

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3Ordinance/Resolution# 12-206For Meeting of _____
(Ordinance First Reading Date)For Meeting of June 18, 2012
(Adoption Date)

Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE EXPANSION OF THE LICENSED PREMISES FOR LIQUOR LICENSE NUMBER 8007 ISSUED TO THE BPOE ELKS LODGE #1119 LOCATED AT 3000 ELKS DRIVE, LAS CRUCES, NEW MEXICO, AND RATIFYING THE APPROVAL OF THE NEW MEXICO REGULATION AND LICENSING DEPARTMENT, ALCOHOL AND GAMING DIVISION.

PURPOSE(S) OF ACTION:

Provide approval or disapproval of the expansion of a licensed premises.

COUNCIL DISTRICT: 5		
<u>Drafter/Staff Contact:</u> Monica Campbell	<u>Department/Section:</u> Legal/City Attorney	<u>Phone:</u> 541-2128
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The BPOE Elks Lodge #1119 ("Elks Lodge"), which holds Liquor License No. 8007, decided to expand its facility. The Elks Lodge filed a Change of Floor Plan/Expansion of Liquor Licensed Premise Application with the New Mexico Regulation and Licensing Department, Alcohol and Gaming Division. The application requested an approximate 35% increase in square footage.

Alcohol and Gaming may require a transfer of location of the license if the requested expansion is greater than 25% of the existing square footage. In this case, Alcohol and Gaming approved the expansion of the licensed premises, as shown on Exhibit "A" attached to the resolution. It is now appropriate for the City Council, as the local governing body, to approve the expansion of the Elks Club and to ratify the approval of Alcohol and Gaming.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A". Change of Floor Plan/Expansion of Liquor Licensed Premise Application.

(Continue on additional sheets as required)

SOURCE OF FUNDING:

N/A	Is this action already budgeted?		
	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.	
Does this action create any revenue?			
	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY__.
	No	<input checked="" 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 the expansion of the licensed premises at the Elks Club and ratify the approval of Alcohol and Gaming.
2. Vote "No"; this must be based on substantial evidence that the expansion of the licensed premises at the Elks Club would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.
3. Vote to "Amend"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.
4. Vote to "Table"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.

REFERENCE INFORMATION:

N/A

(Continue on additional sheets as required)

RESOLUTION NO. 12- 206

A RESOLUTION APPROVING THE EXPANSION OF THE LICENSED PREMISES FOR LIQUOR LICENSE NUMBER 8007 ISSUED TO THE BPOE ELKS LODGE #1119 LOCATED AT 3000 ELKS DRIVE, LAS CRUCES, NEW MEXICO, AND RATIFYING THE APPROVAL OF THE NEW MEXICO REGULATION AND LICENSING DEPARTMENT, ALCOHOL AND GAMING DIVISION.

The City Council is informed that:

WHEREAS, BPOE Elks Lodge #1119 (“Elks Lodge”), which holds Liquor License Number 8007, decided to expand its facility; and

WHEREAS, the Elks Lodge filed a Change of Floor Plan/Expansion of Liquor Licensed Premise Application with the New Mexico Regulation and Licensing Department, Alcohol and Gaming Division (“Alcohol and Gaming”); and

WHEREAS, Alcohol and Gaming has approved the expansion of the Elks Club’s licensed premises as shown on Exhibit “A”; and

WHEREAS, it is now appropriate for the City Council to approve the expansion of the Elks Club and ratify the approval of Alcohol and Gaming.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the expansion of the licensed premises of BPOE Elks Lodge #1119, which holds Liquor License Number 8007, is hereby approved.

(II)

THAT the approval by Alcohol and Gaming of the expansion of the licensed premises of BPOE Elks Lodge #1119, which holds Liquor License Number 8007, is hereby ratified.

(III)

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.

(IV)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the hereinabove.

DONE AND APPROVED on this _____ day of _____, 2012.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

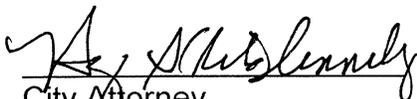
VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Smith:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87505
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us



Fee \$75.00 Fees are Non-Refundable

CHANGE OF FLOOR PLAN / EXPANSION OF LIQUOR LICENSED PREMISE APPLICATION
15 NMAC 10.3.2 13.1

A Licensee may not change or expand the licensed premises without prior written approval of the Director. Applications to change or expand the licensed premises shall be submitted along with the required documentation and application fee. If the change or expansion of the licensed premises is twenty-five (25%) or more of the total existing square footage of the licensed premises, the Director may require the licensee to file an application for a transfer of location. **Proof of tenancy and photographs with a detailed floor are required for the expansion area.** Please attach a copy of your existing approved floor plan along with an 8 1/2 x 11 detailed floor plan that includes the existing approved premises and any proposed change or expansion. Please label all areas and include all entrances, exits, walls or enclosures as well as dimensions for any expansion. The licensee cannot make any changes or expand the premises until approval has been granted for this request. A before and after site inspection may be scheduled.

Liquor License Number 8007 Telephone Number 575 5272907 Fax Number _____

Business Name (DBA) BPOE EIKS LODGE 1119 Owner Name _____

Mailing Address P.O. BOX 969 City LAS CRUCES State NM Zip 88004

License Location 3000 EIKS DRIVE City LAS CRUCES State NM Zip 88005

Current square footage 13,140 Additional square footage you would like to add/change 7200

Total square footage (add both amounts above) 20,340 Reason for request FACILITATE ENFORCEMENT

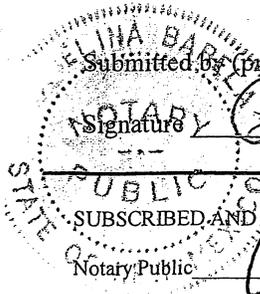
Will the proposed expansion bring the licensed premises within 300 feet of a church or school? NO

Has there been any change in the ownership or operation of the licensee? NO

If so, explain _____

I PAUL FARREN (print name) Licensee for Liquor License No. 8007 hereby attest that the requested change meets the definition of "licensed premises" in NMSA 1978 60-3A-3 (M), which states in part " 'licensed premises' means the contiguous areas or areas connected by indoor passageways of a structure and the outside dining, recreation and lounge areas of the structure that are under the direct control of the licensee..."

You must sign and date this form in the presence of a notary public



Submitted by (print name) Paul Farren

Signature [Signature] Title Exalted Ruler Date 4/27/2012

NOTARY PUBLIC USE ONLY

SUBSCRIBED AND SWORN TO before me this April day of 2010 By Paul Farren

Notary Public [Signature] My Commission Expires: 8/11/15

LOCAL GOVERNING BODY APPROVAL - (Required on expansion requests only)

Print Name _____ Title _____ Date _____

Signature _____ Phone _____ Fax _____

Alcohol and Gaming Use Only: _____ Approved _____ Disapproved _____

By [Signature] Date 5-11-12

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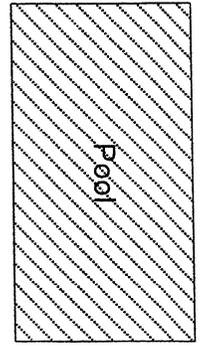
FLOOR PLAN APPROVAL

By *Vanessa Brown*

Date *5/14/12*

10 Acres
Open Land

Pool
Bath
House

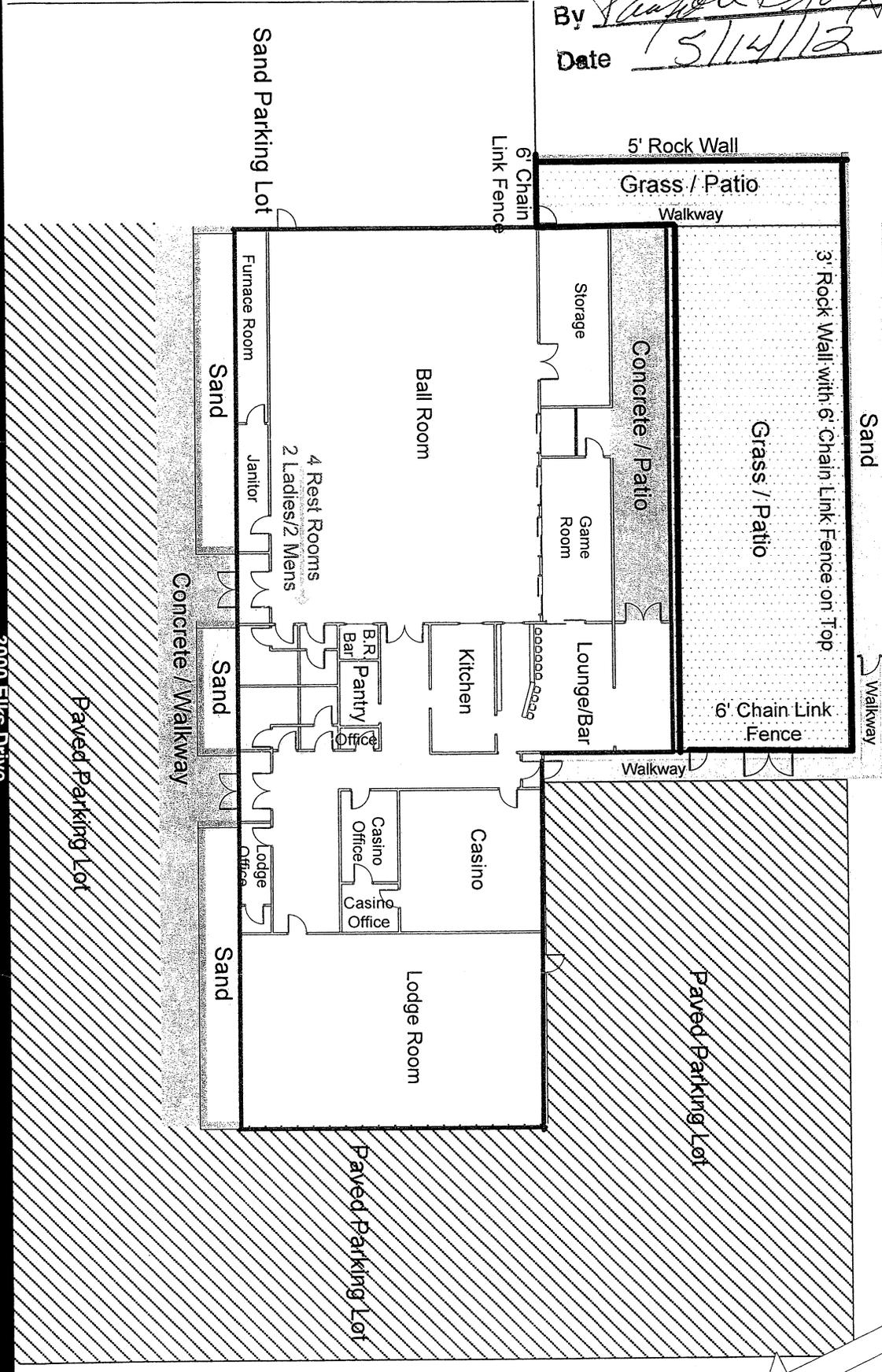


Area within Red
Lines are the
existing foot print
13,140 Sq. Ft.

Area within Purple
Lines are the
proposed foot print
expansion
7,200 Sq. Ft.

Sand Parking Lot

7 Acres
Open Land



3000 Elks Drive

Paved Parking Lot

Paved Parking Lot

Paved Parking Lot

Sand Parking Lot