

189
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8 Resolution #11-176 Council District: 4

For Meeting of February 22, 2011

(Adoption Date)

A RESOLUTION APPROVING THE ISSUANCE OF A WINEGROWER OFF-SITE "C" LIQUOR LICENSE (ON-PREMISE CONSUMPTION AND PACKAGE SALES OF WINE) TO LUNA ROSSA WINERY, INC. TO BE LOCATED AT 1321 AVENIDA DE MESILLA, LAS CRUCES, NEW MEXICO

PURPOSE(S) OF ACTION: To approve, disapprove, or not approve the issuance of a Winegrower Off-Site "C" Liquor License to Luna Rossa Winery, Inc.

Drafter and Staff Contact: Monica Campbell <i>mc</i>		Department: Legal		Phone: 541-2128	
Department	Signature	Phone	Department	Signature	Phone
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, the applicant for issuance of an Off-Site "C" Winegrower Liquor License (On-Premise Consumption and Package Sales of Wine) must be accompanied by a resolution of the City council approving of and consenting to the issuance after a public hearing.

Luna Rossa Winery, Inc. applied to the Alcohol & Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for the issuance of a Winegrower Off-Site "C" Liquor License (On-Premise Consumption and Package Sales of Wine) at 1321 Avenida De Mesilla, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on January 18, 2011.

The City Council is required to hold a public hearing within 45 days after receipt of the preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled during the regular City Council Meeting on Tuesday, February 22, 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 Sun-News* on January 30 and February 6, 2011 and in the *Las Cruces Bulletin* on January 28 and February 4, 2011.

(Continue on additional sheets as required)

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:

Is this action already budgeted? 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"/>	<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 (# and Fund Name) Fund.
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: 1015-10180020-520002 in the amount of 600.00 for FY11.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

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 Winegrower Off-Site "C" Liquor License (On-Premise Consumption and Package Sales of Wine) to Luna Rossa Winery, 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 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 issuance of the liquor license, the Director of Alcohol and Gaming may give final approval and issue the license.

REFERENCE INFORMATION

None.

RESOLUTION NO. 11- 176**A RESOLUTION APPROVING THE ISSUANCE OF A WINEGROWER OFF-SITE "C" LIQUOR LICENSE (ON-PREMISE CONSUMPTION AND PACKAGE SALES OF WINE) TO LUNA ROSSA WINERY, INC. TO BE LOCATED AT 1321 AVENIDA DE MESILLA, LAS CRUCES, NEW MEXICO**

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

WHEREAS, Luna Rossa Winery, Inc., to be located at 1321 Avenida De Mesilla, 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 Winegrower Off-Site "C" Liquor License; and

WHEREAS, on January 18, 2011, 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 Winegrower Off-Site "C" Liquor License (On-Premise Consumption and Package Sales of Wine) to Luna Rossa Winery, Inc., to be located at 1321 Avenida De Mesilla, 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 and the Agreement.

DONE AND APPROVED on this 22 day of February 2011.

Mayor

ATTEST:

City Clerk

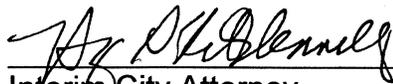
{SEAL}

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



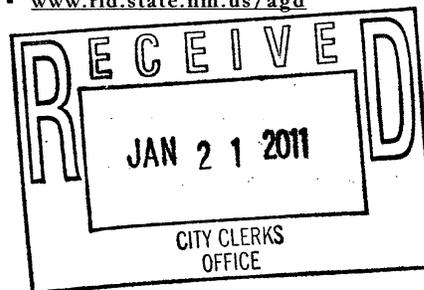
Susana Martinez
GOVERNOR

Tracy Hughes
CHIEF GENERAL
COUNSEL

Gary J. Tomada
DIRECTOR

January 18, 2011

Certified Mail No.: 7009 1680 0000 1945 8684



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

Re: License / App. No.: Application #A-640628
Applicant Name: Luna Rossa Winery, Inc.
Doing Business As: Luna Rossa Winery, Inc.
Proposed Location: 1321 Avenida De Mesilla, 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:

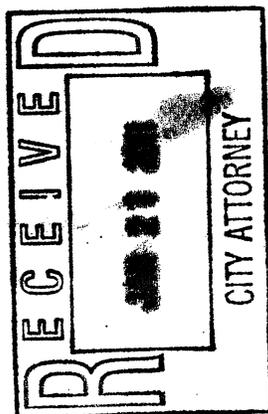
The Director of the Alcohol and Gaming Division has reviewed the referenced Application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

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 WINEGROWER OFF-SITE "C" LIQUOR LICENSE (ON-PREMISE CONSUMPTION AND PACKAGE SALES OF WINE).

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

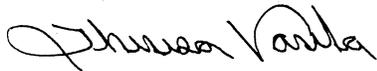
proposed licensed premises¹⁹⁵).

- 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).

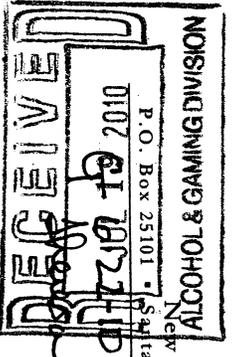
Sincerely,



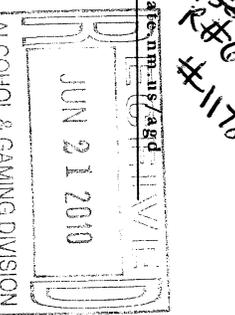
Theresa Varela
Administrative Law Judge

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 area).**
5. **Copy of Page 4 of the Application.**



LIQUOR LICENSE APPLICATION
 Application fee - \$200.00 Fees are non-refundable.
 ENTERED 200 11/8/08
 Record Owner of Existing License
 Current D/B/A Name
 Current Premises Address



1868671178957
 200.00
 6/21/10
 #1178990
 #1178990

State Liquor License # 640628
 Application Number Las Cruces
 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 Transfer Location Other
 Issue New License Type of License being applied for Off-site "C" - Winegrower
 Applicant is: Individual Corporation Partnership (General or Limited) Limited Liability Company

NAME OF APPLICANT (company or individual) Luna Rossa Winery, Inc. ADDRESS (including city, state, zip) PO Box 1507, Deming NM 88031 TELEPHONE NUMBER 575-544-1160

D/B/A name to be used: LUNA ROSSA WINERY, INC. Phone number for licensed premises: 575-526-2484

Physical location where license is to be used: 1321 AVENIDA DE MESILLA LAS CRUCES, NM 88005 - Dona Ana County
 (Include street number / highway number / state road, city and county, state, and zip code)
 Mailing address: PO. BOX 1507 DEMING, NM 88031

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If yes, give license number and type 40
 I, (print name) Sylvia D'Andrea, as (title) Vice-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 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 6-17-10

SUBSCRIBED AND SWORN TO before me this 17th day of June Notary Public Use Only 2010 by Sylvia D'Andrea
 Notary Public [Signature] My Commission Expires 8/26/13

Local Governing Body of: _____ (City or County). Hearing held on _____ 20____

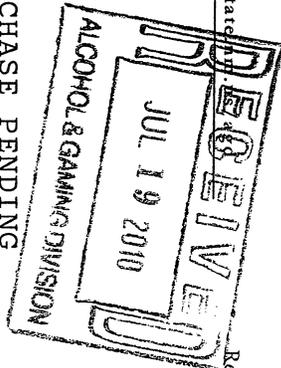
Check one: Approved Disapproved City/County Official _____ (Signature & Title)

For Alcohol and Gaming Division Use Only
 Approved Disapproved Director Approval _____ 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) _____ X Other (provide details) _____ PURCHASE PENDING

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

A. Owner(s) BREWERY OLL COMPANY RAOLO and Sylvia D'Andrea TV 01-03-11

B. Date and term of lease January 17, 2010 6 Month Term State Pending After December 10, 2010 / 5 Years

3. Premises location is zoned (example C-1) C-2 (Commercial Medium Intensity) TV 07-28-10
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)
4/10 of a mile, NE, for posting. TV 07-28-10
Miles/feet 1 1/4 mile Name of church SAN ALBINO CHURCH Address/location of church ALLE SANTIAGO, MESILLA, NM 88046

5. Distance from nearest school *(Property line of school to licensed premises-shortest distance)
8/10 of a mile, S, for posting. TV 07-28-10
Miles/feet 1 1/4 miles Name of school ZIA MIDDLE SCHOOL Address/location of school 1300 W. UNIVERSITY LAS CRUCES, NM 88005

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

Miles 60 Name of Military Installation, circle one: 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) WINE TASTING ROOM

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




STATEMENT OF ZONING

The property located at 1321 Avenida de Mesilla, and having a Map Code Number or Parcel ID Number of 02-02813, in Las Cruces, New Mexico, is zoned as follows:

C-2 (Commercial Medium Intensity)

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

July 16, 2010

Date

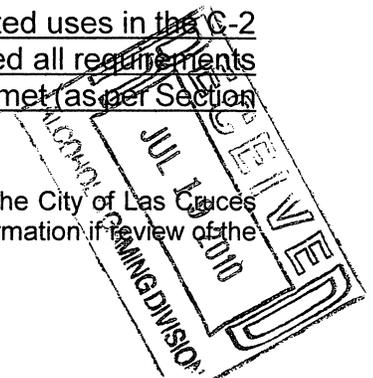
Adam Ochoa
Acting Planner

Comments: The C-2 district facilitates and encourages development of those uses which provide retail and service activities as a convenience to adjacent neighborhoods and whose use generally serves a population of 5,000 to 30,000.

The subject property is located in the Avenida de Mesilla Gateway Overlay. The purpose of the Avenida de Mesilla Gateway Overlay Zone District is to implement land use and urban design policies as established in the Avenida de Mesilla Gateway Plan. Specifically, the purpose of this zone is to utilize special provisions to provide guidance in future decisions regarding zoning, land use, urban design, and transportation. The overall intent of the District is to create a gateway which promotes an aesthetically pleasing yet functional environment in which citizens from both the City of Las Cruces and the Town of Mesilla can interact socially, where the business community can exist in a commercially viable environment, and where both endeavors can co-exist with little or no conflict with one another.

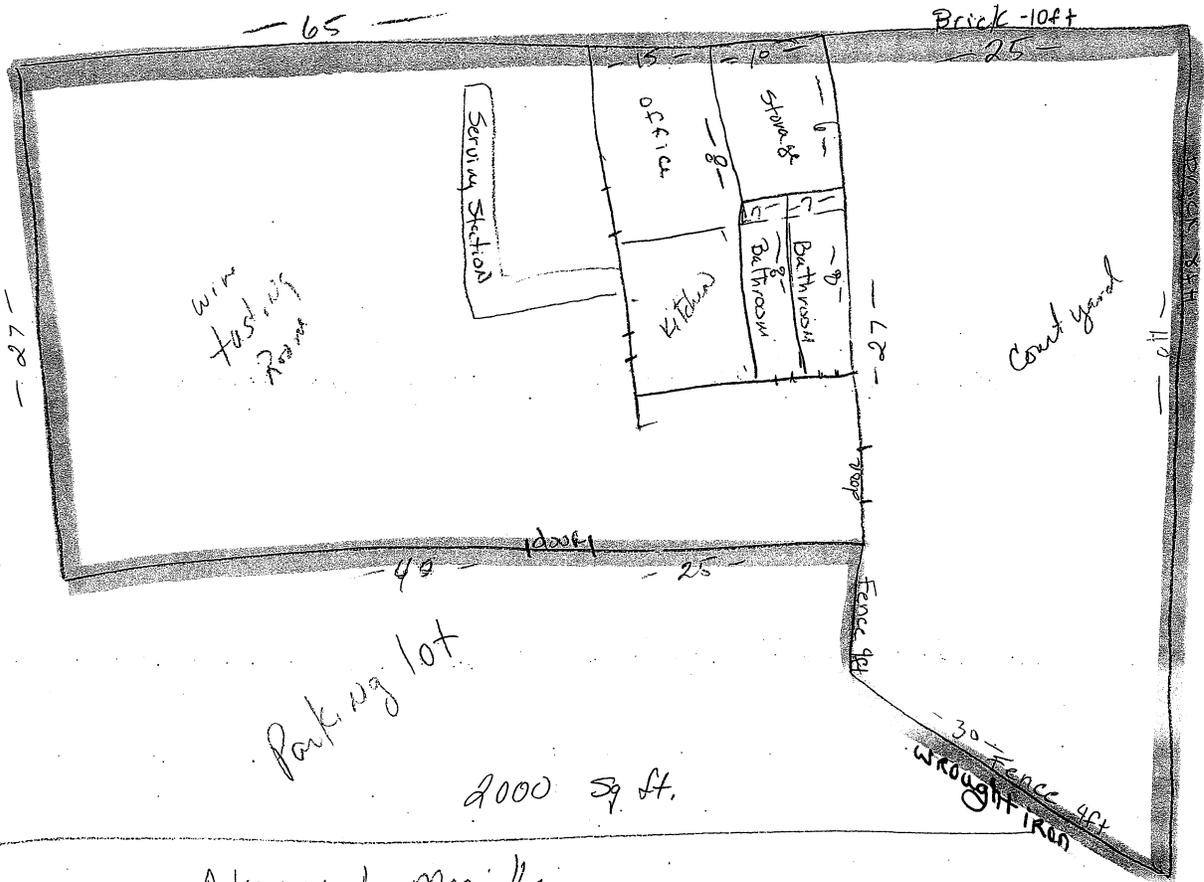
Retail packaged wine sales and a wine dispenser's license are permitted uses in the C-2 zoning district and in the Avenida de Mesilla Gateway Overlay, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met (as per Section 38-44.C.4a of the 2001 Las Cruces 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.



entire floor plan is unrestricted

Alley



01-10

N+S



CORPORATION
 SS 60-6B-2

Name of Corporation: LUNA ROSSA WINERY, INC
 (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 18, 2002 ~~2010~~ ~~2001~~ ~~2004~~ ~~2005~~ ~~2006~~ ~~2007~~ ~~2008~~ ~~2009~~ ~~2010~~
 In what State? NEW MEXICO

Mailing Address of Corporate Office: P. O. BOX 1507 City DEMING State NM Zip 88031 Phone 575-544-1160

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.

me and Title of Officers, Directors and Stockholders Complete Address % Stock Held

<u>PAOLO D'ANDREA-PRESIDENT</u>	<u>1401 ALLEN ST DEMING, NM</u>	<u>88030</u>	<u>50</u>
<u>SYLVIA D'ANDREA-Vice-President</u>	<u>1401 ALLEN ST DEMING, NM</u>	<u>88030</u>	<u>50</u>
<u>Treasurer</u>			

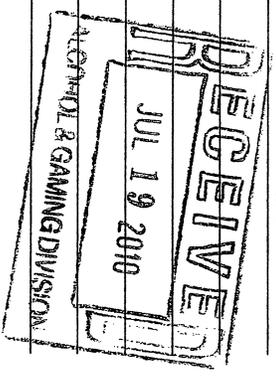
USE ADDITIONAL PAGES IF NECESSARY.

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 X Yes If Yes, provide details:

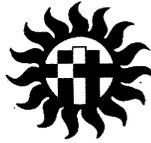
List every liquor license in which the Corporation holds any interest, direct or indirect: 6091, 6122, 6851, ~~6851~~, ~~6860~~, ~~6882~~ N 07-09-10
 Has this Corporation ever been convicted of a felony? No X Yes IF Yes, provide details:

**** 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 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.



JUN 22 2010



City of Las Cruces
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 30 and February 6, 2011

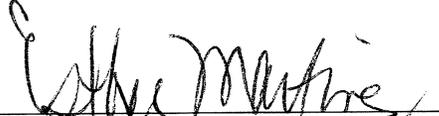
Copy to publish:

NOTICE OF INTENT TO ADOPT

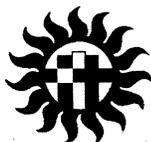
Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of the issuance of a Winegrower Off-Site "C" Liquor License (On-Premise Consumption and Package Sales of Wine) to Luna Rossa Winery, located at 1321 Avenida De Mesilla, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Tuesday, February 22, 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 issuance.

Witness my hand and seal of the City of Las Cruces on this the 25th day of January 2011.



Esther Martinez, CMC, City Clerk



City of Las Cruces
PEOPLE HELPING PEOPLE

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 28 and February 4, 2011

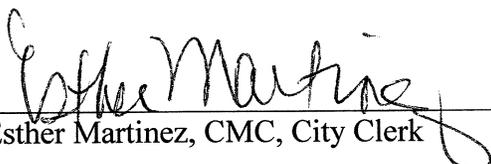
Copy to publish:

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The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Tuesday, February 22, 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 issuance.

Witness my hand and seal of the City of Las Cruces on this the 25th 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: February 1, 2011

=====

As requested, Traffic Engineering has completed a traffic investigation for Luna Rossa Winery located at 1321 Avenida de Mesilla, Las Cruces., New Mexico. The following information is submitted for review:

- Avenida de Mesilla at this location carries approximately 7385 vehicles per day.
- Avenida de Mesilla operated as a four lane roadway with left turn lane and primarily serves commercial properties.
- Access to the property in question is off of Avenida de Mesilla. No potential sight distance or operational problems exist.
- The speed limit on Avenida de Mesilla is set at 45 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

Winegrower Off-Site "C" Liquor License No. A-640628

1321 Avenida de Mesilla
Luna Rossa Winery, Inc.

February 1, 2011

**LIQUOR LICENSE IMPACT REPORT
Winegrower Liquor License**

**Luna Rossa Winery, Inc.
1321 Avenida de Mesilla**

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: 1321 Avenida de Mesilla
Applicant: Luna Rossa Winery, Inc.
Business Name: Luna Rossa Winery, Inc.

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: C-2 (Commercial Medium Intensity)
(See attached Statement of Zoning and Vicinity Map)

Subject Property Current Land Use:

<u>Adjacent Land Uses</u>	<u>Zoning</u>	<u>Land Use</u>
North	C-2	Commercial
South	C-3	Commercial
West	C-3	Commercial
East	C-3	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: Avenida de Mesilla
Classification: Principal Arterial
Number of Lanes: 3
Site Access: 1
Nearest Intersections: Avenida de Mesilla & Stern Drive

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires restaurants to provide one (1) automobile parking space for every 2-5 seats and one (1) bicycle parking space per one thousand (1,000) square feet of gross floor area. Parking requirements will be met when construction is concluded.

IMPACT ANALYSIS:

The subject property is located on the corner Avenida de Mesilla. Avenida de Mesilla is designated as a principal arterial and is designed to accommodate heavy traffic and land uses such as restaurants. The subject property is zoned C-2 (Commercial Medium Intensity) which permits this use and uses related to it. The subject property is also located in the Avenida de Mesilla Gateway Overlay Zone District which permits this use with conditions (see attached). The applicant is requesting a winegrower off-site "C" liquor license for this location. 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 1321 Avenida de Mesilla, and having a Map Code Number or Parcel ID Number of 02-02813, in Las Cruces, New Mexico, is zoned as follows:

C-2 (Commercial Medium Intensity)

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

February 1, 2011

Date

Adam Ochoa

Planner

Comments: The C-2 district facilitates and encourages development of those uses which provide retail and service activities as a convenience to adjacent neighborhoods and whose use generally serves a population of 5,000 to 30,000.

The subject property is located in the Avenida de Mesilla Gateway Overlay. The purpose of the Avenida de Mesilla Gateway Overlay Zone District is to implement land use and urban design policies as established in the Avenida de Mesilla Gateway Plan. Specifically, the purpose of this zone is to utilize special provisions to provide guidance in future decisions regarding zoning, land use, urban design, and transportation. The overall intent of the District is to create a gateway which promotes an aesthetically pleasing yet functional environment in which citizens from both the City of Las Cruces and the Town of Mesilla can interact socially, where the business community can exist in a commercially viable environment, and where both endeavors can co-exist with little or no conflict with one another. Wine production including on-premise consumption & package sales are permitted in the Avenida de Mesilla Gateway Overlay with conditions (see attached).

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.

h. Food/Beverage Production or Packaging. Such use shall meet the following requirements:

- 1) Permitted only when such use occurs within the same building as the primary use;
- 2) The use must remain secondary to the primary use (retail or service).
- 3) In no event shall the square footage for any production/assembly process associated with the commercial activity exceed 49% of the total business floor area (not to exceed 3,000 square feet).
- 4) All ancillary activity (processing) uses shall conform to the following:
 - a) Shall be conducted in a manner which serves to enhance the general retail and/or service atmosphere.
 - b) Examples of establishments which may conduct this ancillary activity include cafes/restaurants, taverns, and other like uses involving food/beverage related products (human consumption) within applicable zoning districts.
 - c) The ancillary activity shall not pose any adverse impacts to adjacent properties due to noise, odor, dust, or vibration.

ECONOMIC DEVELOPMENT REPORT

From: Vicki Montez

Luna Rossa Winery located at 1321 Avenida de Mesilla has applied and paid for a business license however the building is under renovation and the license will be issued upon all approvals.

From: Monica Campbell

Sent: Monday, January 24, 2011 12:56 PM

To: Vicki Montez

Cc: Cheryl Rodriguez; Christine Logan

Subject: Request for reports - 2 liquor license applications

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

1. Zeffiro Pizzeria Napoletana, 136 N. Water St., has applied for a Restaurant Liquor License.
2. Luna Rossa Winery, 1321 Avenida de Mesilla, has applied for a Winegrower Off-Site "C" Liquor License.

Please review the attached applications and report on the status of each applicant's 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 **February 3, 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

DATE: *January 25, 2011*

TO: *Pete Connelly, City Attorney*

From: *Richard Williams, Chief of Police*

Subject: *Luna Rossa Winery, Inc.*

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Luna Rossa Winery, Inc. located at 1321 Avenida De Mesilla, Las Cruces, NM 88005.

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

A handwritten signature in black ink, appearing to read 'Richard Williams', with a stylized flourish at the end.

Richard Williams
Chief of Police

Adrian Arias

From: James VonSchriltz

Sent: Tuesday, February 08, 2011 9:31 AM

To: Adrian Arias

Application #A-640628

Luna Rossa Winery Inc.

Luna Rossa Winery

1321 Avenida De Mesilla

This application for Liquor License can be considered approved pending planned building and alterations are adhered to according to requirements requested.

This property is not currently in business. They are in the process of altering the existing building to be used as Luna Rossa winery. They have submitted plans and are in the process of being approved for their alterations. Their interior occupant load is 69 persons and they have an open patio with an additional occupant load of 48. They currently will meet LCFD requirements for their A-2 occupancy.

They will meet LCFD requirements for this business use prior to receiving an LCFD C.O