

77
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 6 Ordinance/Resolution# 13-055

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of October 15, 2012
 (Adoption Date)

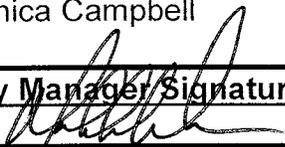
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF STATE LIQUOR LICENSE NO. 0781 TO CENTRAL PARK EAST MEADOW, LLC D/B/A LA CANTINA, TO BE LOCATED AT 1311 AVENIDA DE MESILLA, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve or disapprove the transfer of a State Liquor License.

COUNCIL DISTRICT: 1		
<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:

Pursuant to New Mexico Statutes, an application for the transfer of ownership and location of a State liquor license must be accompanied by a resolution of the City Council approving of and consenting to the transfer after a public hearing.

Central Park East Meadow, LLC d/b/a La Cantina applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for the transfer of ownership and location of State Liquor License No. 0781. The proposed location for the license is 1311 Avenida de Mesilla, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on September 6, 2012.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the approval letter from Alcohol and Gaming. A public hearing to review this issue is scheduled during the regular City Council meeting to be held on Monday, October 15, 2012, beginning at 9:00 a.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 October 5 and 12, 2012, and in the *Las Cruces Sun-News* on October 5 and 12, 2012.

(Continue on additional sheets as required)

Council may approve or disapprove the transfer of the license. However, Council's disapproval must be based on substantial evidence that the transfer 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 the license.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A". Alcohol and Gaming's letter and the application.
3. Attachment "1". Notice of Intent to Adopt published in the *Las Cruces Bulletin*.
4. Attachment "2". Notice of Intent to Adopt published in the *Las Cruces Sun-News*.
5. Attachment "3". Traffic Impact Report from the Traffic Engineering Section.
6. Attachment "4". Liquor License Impact Report (zoning) from Development Services.
7. Attachment "5". Business Registration Report from Development Services.
8. Attachment "6". Criminal Activity Report from the Las Cruces Police Department.
9. Attachment "7". Fire and Safety Compliance Report from the Las Cruces Fire Department.

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"/>	<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>1000-10180010-520002</u> in the amount of \$600.00 for FY13.
	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

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve of and consent to the transfer of ownership and location of State Liquor License No. 0781 and Alcohol and Gaming will continue with the application process.
2. Vote "No"; this must be based on substantial evidence that the transfer of the license 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:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A.

RESOLUTION NO. 13-055

A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF STATE LIQUOR LICENSE NO. 0781 TO CENTRAL PARK EAST MEADOW, LLC D/B/A LA CANTINA, TO BE LOCATED AT 1311 AVENIDA DE MESILLA, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, Central Park East Meadow, LLC d/b/a La Cantina, to be located at 1311 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 transfer of ownership and location of State Liquor License No. 0781; and

WHEREAS, on September 6, 2012, Alcohol and Gaming granted preliminary approval for the transfer of the license; and

WHEREAS, pursuant to law, the application for such transfer of a liquor license must be accompanied by a resolution of the City Council approving of and consenting to the transfer 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. The City Council has considered the transfer 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 transfer of ownership and location of State Liquor License No. 0781 to Central Park East Meadow, LLC d/b/a La Cantina, to be located at 1311 Avenida de

Mesilla, Las Cruces, New Mexico, as evidenced by Alcohol and Gaming's letter and the application attached hereto as Exhibit "A", 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 hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED on this 15th day of October 2012.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____

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/agd



September 6, 2012

Suzanna Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Steven A. Reinhart, Esq.
ACTNG DIRECTOR

Certified Mail No: 7009 1680 0000 1945 9957

City of Las Cruces
 Esther Martinez, Clerk
 PO Box 20000
 Las Cruces, NM 88004

Re: Lic No. 0781
 Applicant Name: Central Park East Meadow, LLC
 Doing Business As: La Cantina
 Proposed Location: 1311 Avenida de Mesilla, Las Cruces, NM

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses. *(Please review the revised instructions for approval or disapproval below.)

Greetings:

The Director of the Alcohol and Gaming Division has granted Preliminary Approval for 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 days after receipt of a notice of preliminary approval 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; (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 requesting Transfer of Ownership & Location of a Liquor License:

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

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 proposed licensed premises.)

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

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.

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 *in writing* as to whether the local governing body has approved or disapproved the issuance of transfer of the license *and* by signing the enclosed original Page 1 of the application. *The letter of approval/disapproval and the Page 1 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,

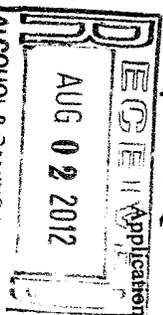

Annette R. Brumley
Hearing Officer

ENCLOSURES: Original Page 1 of Liquor License Application
Copy of page 2 Premises, Location, Ownership & Description of Premises



1308863
ENTERED
2012

LIQUOR LICENSE APPLICATION



State Liquor License # 0781

Application Number _____

Local option (AGD use) _____

Application is for: Change of Stock _____

Issue New License _____ Type of License being applied for _____

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

NAME OF APPLICANT (company or individual) _____ ADDRESS (including city, state, zip) _____ TELEPHONE NUMBER _____

Central Park East Meadows, LLC
913 Summer Place Las Cruces NM 88001 (575) 635-0610
Hacienda La Cantina
913 Summer Place Las Cruces NM 88001 (575) 635-0610

Physical location where license is to be used: 1311 Avenida de Mesilla Las Cruces, NM, 88005
Mailing address: 913 Summer Place, Las Cruces NM, 88001
Physical location where license is to be used: (Include street number / highway number / state road, city and county, state, and zip code)

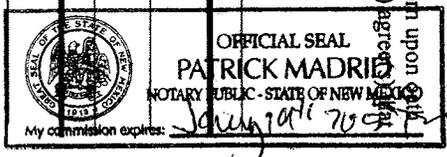
Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ No If yes, give license number and type _____
(print name) Marichon S Hernandez as (title) Sole-Manageria Member being first duly sworn upon _____
I depose and say: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) _____
I am not aware of 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.

I, Patrick Madriaga sign and date this form in the presence of a notary public.
Signature of Applicant _____ Date 6-27-12
Signature of Notary Public _____

Subscribed and sworn to before me this 27th day of June, 2012 by Patrick Madriaga
Notary Public Use Only
My Commission Expires January 1st 2015
Notary Public _____ My Commission Expires _____

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

The land and building which is proposed to be the licensed premises is (check one):

w/owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) Other (provide details) _____

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

A. Owner(s) Central Park West NY LLC

B. Date and term of lease July 9th 2012 - July 9th 2022

Premises location is zoned (example C-1) C-2
 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.

Distance from nearest church *(Property line of church to licensed premises—shortest distance).

files/feet 0 miles Name of church Basilica of San Alvaro Address/location of church 2280 Calle Principal, Mesilla, NM

Distance from nearest school *(Property line of school to licensed premises—shortest distance).

files/feet 8 miles Name of school San Andres High School Address/location of school 3355 Avenida de Mesilla, Mesilla NM

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

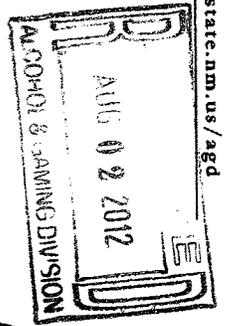
files/feet 34.8 miles Name of Military Installation, circle one: White Sands Missile Range (Las Cruces),
 Holloman Air Force Base (Albuquerque), Cannon Air Force Base (Clovis),
 Holloman Air Force Base (Alamogordo).

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.

Type of Operation:

ounge Restaurant Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____



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

ALCOHOL & GAMING DIVISION
2550 CERRILLOS RD.
TONEY ANAYA BLDG.
P.O. BOX 25101
SANTA FE, NEW MEXICO 87504-5101



POSTING CERTIFICATE

- | | |
|--|---|
| <input type="checkbox"/> DISPENSER (FULL SERVICE) | <input type="checkbox"/> RETAILER (PACKAGE ONLY) |
| <input type="checkbox"/> RESTAURANT (BEER/WINE ONLY) | <input type="checkbox"/> DISPENSER (ON PREMISE ONLY) |
| <input type="checkbox"/> CANOPY (DISPENSER-C) | <input checked="" type="checkbox"/> INTER-LOCAL DISPENSER |
| <input type="checkbox"/> OTHER | <input type="checkbox"/> LOTTERY |

APPLICATION FILED FOR LICENSE/APPLICATION NUMBER: 781

TRANSFER OF OWNERSHIP & LOCATION TRANSFER OF LOCATION

TRANSFER OF OWNERSHIP NEW LICENSE

CHANGE OF STOCKHOLDERS/PARTNERSHIP INTEREST

TRANSFERRED FROM: TRANSFERRED TO:

OWNER: WARFIELD ENTERTAINMENT, INC. OWNER: CENTRAL APRK EAST MEADOW, LLC

CURRENT LOCATION: 914 SOUTH PACIFIC, LAS VEGAS, NM PROPOSED LOCATION: 1311 AVENIDA DE MESILLA, LAS CRUCES, NM

CURRENT BUSINESS NAME: 77 PACKAGE LIQUORS PROPOSED NAME: LA CANTINA

I CERTIFY THAT I HAVE POSTED THE REQUIRED NOTICE OF LIQUOR LICENSE PURSUANT TO SECTION 60-6B-2, NMSA, AND FURTHER CERTIFY AS FOLLOWS:

- LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: City of Las Cruces
- LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: N/A
- DISTANCE FROM NEAREST CHURCH IS: Approx 6 blocks of a mile
NAME OF CHURCH IS: Heart of the World Church
- DISTANCE FROM NEAREST SCHOOL IS: Approx. 1 mile
NAME OF SCHOOL IS: Zia Middle School
- DISTANCE FROM NEAREST MILITARY INSTALLATION: N/A
NAME OF INSTALLATION IS: N/A
- IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
BY PASSABLE ROAD: N/A BY STRAIGHT AIRLINE: N/A
- NOTICE POSTED ON:
 BUILDING BILLBOARD BUILDING UNDER CONSTRUCTION
 BUILDING BEING REMODELED NO BUILDING

DATE POSTED: 08/10/2012

[Signature]
APPLICANT'S SIGNATURE

EXPIRATION DATE: 08/30/2012 (midnight)

[Signature]
S.I. SPECIAL AGENT



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: October 5 and 12, 2012

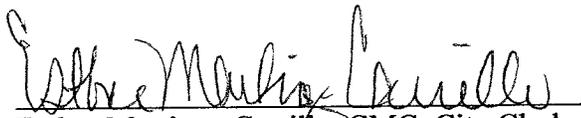
Copy to publish:

AMENDED 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 a Transfer of Ownership and Location of State Liquor License No. 0781 to Central Park East Meadow, LLC d/b/a La Cantina, to be located at 1311 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 scheduled for Monday, October 15, 2012, at 9:00 a.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 2nd day of October 2012.



Esther Martinez-Carrillo, CMC, City Clerk



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: October 5 and 12, 2012

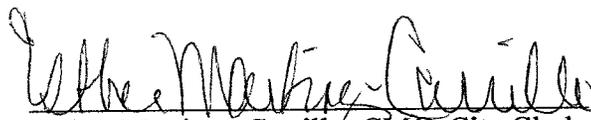
Copy to publish:

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Witness my hand and seal of the City of Las Cruces on this the 2nd day of October 2012.


Esther Martinez-Carrillo, GMC, City Clerk



City of Las Cruces
PEOPLE HELPING PEOPLE

INTER-DEPARTMENTAL MEMORANDUM

TO: Harry "Pete" Connelly, City Attorney

FROM: Willie Roman, PE, Traffic Engineer, Transportation Dept. 

DATE: September 25, 2012

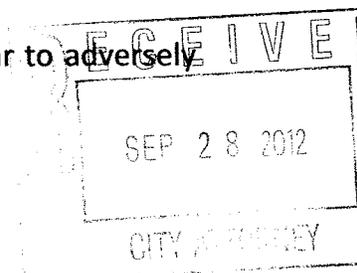
SUBJECT: **Traffic Investigation Report – Liquor License Transfer
1311 Avenida de Mesilla**

As requested, Traffic Engineering has completed a traffic investigation for La Cantina located at 1311 Avenida de Mesilla, Las Cruces, New Mexico. The following information is submitted for review:

- The subject property is located at the southwest corner of the intersection of Avenida de Mesilla and Stern Drive. The traffic volume on Avenida de Mesilla at this location is approximately 7,400 vehicles per day. Traffic data for Stern Drive is not available at this location but is estimated to be 1500-2000 vehicles per day.
- Avenida De Mesilla is classified as a principal arterial roadway and Stern Drive is classified as a minor arterial roadway by the Las Cruces MPO. Both roadways primarily serve commercial properties.
- The subject property is accessed from both Avenida de Mesilla and Stern Drive. No potential sight distance or operational problems currently exist.
- The speed limit on Avenida de Mesilla is 40 mph and the speed limit on Stern Drive is 25 mph near the subject property.

The approval of a Liquor License Transfer at this location does not appear to adversely impact traffic operations along these segments of roadway.

Should any additional information be needed, please contact me.



City of Las Cruces
Community Development Department

LIQUOR LICENSE IMPACT REPORT
Transfer of Location of Liquor License No. 0781

1311 Avenida de Mesilla
La Cantina

September 17, 2012

LIQUOR LICENSE IMPACT REPORT
Restaurant Liquor License
La Cantina
1311 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: 1311 Avenida de Mesilla
 Applicant: Central Park East Meadow, LLC
 Business Name: La Cantina

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-3	Commercial
South	C-2	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: 2
 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 verified upon the submittal of a building permit.

IMPACT ANALYSIS:

The subject property is located on the corner Avenida de Mesilla, a designated principal arterial roadway, and Stern Drive, a designated minor arterial roadway, which are designed to accommodate heavy traffic and land uses such as restaurants and lounges. 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. The applicant is requesting the transfer of a 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 1311 Avenida de Mesilla, and having a Map Code Number or Parcel ID Number of 02-21160, 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.

September 17, 2012

Date



 Lorenzo Vigil
 Planning Technician Sr

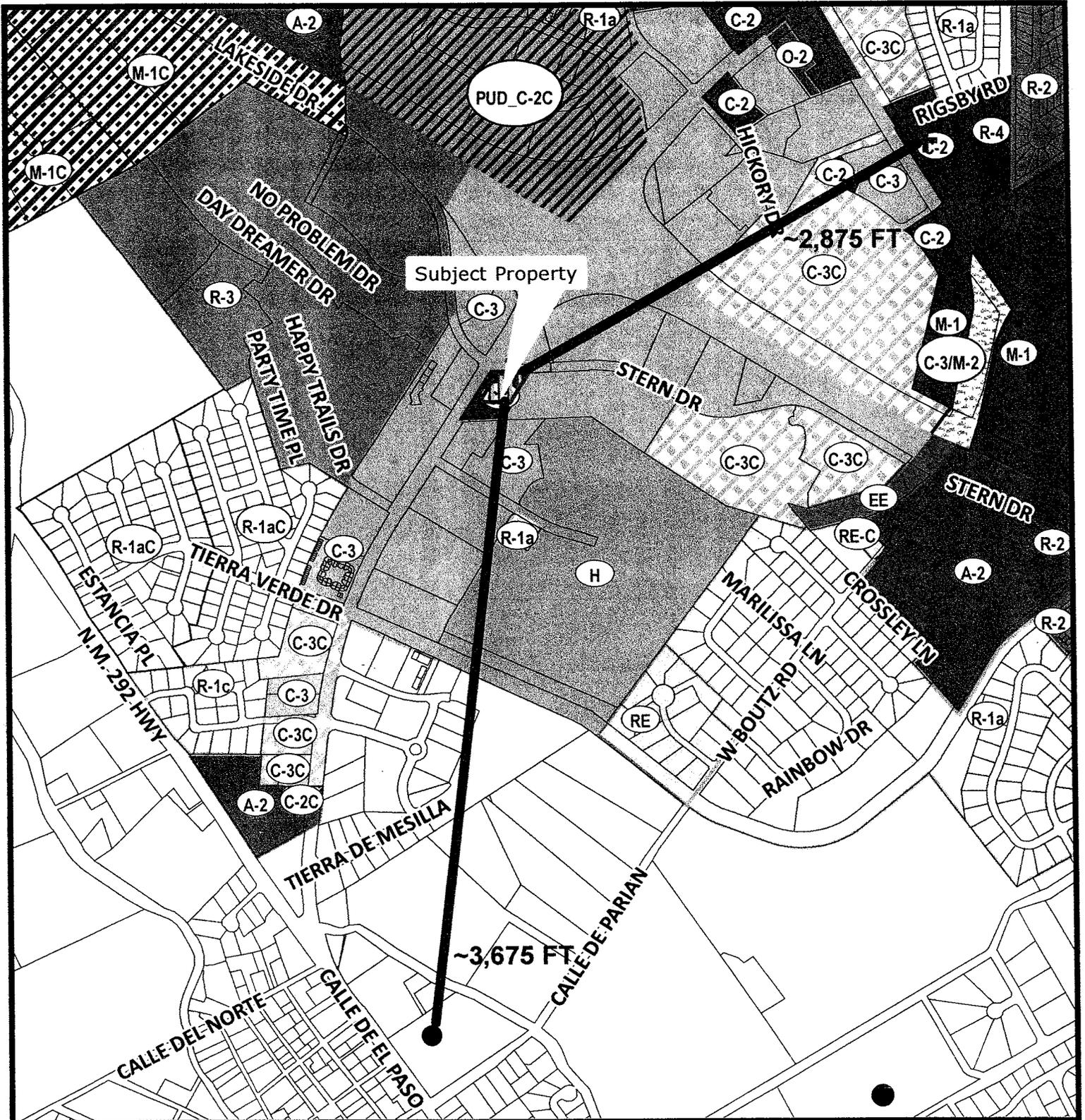
Comments: The C-2 district facilitates and encourages development of those uses which provide retail and service activities as a convenience to adjacent neighborhoods and whose use generally serves a population of 5,000 to 30,000.

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. A lounge/restaurant with a liquor license is a permitted use 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.

ZONING/VICINITY MAP

93



○ ZONING ● SCHOOL + CHURCH



1311 AVENIDA DE MESILLA
 PARCEL ID # 02-21160
 ZONING: C-2
 DISTANCE TO NEAREST SCHOOL: ~3,675 FEET
 DISTANCE TO NEAREST CHURCH: ~2,875 FEET

Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222

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 is responsible for the information contained in this map. For more information, please contact the City at (575) 528-3222.

BUSINESS REGISTRATION REPORT – LA CANTINA

From: Eloy Jimenez
Subject: RE: Liquor license report request - La Cantina

A business certificate has not been issued as of September 13, 2012 for La Cantina located at 1311 Avenida de Mesilla.

Eloy Jimenez
City of Las Cruces
Community Development
Permit Technician
700 N. Main St
Las Cruces, NM 88005
1st Floor Room 1100
main line: (575) 528-3222
ext: (575) 528-3206
fax: (575) 528-3155
ejimenez@las-cruces.org

From: Monica Campbell
Sent: Thursday, September 13, 2012 9:52 AM
To: Lorenzo Vigil; Sara Gonzales; Eloy Jimenez; Business Registration
Cc: Robert Kyle
Subject: Liquor license report request - La Cantina

Attached is Alcohol and Gaming's letter and application about the transfer of a State liquor license to the proposed location of La Cantina at 1311 Avenida de Mesilla.

Please review and prepare reports for 1) zoning and 2) business registration.

The report is due to the City Attorney on or before **September 27, 2012** in order to meet required time limits and deadlines imposed by law. This matter will be submitted for the October 15, 2012 Council meeting.

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



**LAS CRUCES POLICE DEPARTMENT
MEMORANDUM**

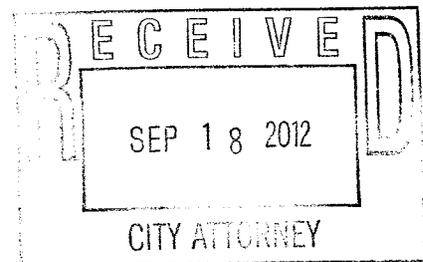


Date: September 13, 2012
To: Pete Connelly, City Attorney
From: Richard Williams Chief of Police *RSW*
Subject: La Cantina

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for La Cantina located at 1311 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 La Cantina be approved.

Richard Williams
Chief of Police



FIRE SAFETY AND COMPLIANCE REPORT

From: Mark Dubbin
Subject: La Cantina Liquor License

Based on our discussions with the architect Mr. Nims and our review of the conceptual plans LCFD can recommend approval of the Liquor license application. Please contact me if you have any questions. Thank you.

Mark H. Dubbin, PE
Fire Protection Engineer
Las Cruces Fire Dept.
Prevention Services
201 E. Picacho Ave.
Las Cruces, NM 88001
575-528-4150