MEMORANDUM**

=====

**TO:** Harry "Pete" Connelly, Interim City Attorney

**FROM:** Dan Soriano, Traffic Engineer, Public Works 

**SUBJECT:** Traffic Investigation Report

**DATE:** January 7, 2011

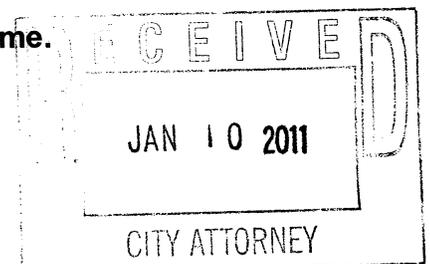
=====

As requested, Traffic Engineering has completed a traffic investigation for Las Compas De Las Cruces located at 1120 Commerce Drive, Suite C, Las Cruces, New Mexico. The following information is submitted for review:

- Commerce Drive at this location carries approximately 3000 vehicles per day.
- Commerce Drive is operated as a two lane major local roadway used primarily for commercial use.
- Access to the property in question is off of Commerce Drive with no sight distance problems present.
- The speed limit on Commerce Drive in this area 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.



**City of Las Cruces  
Community Development Department**

**LIQUOR LICENSE IMPACT REPORT**

**Restaurant Liquor License Application No. A-651635  
(Beer and Wine Only)**

**Los Compas De Las Cruces, LLC  
1120 Commerce Drive, Suite C**

**January 18, 2011**

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

**Los Compas De Las Cruces, LLC  
1120 Commerce Drive, Suite C**

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: 1120 Commerce Drive, Suite C  
Applicant: Los Compas De Las Cruces, LLC  
Business Name: Los Compas De Las Cruces, LLC

**LAND USE AND ZONING INFORMATION:**

Subject Property Zoning: PUD (Planned Unit Development)  
(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	PUD	Commercial Use
South	A-1	Drainage Area
East	PUD	Commercial Use
West	PUD	Commercial Use

**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: Commerce Drive  
Classification: Local Roadway  
Number of Lanes: 2  
Site Access: 2  
Nearest Intersection: Telshor Boulevard & Commerce Drive

**PARKING REQUIREMENTS:**

The 2001 Las Cruces Zoning Code, as amended, requires restaurants to provide 1 auto parking space per 2-5 seats. However, because the business is in a shopping center, one (1) space for each 200-300 square feet of gross floor area is required. As the center currently exists, it complies with current parking standards.

**IMPACT ANALYSIS:**

The applicant is requesting a Beer and Wine On-Premise Consumption Only Liquor License for this establishment. The subject property is part of a Planned Unit Development (PUD), and is described in the Northrise Business Park Development Plan. The parcel is located on Commerce Drive which is designated as a local roadway, but was designated to accommodate moderate traffic and land uses such as restaurants in the Northrise Business Park Development Plan. The Northrise Business Park utilizes provisions from the 1981 Zoning Code, as amended. The underlying zoning is M-1 (Light Industrial) and 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 1120 Commerce Drive, Suite C, and having a Map Code Number or Parcel ID Number of 02-25030, in Las Cruces, New Mexico, is zoned as follows:

#### **PUD (M-1) -- Planned Unit Development (Industrial Light)**

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.

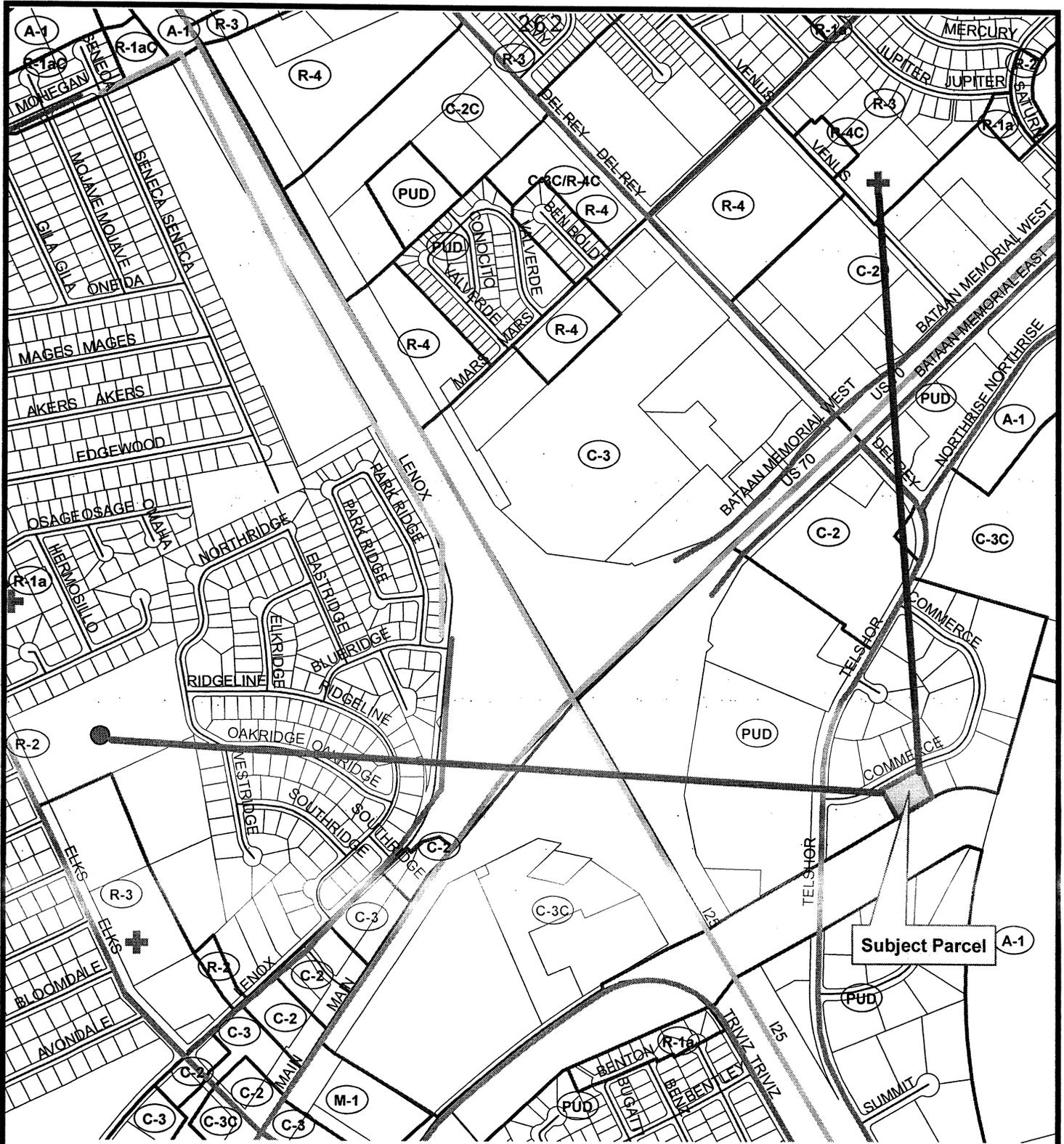
January 18, 2011

Date

Adam Ochoa  
Planner

Comments: This property is part of Parcel 5 in the Northrise Planned Unit Development, which utilizes provisions from the 1981 Zoning Code, as amended. The subject property has an underlying zoning designation of M-1 (Light Industrial). 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.



## VICINITY MAP

**1120 COMMERCE DRIVE**  
**PARCEL: 02-25030**  
**ZONING: PUD (PLANNED UNIT DEVELOPMENT)**  
**DISTANCE TO NEAREST CHURCH: ~3,625 FEET**  
**DISTANCE TO NEAREST SCHOOL: ~2,890 FEET**

-  ZONING
-  SCHOOL
-  CHURCH



*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.*

**ECONOMIC DEVELOPMENT REPORT**

**From:** Vicki Montez

This is to inform you Los Compas De Las Cruces has a business license and it is current.

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**From:** Monica Campbell  
**Sent:** Thursday, January 06, 2011 11:03 AM  
**To:** Christine Logan  
**Cc:** Vicki Montez  
**Subject:** Review of 2 liquor license application

The City has received two preliminary approval letters from Alcohol & Gaming:

1. Buffalo Wild Wings, 2750 Mall Drive, has applied for a transfer of ownership of its liquor license
2. Los Compas De Las Cruces, 1120 Commerce Drive, Suite C, has applied for a Restaurant Liquor License.

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

In order to meet the time limits and publication deadlines imposed by law, I would appreciate it if you would submit the reports no later than **January 20, 2011**.

Monica Campbell  
Legal Dept. Operations Analyst  
City of Las Cruces  
575-541-2014 / 575-541-2128  
Fax 575-541-2017



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

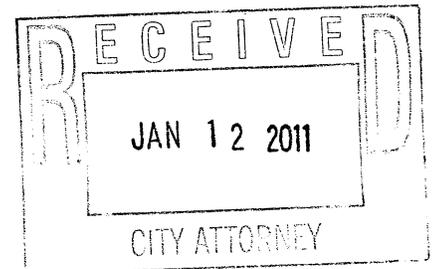
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**DATE:** January 11, 2011  
**TO:** Pete Connelly, City Attorney  
**From:** Richard Williams, Chief of Police *RSW*  
**Subject:** Los Compas De Las Cruces, LLC

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Los Compas De Las Cruces, 1120 Commerce Drive, Suite C. Las Cruces, NM 88011

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for Los Compas be approved.

Richard Williams  
Chief of Police



**City of Las Cruces**

**TO:** Operations Analyst, Monica Campbell

**FROM:** Fire Inspector, Adrian Arias

**SUBJECT:** Liquor License

**DATE:** January 12, 2011

**FILE #: 11-02**

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In reference to Liquor License # A-651635 (Los Compas De Las Cruces) at 1120 Commerce, License is **APPROVED**.

Any future increase in square footage or occupant load may require sprinkler system for the building. Current square footage is 3,270 with an occupant load under 100.

For questions or clarification please feel free to contact me at (575) 528-4150.  
Thank You.

