

290
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 11

Ordinance/Resolution# 13-076

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of November 19, 2012
 (Adoption Date)

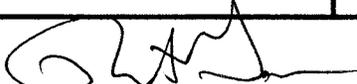
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF STATE LIQUOR LICENSE NO. 28031 TO CENTRAL PARK, LLC D/B/A THE BRONX, TO BE LOCATED AT 2221 WESTGATE COURT, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

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

| | | |
|---|---|----------------------------------|
| COUNCIL DISTRICT: 4 | | |
| <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, LLC d/b/a The Bronx 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. 28031. The proposed location for the license is 2221 Westgate Court, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on October 15, 2012.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the preliminary 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, November 19, 2012, beginning at 1:00 p.m. in the City Council Chambers, City Hall, 700 North Main Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Bulletin* on November 2 and 9, 2012, and in the *Las Cruces Sun-News* on November 4 and 11, 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"/> | 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 checked="" type="checkbox"/> | Funds will be deposited into this fund: <u>1000-10180010-520002</u> in the amount of <u>\$600.00</u> 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. 28031 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.

(Continue on additional sheets as required)

RESOLUTION NO. 13-076

A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF STATE LIQUOR LICENSE NO. 28031 TO CENTRAL PARK, LLC D/B/A THE BRONX, TO BE LOCATED AT 2221 WESTGATE COURT, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, Central Park, LLC d/b/a The Bronx, to be located at 2221 Westgate Court, 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. 28031; and

WHEREAS, on October 15, 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. 28031 to Central Park, LLC d/b/a The Bronx, to be located at 2221 Westgate Court, 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 19th day of November 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:

[Handwritten Signature]

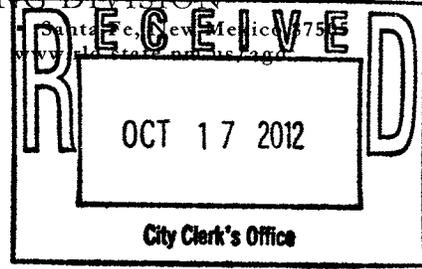
City Attorney



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.nmregulationandlicensing.gov



October 15, 2012

Suzanna Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Steven A. Reinhart, Esq.
ACTING DIRECTOR

Certified Mail No: 7009 2820 0003 9518 4293

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

Re: Lic. No. 28031
Applicant Name: Central Park, LLC
Doing Business As: The Bronx
Proposed Location: 2221 Westgate Court, 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 a Transfer of Ownership & Location:

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,

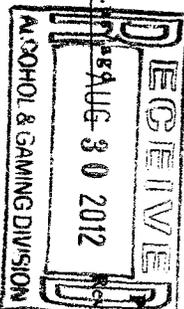


Annette R. Brumley
Hearing Officer

ENCLOSURES: Original Page 1 of Liquor License Application
Copy of page 2 Premises, Location, Ownership & Description of Premises
Copy of S.I.D. Posting Certificate



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



LIQUOR LICENSE APPLICATION

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

State Liquor License # 28031

Application Number _____

Local option (AGD use) _____



Application is for: Change of Stock _____ Change of Officers/Directors _____ Type of License being applied for _____

Issue New License _____ Partnership (General or Limited) _____ Limited Liability Company _____

Application is: Individual _____ Corporation _____

NAME OF APPLICANT (company or individual) Central Park LLC ADDRESS (including city, state, zip) 913 Summer Place Las Cruces NM 88001 TELEPHONE NUMBER (575) 635-0610

1/8/A name to be used: The Bronx Phone number for licensed premises: _____

Physical location where license is to be used: 2221 Westgate Court Las Cruces NM 88005 (Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 913 Summer Place Las Cruces NM 88001

Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ No If yes, give license number and type _____ as (title) DUNNOS being first duly sworn upon oath

(print name) Ruby Hernandez as (title) DUNNOS being first duly sworn upon oath
I attest 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) that any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

Signature of Applicant Ruby Hernandez Date 7/27/12

Signature of Applicant Ruby Hernandez Date 7/27/12

SUBSCRIBED AND SWORN TO before me this 27th day of JULY Notary Public Use Only, 20 12 by Ruby Hernandez

Notary Public Laura Bernardez My Commission Expires 3/31/2014

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 _____



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

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) _____

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 2012 - July 2012~~ July 23rd, 2012 - July 23rd 2022

Premises location is zoned (example C-1) M-1/W-2 (Industrial Standard)
 the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at the premises. 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).

0 miles 8 mile Name of church Lifes Purpose Church Address/location of church 3405 W Picacho Ave # A-114 Las Cruces, NM 87912 HRS

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

1.1 mile Name of school Picacho Middle School Address/location of school 1040 North Motel Blvd.

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

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.

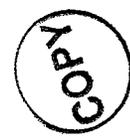
If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

Type of Operation:

ounge + Restaurant _____ Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) Strip Club

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



- DISPENSER (FULL SERVICE)
- RESTAURANT (BEER/WINE ONLY)
- CANOPY (DISPENSER-C)
- OTHER

- RETAILER (PACKAGE ONLY)
- DISPENSER (ON PREMISE ONLY)
- INTER-LOCAL DISPENSER
- LOTTERY

APPLICATION FILED FOR LICENSE/APPLICATION NUMBER: 28031
 TRANSFER OF OWNERSHIP & LOCATION
 TRANSFER OF OWNERSHIP
 CHANGE OF STOCKHOLDERS/PARTNERSHIP INTEREST

TRANSFER OF LOCATION
 NEW LICENSE

TRANSFERRED FROM: _____ TRANSFERRED TO: _____
 OWNER: TAOS PLAZA THEATRE & ARTS CENTER, LLC OWNER: CENTRAL PARK, LLC
 CURRENT LOCATION: 116 SOUTH PLAZA, TAOS, NM PROPOSED LOCATION: 2221 WESTGATE COURT, LAS CRUCES, NM
 CURRENT BUSINESS NAME: TAOS PLAZA THEATRE & ARTS PROPOSED NAME: THE BRONX

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

1. LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: City of Las Cruces
2. LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: N/A
3. DISTANCE FROM NEAREST CHURCH IS: Approx. 8 tenths of a mile
 NAME OF CHURCH IS: Agape Christian Church
4. DISTANCE FROM NEAREST SCHOOL IS: Approx. 9 tenths of a mile
 NAME OF SCHOOL IS: Picacho Middle School
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: N/A
 NAME OF INSTALLATION IS: N/A
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
 BY PASSABLE ROAD: N/A BY STRAIGHT AIRLINE: N/A
7. NOTICE POSTED ON:
 BUILDING BILLBOARD BUILDING UNDER CONSTRUCTION
 BUILDING BEING REMODELED NO BUILDING

DATE POSTED: 09/08/2012
Manah Stenard
 APPLICANT'S SIGNATURE

EXPIRATION DATE: 09/28/2012 (midnight)
Agust Sanchez
 S.I.D. 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: November 2, 9, 2012

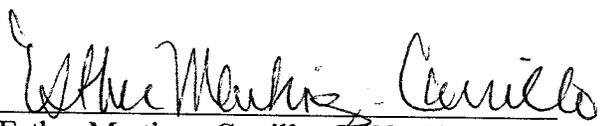
Copy to publish:

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 a Transfer of Ownership and Location of Liquor License No. 28031 to Central Park, LLC d/b/a The Bronx, to be located at 2221 Westgate Court, 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, November 19, 2012, at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the transfer.

Witness my hand and seal of the City of Las Cruces on this the 25th 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: November 4 and 11, 2012

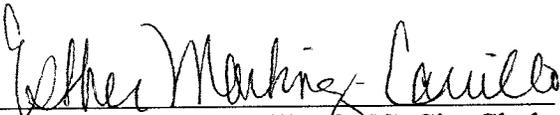
Copy to publish:

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 a Transfer of Ownership and Location of Liquor License No. 28031 to Central Park, LLC d/b/a The Bronx, to be located at 2221 Westgate Court, 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, November 19, 2012, at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the transfer.

Witness my hand and seal of the City of Las Cruces on this the 25th day of October 2012.


Esther Martinez-Carrillo, CMC, City Clerk



INTER-DEPARTMENTAL MEMORANDUM

TO: Harry "Pete" Connelly, City Attorney

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

DATE: November 1, 2012

SUBJECT: Traffic Investigation Report – Liquor License Transfer
2221 Westgate Court

As requested, Traffic Engineering has completed a traffic investigation for The Bronx located at 2221 Westgate Court, Las Cruces, New Mexico. The following information is submitted for review:

- The subject property is located along Westgate Court. The traffic volume on Westgate Court at this location is approximately 250 vehicles per day.
- Westgate Court is not classified by the MPO. The roadway is a cul-de-sac that primarily serves commercial properties.
- The subject property is accessed from Westgate Court. No potential sight distance or operational problems currently exist.
- There currently is not a posted speed limit on Westgate Court. Westgate Street, the nearest intersecting street, has a posted speed limit of 25mph.

The approval of a Liquor License Transfer at this location does not appear to 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
Transfer of Location of Liquor License No. 28031

2221 Westgate Ct.
The Bronx

October 22, 2012

LIQUOR LICENSE IMPACT REPORT
Transfer of Ownership and Location
The Bronx
2221 Westgate Ct.

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: 2221 Westgate Ct.
 Applicant: Central Park, LLC
 Business Name: The Bronx

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: M-1/M-2 (Industrial Standard)
 (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 | M-1/M-2 | Industrial |
| South | M-1/M-2 | Industrial |
| West | M-1/M-2 | Industrial |
| East | M-1/M-2 | Industrial |

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: Westgate Court
 Classification: Minor Local
 Number of Lanes: 2
 Site Access: 1
 Nearest Intersections: Westgate St. & Westgate Ct.

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires bars/lounges to provide one (1) automobile parking space for every one hundred to two hundred (100-200) square feet of gross floor area 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 and will be based upon the most intensive use of the property (i.e. bar)

IMPACT ANALYSIS:

The subject property is located on Westgate Ct., a designated local roadway, which is designed to provide direct access to individual commercial/industrial/office lots while discouraging through traffic. The subject property is zoned M-1/M-2 (Industrial Standard) which is intended for a wide range of industrial and ancillary uses, which include bars and taverns as a use by right. The applicant is requesting the transfer of a liquor license for this location proposed to serve as a bar in conjunction with an Adult Entertainment Establishment. It should be noted the proposed Adult Entertainment Establishment is an allowed use at this location with a Special Use Permit (SUP), which is currently in process per the requirements of the 2001 Las Cruces Zoning Code, Section 38-54. In terms of a transportation and land use perspective, either as a distinct bar or in conjunction with an Adult Entertainment Establishment, this seems to be an appropriate location and request.



STATEMENT OF ZONING

The property located at 2221 Westgate Ct., and having a Map Code Number or Parcel ID Number of 02-18451, in Las Cruces, New Mexico, is zoned as follows:

M-1/M-2 (Industrial Standard)

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.

Comments: The M-1/M-2 district is intended to provide for industrial uses that consist of full-scale fabrication, manufacturing, packaging and processing of products that can be conducted in a generally clean, quiet, and safe environment with minimal negative impacts on the surrounding environment and uses. Food and beverage establishments as an individual use or in conjunction with accompanying uses, such as an Adult Entertainment Establishment with a valid Special Use Permit, are permitted uses within this zoning district with a valid business registration and a dispenser's liquor license, provided that all requirements prescribed for liquor establishments by the State of New Mexico are met.

October 29, 2012

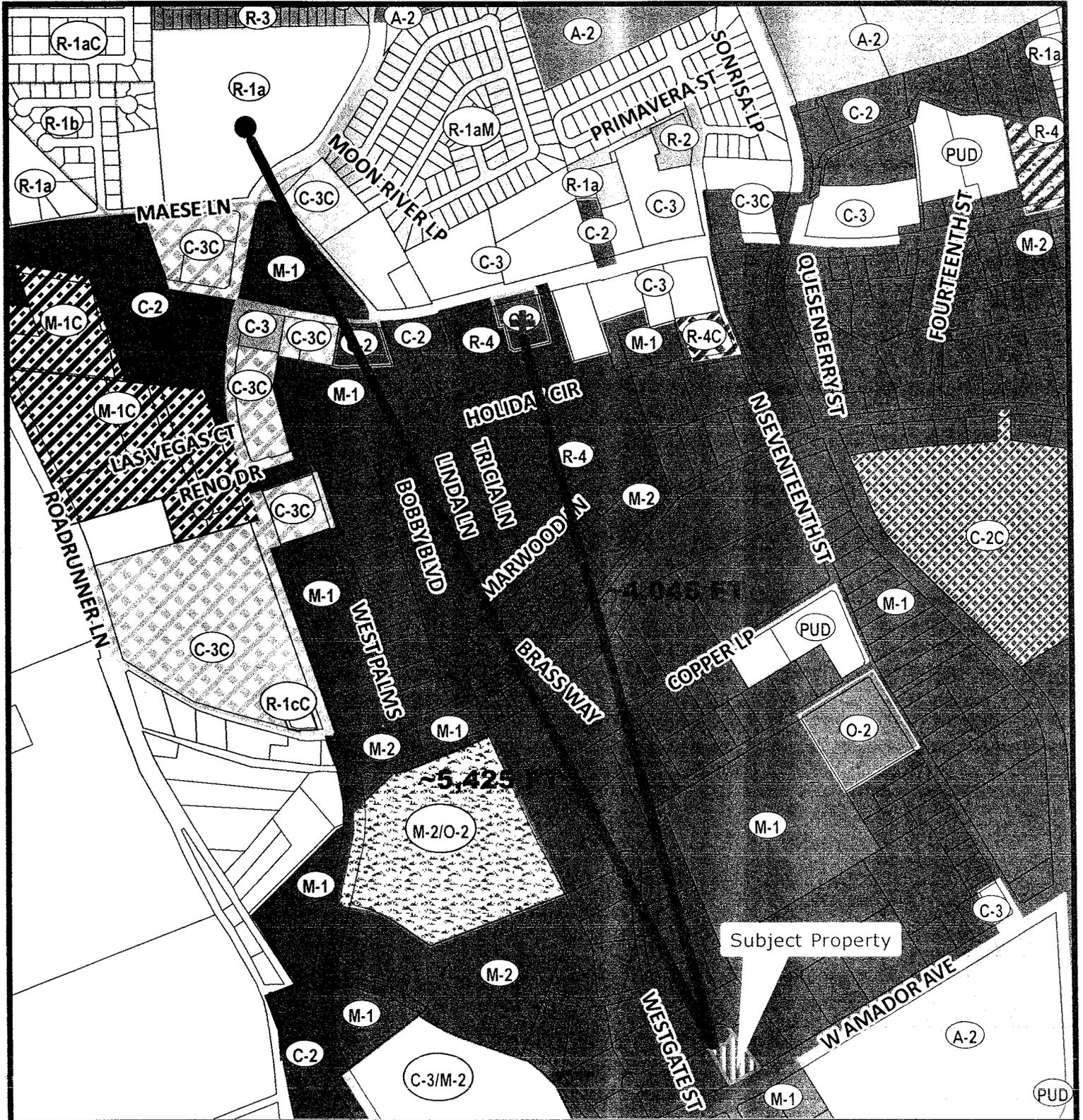
Date


Lorenzo Vigil
Planning Technician Sr

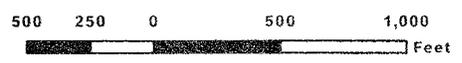
Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.

ZONING/VICINITY MAP

307



○ ZONING ● SCHOOL + CHURCH



2221 WESTGATE COURT
 PARCEL ID # 02-18451
 ZONING: M-1/M-2
 DISTANCE TO NEAREST SCHOOL: ~5,425 FEET
 DISTANCE TO NEAREST CHURCH: ~4,045 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. Map information is provided as a public service by the City. (575) 528-3222

BUSINESS REGISTRATION REPORT – THE BRONX

From: Sara Gonzales
Subject: RE: Liquor license report request - The Bronx

There is not a business registration in Munis for this location.

From: Monica Campbell
Sent: Friday, October 19, 2012 1:46 PM
To: Lorenzo Vigil; Sara Gonzales; Kyle Metzgar; Business Registration
Cc: Robert Kyle
Subject: Liquor license report request - The Bronx

Attached is the preliminary approval letter and the application from Alcohol and Gaming about the transfer of a state liquor license to the proposed location of The Bronx at 2221 Westgate Court.

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

The report is due to the City Attorney on or before **November 1, 2012** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the November 19, 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: October 31, 2012
To: Pete Connelly, City Attorney
From: Richard Williams Chief of Police *RSW 11/1/12*
Subject: The Bronx

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for the Bronx located at 2221 Westgate Court, Las Cruces, NM 88005.

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

Richard Williams
Chief of Police

FIRE SAFETY AND COMPLIANCE REPORT – THE BRONX

From: Michael Danner
To: Monica Campbell
Subject: RE: Liquor license report request - The Bronx

This business meets compliance with the 2006 IFC requirements for a liquor license.

Michael Danner
Fire Inspector
Las Cruces Fire Department
Station 1
201 E. Picacho Ave.
(575) 528-3473
(575) 528-4049 Direct
mdanner@las-cruces.org

From: Monica Campbell
Sent: Friday, October 19, 2012 1:47 PM
To: Travis Brown; Ted Sweetser; Billy Chaires; Mary Helen Sarabia
Subject: Liquor license report request - The Bronx

Attached is the preliminary approval letter and the application from Alcohol and Gaming about the transfer of a state liquor license to the proposed location of The Bronx at 2221 Westgate Court.

Please review and prepare a fire and safety compliance report.

The report is due to the City Attorney on or before **November 1, 2012** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the November 19, 2012 Council meeting.

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