

264
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

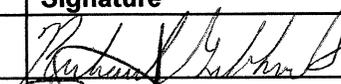
Council Action and Executive Summary

Item # 12 Resolution #11- 180 Council District: 1

For Meeting of February 22, 2011
 (Adoption Date)

A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO ZEFFIRO PIZZERIA NAPOLETANA, LOCATED AT 136 NORTH WATER STREET, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION: To approve, disapprove, or not approve the issuance of a Restaurant Liquor License to Zeffiro Pizzeria Napoletana.

Drafter and Staff Contact: Monica Campbell		Department: Legal		Phone: 541-2128	
Department	Signature	Phone	Department	Signature	Phone
Department Director			Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		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.

Zeffiro Pizzeria Napoletana 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 and Wine On-Premises Consumption Only) at 136 North Water Street, 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 the date of receipt of the preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled for 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.

Council may approve or disapprove the issuance. However, Council's disapproval must be based on substantial evidence that the issuance of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces. Council may also fail to

(Continue on additional sheets as required)

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:

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"/>	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 (<u># and Fund Name</u>) Fund.
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>1015-10180020-520002</u> in the amount of <u>\$300.00</u> for FY11.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

(Continue on additional sheets as required)

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 Zeffiro Pizzeria Napoletana, 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.

(Continue on additional sheets as required)

RESOLUTION NO. 11- 180

A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO ZEFFIRO PIZZERIA NAPOLETANA, LOCATED AT 136 NORTH WATER STREET, LAS CRUCES, NEW MEXICO.

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

WHEREAS, Zeffiro, LLC d/b/a Zeffiro Pizzeria Napoletana 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 and Wine On-Premise Consumption Only) at 136 North Water Street, Las Cruces, New Mexico; and

WHEREAS, on January 18, 2011, 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; and, the City Council has considered the issuance of the liquor license and 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 and Wine On-Premise Consumption Only) to Zeffiro Pizzeria Napoletana, located at 136 North Water 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 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

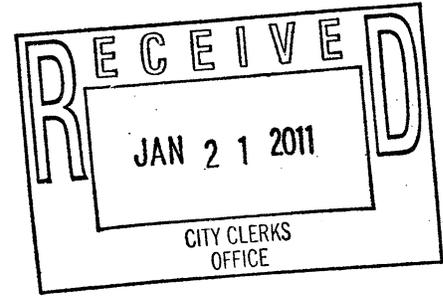
Susana Martinez
GOVERNOR

Tracy Hughes
CHIEF GENERAL
COUNSEL

Gary J. Tomada
DIRECTOR

January 18, 2011

Certified Mail No.: 7009 1680 0000 1945 8707



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

Re: License / App. No.: Application #A-652736
Applicant Name: Zeffiro, LLC
Doing Business As: Zeffiro Pizzeria Napoletana
Proposed Location: 136 N. Water Street, Las Cruces, NM 88001

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

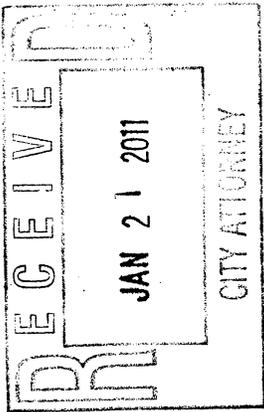
Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application for **Conditional Preliminary Review** 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 SCHOOL, CENTRAL ELEMENTARY, AND BETWEEN 300-400 FEET FROM THE NEAREST CHURCH, ST. PAUL'S UNITED METHODIST.

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

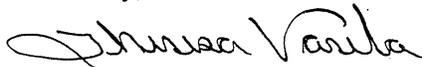
Administrative Services Division
(505) 476-4800

- 1) The proposed location²⁷⁰ within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval. 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

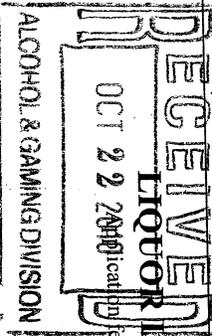
ENCLOSURES

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 (outdoor patio not included in liquor-licensed premises).**
5. **Copy of Limited Liability Company Page of the Application.**



ENTERED
2005

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
P. O. Box 25101 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd



G-10-22-10
J. Brown

State Liquor License # 658236
Application Number 658236
Local option (AGD use) LAS CAUCES

Record Owner of Existing License
Current D/B/A Name ZEEIRO PIZZERIA
Current Premises Address 136 N. WATER ST., LAS CAUCES, NM 88001

Application is for: Change of Stock Transfer of Officers/Directors Transfer Ownership of Existing License Transfer Ownership and Location Other
Issue New License Type of License being applied for RESTAURANT BEER & WINE LIQUOR LICENSE

Applicant is: Individual Corporation Partnership (General or Limited) Limited Liability Company
NAME OF APPLICANT (company or individual) ZEEIRO, LLC ADDRESS (including city, state, zip) 136 N. WATER ST. LAS CAUCES, NM 88001 TELEPHONE NUMBER 575-525-7432

D/B/A name to be used: ZEEIRO PIZZERIA Phone number for licensed premises: 575-525-6757
Physical location where license is to be used: 136 N. WATER ST. LAS CAUCES, DONIA ANA COUNTRY, NM 88001
Mailing address: 136 N. WATER ST., LAS CAUCES, NM 88001

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If yes, give license number and type _____
I, (print name) GARY J. EBERT as (title) MEMBER / CO-OWNER being first duly sworn upon oath
deposes and says: that he/she is the applicant of this application, that he/she has read 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 10/21/2010

SUBSCRIBED AND SWORN TO before me this 21st day of OCTOBER 2010 by GARY J EBERT
Notary Public [Signature] My Commission Expires 5/16/2014

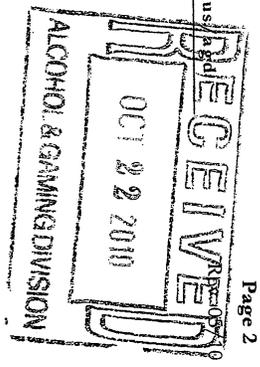
Local Governing Body of: _____ (City or County). Hearing held on _____ 20____
Check one: Approved Disapproved City/County Official _____ (Signature & Title)

For Alcohol and Gaming Division Use Only

Approved Disapproved Director Approval _____ Date _____
"CONDITIONAL"
Waiver Required. [Signature]



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
 SS-60-GB-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 ROSEN, INC, 306 E. OVERLAND, EL PASO, TX 79901

B. Date and term of lease 3rd DAY OF AUGUST 2008. INITIAL TERM EXPIRES 01/06/2012

3. Premises location is zoned (example C-1) 3rd DISTRICT AND MAIN STREET RAZER OVERLAND
 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).
² 3/4 of a mile, per posting. EL CARMINE UNITED METHODIST CHURCH, per posting. 225 W. COLLEGE AVE, LAS CRUCES NM
 Miles/feet 330 FT Name of church ST PAUL'S UNITED METHODIST CHURCH address/location of church 150 N. ALHAMBRA BLVD LAS CRUCES, NM 88001

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).
² 1/10 of a mile, per posting. SANTA FE ELEMENTARY SCHOOL, per posting. 150 N. ALHAMBRA BLVD LAS CRUCES, NM 88001
 Miles/feet 240 FT Name of school CENTRAL ELEMENTARY Address/location of school 150 N. ALHAMBRA BLVD LAS CRUCES, NM 88001

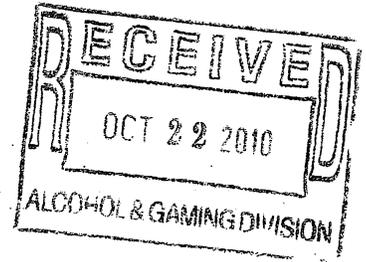
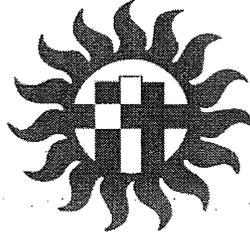
6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance).
 Miles 11.7 Name of Military Installation, circle one: White Sands Missile Range (Las Cruces),
 Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

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) _____



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STATEMENT OF ZONING

The property located at 136 N. Water Street, and having a Parcel ID Number of 02-05971, 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.

October 1, 2010

Date

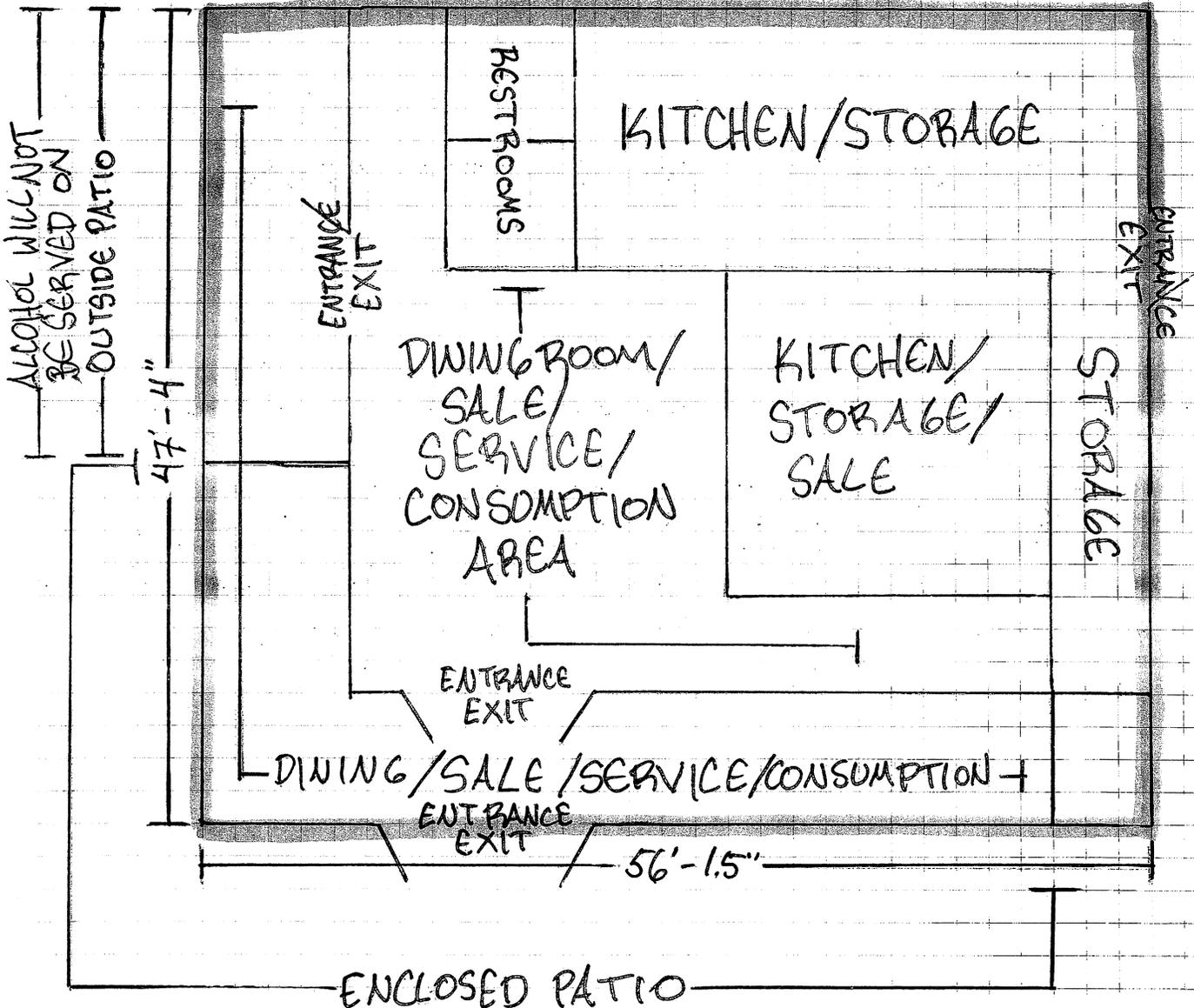
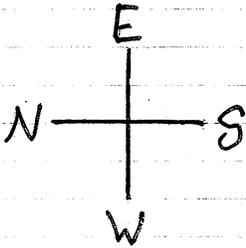
Christine Logan

Economic Development Administrator

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).

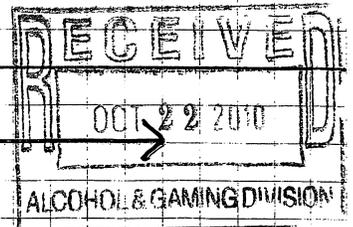
Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.

2656.583 square feet



9 FEET, WOOD FRAMED, DRY WALL, STUCCO WALL

← N. WATER ST. ("main street") →





New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
 P. O. Box 25101 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd

LIMITED LIABILITY COMPANY

SS 60-6B-24

1. Name of Limited Liability Company ZEFIRO, LLC

2. Date company formed (attach copy of Operating Agreement) 01 / 11 / 2008

3. Date company registered (attach copy of certificate and Article of Organization) 01 / 11 / 2008

4. Mailing Address: Street 136 N. WHELER ST City LAS ALBUQUES State NM zip 87001 Phone 575-650-7432

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>CHRIS J. EBERT</u>	<u>MEMBER</u>	<u>972 FLORA WSTA, LAS ALBUQUES, NM 87007</u>	<u>95%</u>
<u>ANNE MARIE EBERT</u>	<u>MEMBER</u>	<u>972 FLORA WSTA, LAS ALBUQUES, NM 87007</u>	<u>5%</u>
<u>27</u>	<u>TV 11-17-10</u>		

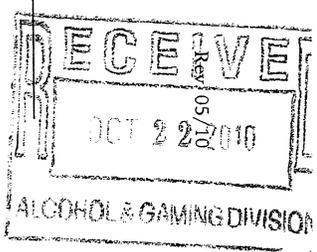
Has this Limited Liability Company ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Limited Liability Company been denied the issuance of a liquor license? No Yes If Yes, provide details:

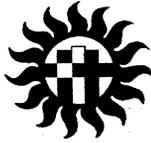
7. List every liquor license in which this Limited Liability Company owns any interest, direct or indirect:

N/A

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.





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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 Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to Zeffiro Pizzeria Napoletana, located at 136 N. Water 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 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



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

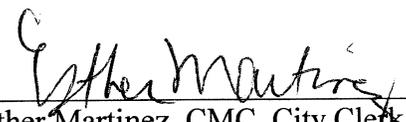
Copy to publish:

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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®
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**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 Zeffiro Pizzeria Napoletana located at 136 N Water Street, Las Cruces., New Mexico. The following information is submitted for review:

- Water Street at this location carries approximately 15, 400 vehicles per day.
- Water Street is operated as a three lane roadway and primarily serves commercial properties.
- Access to the property in question is off of Water Street. No potential sight distance or operational problems exist.
- The speed limit on Water Street is set at 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-652736
(Beer and Wine Only)**

**Zeffiro Pizzeria Napoletana
136 N. Water Street**

February 1, 2011

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

Zeffiro Pizzeria Napoletana
136 N. Water 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: 136 N. Water Street
 Applicant: Zeffiro, LLC.
 Business Name: Zeffiro Pizzeria Napoletana

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	Parking-Lot
South	CBD	Parking-Lot
East	CBD	Commercial
West	CBD	Parking-Lot

DISTANCE REQUIREMENTS:

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

TRAFFIC COUNT AND ACCESS INFORMATION:

Roadway: N. Water Street
 Classification: Principal Arterial Roadway
 Number of Lanes: 2
 Site Access: 2
 Nearest Intersection: Water Street & Griggs Avenue

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. Water Street which is designated as a Principal Arterial roadway which 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 liquor establishment must be 300 feet from the property line of military installations, churches and schools. Zeffiro Pizzeria Napoletana is actually within the required 300 foot distance of a school property: Central Elementary School, located at 150 N. Alameda Boulevard.

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 liquor 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.



STATEMENT OF ZONING

The property located at 136 N. Water Street, and having a Map Code Number or Parcel ID Number of 02-05971, 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.

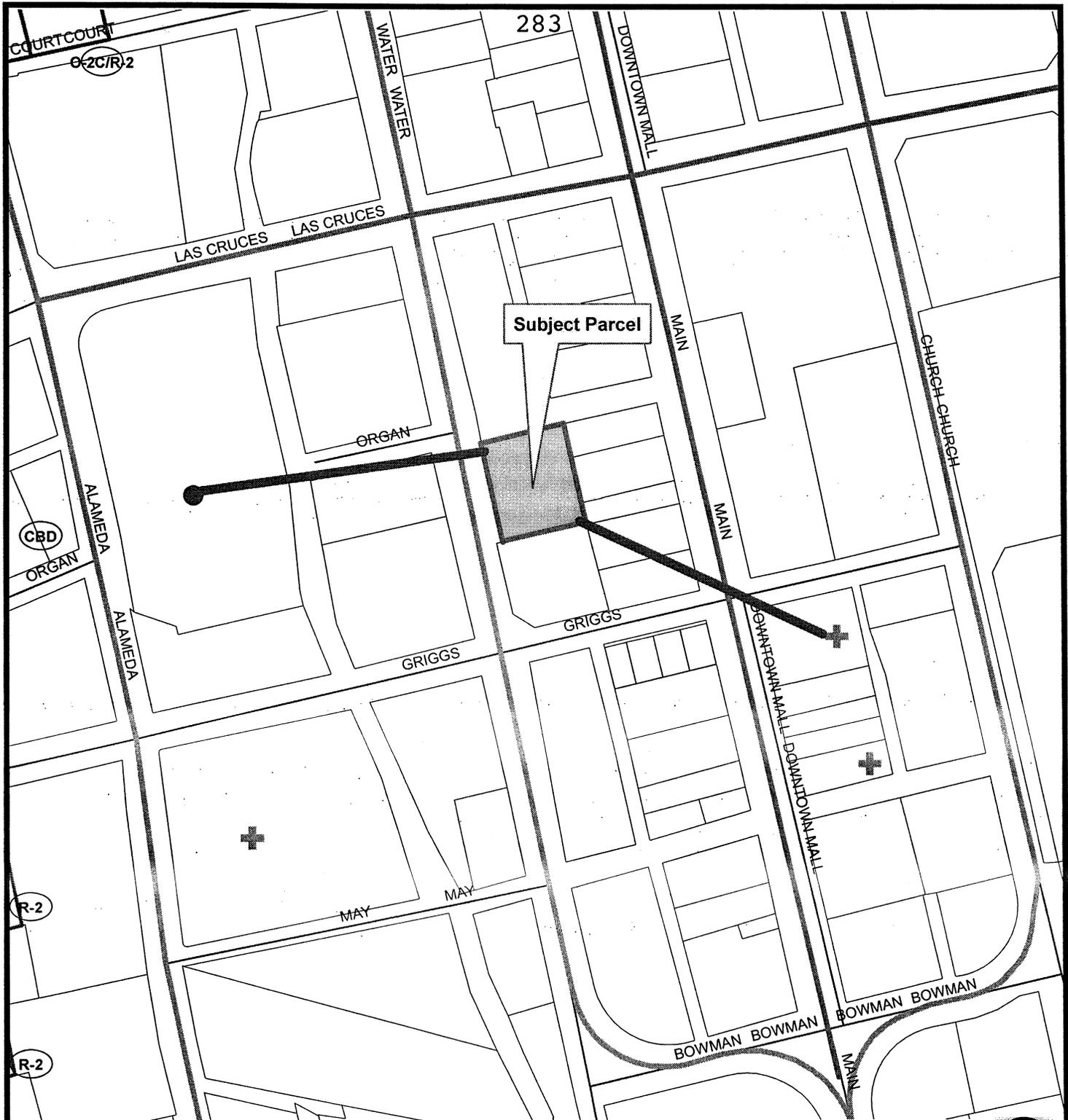
February 1, 2011
Date



Adam Ochoa
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.

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

136 N. WATER STREET

PARCEL: 02-05971

ZONING: CBD

DISTANCE TO NEAREST CHURCH: ~280 FEET

DISTANCE TO NEAREST SCHOOL: ~270 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.

ECONOMIC DEVELOPMENT REPORT

From: Vicki Montez

Zeffiro Pizzeria Napoletana located on 136 N. Water St does have a business license and it is current.

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**

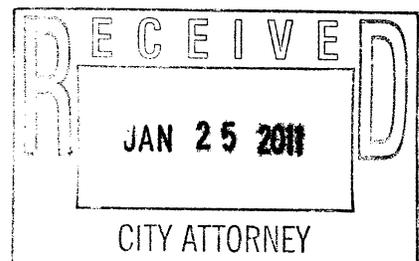
Subject: *Zeffiro Pizzeria Napoletana*

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Zeffiro Pizzeria Napoletana located at 136 N. Water Street, Las Cruces, NM 88001.

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

A handwritten signature in black ink, appearing to be 'Richard Williams'.

Richard Williams
Chief of Police



Adrian Arias

From: Wally Monsivaiz
Sent: Tuesday, February 08, 2011 9:30 AM
To: Adrian Arias
Subject: 136 N Water

Adrian,

The inspection at Zeffiro Pizzeria has been completed. The owner stated that they would not be adding any additional square footage and would be doing any type of alterations to the building. I did inform the owner that he must have the occupant load for the business posted. Based on my calculations they have an occupant load of 70.