



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 13-078

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of December 3, 2012
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE TO WORLD CLASS GOURMET, LLC D/B/A SAVOY DE MESILLA, TO BE LOCATED AT 1800-B AVENIDA DE MESILLA, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve or disapprove the issuance of a Restaurant Liquor License.

COUNCIL DISTRICT: 4		
Drafter/Staff Contact: Monica Campbell	Department/Section: Legal/City Attorney	Phone: 541-2128
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to New Mexico Statutes, an application for the issuance of a Restaurant Liquor License must be accompanied by a resolution of the City Council approving of and consenting to the issuance after a public hearing.

World Class Gourmet, LLC d/b/a Savoy De Mesilla applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for the issuance of a Restaurant Liquor License at 1800-B Avenida de Mesilla, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on October 22, 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, December 3, 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 9 and 16, 2012, and in the *Las Cruces Sun-News* on November 11 and 18, 2012.

(Continue on additional sheets as required)

Council may approve or disapprove the issuance of the license. 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 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 with 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>\$300.00</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 issuance of the Restaurant Liquor License and Alcohol and Gaming will continue with the application process.
2. Vote "No"; this 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.
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. 13-078**A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE TO WORLD CLASS GOURMET, LLC D/B/A SAVOY DE MESILLA, TO BE LOCATED AT 1800-B AVENIDA DE MESILLA, LAS CRUCES, NEW MEXICO.**

The City Council is informed that:

WHEREAS, World Class Gourmet, LLC d/b/a Savoy De Mesilla, to be located at 1800-B Avenida de Mesilla, Las Cruces, New Mexico, applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for the issuance of a Restaurant Liquor License; and

WHEREAS, on October 22, 2012, Alcohol and Gaming granted preliminary approval for the issuance of the license; 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. The City Council has considered the issuance of the liquor license and it has determined that the approval of said license is not detrimental to the public health, safety or welfare of the City of Las Cruces.

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

(I)

THAT the issuance of a Restaurant Liquor License to World Class Gourmet, LLC d/b/a Savoy De Mesilla, to be located at 1800-B 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 3rd day of December 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



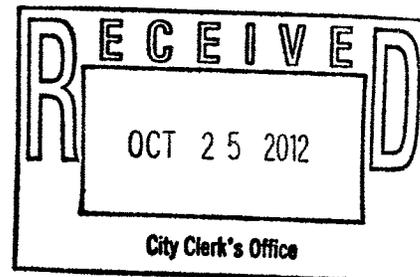
New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505
PO Box 25101, Santa Fe, NM 87504-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/agd

October 22, 2012

Certified Mail No.: 7009 2250 0000 9393 2087

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



Susana Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Mary Kay Root
DEPUTY
SUPERINTENDENT

James C. McKay
CHIEF GENERAL
COUNSEL

Mary Kay Root
ACTING DIRECTOR

Re: License / Appl. No.: **Appl. No. A-831097**
Applicant Name: **World Class Gourmet, LLC**
Doing Business As: **Savoy De Mesilla**
Proposed Location: **1800-B Avenida De Mesilla**
Las Cruces, New Mexico 88005

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

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced application and granted Preliminary Approval; it 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 WITH ON PREMISE CONSUMPTION ONLY.

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 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).
- 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,



Rose L. Garcia
 Hearing Officer
 NM Regulation & Licensing Dept.
 Alcohol & Gaming Division
 Phone: 505-476-4552
 Fax: 505-476-4595
 Email: rosel.garcia@state.nm.us

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application.

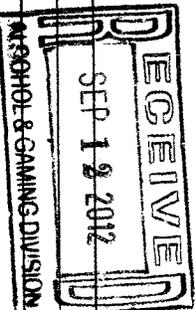


New Mexico Regulation and Licensing Department - Alcohol and Gaming Division
 2550 Cerrillos Road - Santa Fe, New Mexico 87505 - (505) 476-4875 - Fax (505) 476-4595 - www.rld.state.nm.us

9/12/12
 Ross
 R#110739

LIQUOR LICENSE APPLICATION

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



State Liquor License # 8751097
 Application Number
 Local option (AGD use)

Record Owner of Existing License
 Current D/B/A Name
 Current Premises Address

Application is for: Change of Stock Change of Officers/Directors Transfer Ownership of Existing License Transfer Ownership and Location Other

Issue New License Type of License being applied for RESTAURANT BEER AND WINE LICENSE

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

NAME OF APPLICANT (company or individual) WORLD CLASS GOURMET, LLC. ADDRESS (including city, state, zip) 1800-B AVENIDA DE MESILLA LAS CECCES, NM 88005 TELEPHONE NUMBER 575-644-7620

D/B/A name to be used: SAVOY DE MESILLA Phone number for licensed premises: _____

Physical location where license is to be used: 1800-B AVENIDA DE MESILLA, LAS CECCES, DONA ANA COUNTY, NM 88005
(Include street number / highway number / state road, city and county, state, and zip code)
 Mailing address: 1800-B AVENIDA DE MESILLA, LAS CECCES, NM 88005

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If yes, give license number and type _____

I, (print name) TATSYA MYAZAKI as (title) MEMBER being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

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

Signature of Applicant _____ Date 6/20/2012

SUBSCRIBED AND SWORN TO before me this 20th day of June Notary Public Use Only, 20 12 by in person

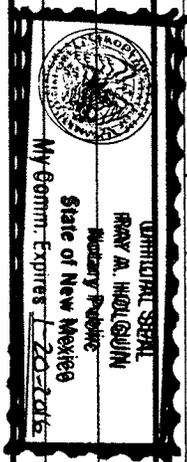
Notary Public _____ My Commission Expires 1-20-2016

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

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

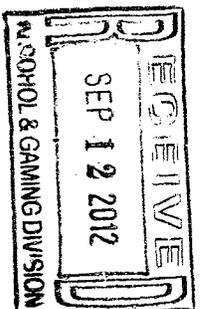
For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____





PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
SS-60-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) Project 50/50 RICHARD PARRA AND MATT BLEYTHING

B. Date and term of lease NOVEMBER 1ST, 2012 ~ OCTOBER 31ST, 2017 / 5 YEAR LEASE (TRAPE NET)
C-3C

3. Premises location is zoned (example C-1) _____
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).

Miles/feet 1955 FT Name of church BASILICA DE SAN ALBINO Address/location of church 2070 CALLE DE SAUTIAÑO

^m Distance from nearest school *(Property line of school to licensed premises—shortest distance). MESILLA, NM 88046

Miles/feet 1734 FT Name of school SAN ANTONES HIGH SCHOOL Address/location of school 2355 AVENIDA DE MESILLA

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

Miles 18.77 Name of Military Installation, circle one: White Sands Missile Range (Las Cruces),
Holloman Air Force Base (Albuquerque), 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) _____



AD FORM
LAS CRUCES BULLETIN
LEGAL CLASSIFIED

City contact: Monica Campbell, 541-2128

Proof of publication/bill to: City Clerk, PO Box 20000, Las Cruces, NM 88004

Dates to Publish: November 9 and 16, 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 the issuance of a Restaurant Liquor License to World Class Gourmet, LLC d/b/a Savoy de Mesilla, to be located at 1800-B 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 on Monday, December 3, 2012, beginning 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 2nd day of November 2012.



Esther Martinez-Carrillo, CMC, City Clerk



AD FORM
LAS CRUCES SUN NEWS
LEGAL CLASSIFIED

City contact: Monica Campbell, 541-2128

Account No. 26484 (Bill to City Clerk, PO Box 20000, Las Cruces, NM 88004)

Dates to Publish: November 11 and 18, 2012

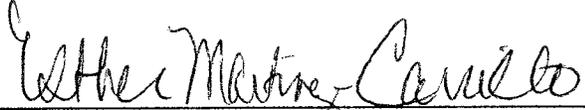
Copy to publish:

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The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council on Monday, December 3, 2012, beginning 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 2nd day of November 2012.



Esther Martinez-Carrillo, CMC, City Clerk



INTER-DEPARTMENTAL MEMORANDUM

TO: Harry "Pete" Connelly, City Attorney

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

DATE: November 14, 2012

SUBJECT: Traffic Investigation Report – Liquor License Transfer
1800-B Avenida de Mesilla

As requested, Traffic Engineering has completed a traffic investigation for Savoy De Mesilla located at 1800-B Avenida de Mesilla, Las Cruces, New Mexico. The following information is submitted for review:

- The subject property is located along Avenida de Mesilla. The traffic volume on Avenida de Mesilla at this location is approximately 7,400 vehicles per day.
- Avenida de Mesilla is classified as a principal arterial roadway by the MPO. This roadway primarily serves commercial properties.
- The subject property is accessed from Avenida de Mesilla. No potential sight distance or operational problems currently exist.
- The speed limit on Avenida de Mesilla is 35 mph near the subject property.

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

Restaurant Liquor License Application No. A-831097
(Beer and Wine Only)

1800-B Avenida de Mesilla
Savoy De Mesilla

November 13, 2012

LIQUOR LICENSE IMPACT REPORT
Restaurant Liquor License
Savoy De Mesilla
1800-B 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: 1800-B Avenida de Mesilla
 Applicant: World Class Gourmet, LLC
 Business Name: Savoy De Mesilla

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: C-3C (Commercial High Intensity-Conditional)
 (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: 1
 Nearest Intersections: Avenida de Mesilla & Avenida de Mercado

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 Avenida de Mesilla, a designated principal arterial roadway, which is designed to accommodate heavy traffic and land uses such as restaurants. The subject property is zoned C-3C (Commercial High Intensity- Conditional) 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 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 1800 Avenida de Mesilla, and having a Map Code Number or Parcel ID Number of 02-34492, in Las Cruces, New Mexico, is zoned as follows:

C-3C (Commercial High Intensity-Conditional)

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 C-3 district facilitates and encourages development of those uses which provide retail, service, and wholesale activities within the City and a regional market and whose use generally serves a population of over 15,000.

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 restaurant with a beer and wine dispenser's 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. Conditions for this zoning designation are listed on Ordinance 2047, passed on October 6, 2003. (Attached)

November 13, 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.

COUNCIL BILL NO. ~~04~~-033
ORDINANCE NO. ~~04~~2047

AN ORDINANCE APPROVING A SERIES OF ZONE CONVERSIONS WITHIN THE AVENIDA DE MESILLA GATEWAY OVERLAY ZONE DISTRICT INCLUDING ADJACENT PARCELS IN THE GENERAL VICINITY ALONG AVENIDA DE MESILLA FROM SOUTH VALLEY DRIVE WEST TO THE CITY LIMITS (CASE Z2519).

The City Council is informed that:

WHEREAS, the City of Las Cruces has submitted a request for a series of zone changes for land generally located in the vicinity along Avenida de Mesilla, from South Valley Drive, west to the City limits, as identified on the attached Exhibit "A", and

WHEREAS, staff has inventoried/researched all parcels in the subject area and has determined the most appropriate zoning district.

NOW, THEREFORE, be it ordained by the governing body of the City of Las Cruces:

(I)

THAT the land identified on Exhibit "B" attached hereto and made a part of this Ordinance, be rezoned as indicated.

(II)

THAT Exhibits "C", "D", "E", and "F", attached hereto and made a part of this Ordinance, reflect the zoning conditions placed on specific properties as identified on Exhibit "B".

(III)

THAT the rezoning of said properties is to be changed accordingly on the City Zoning Atlas.

(IV)

THAT City Staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this 6th day of October, 2003.

APPROVED:

William M. Mattiace
Mayor William Mattiace

VOTE:

Mayor Mattiace: aye
Councillor Fietze: aye
Councillor Moore: aye
Councillor Archuleta: aye
Councillor Trowbridge: aye
Councillor Strain: aye
Councillor Miyagashima: aye

ATTEST:

Shirley Clark
City Clerk
(SEAL)

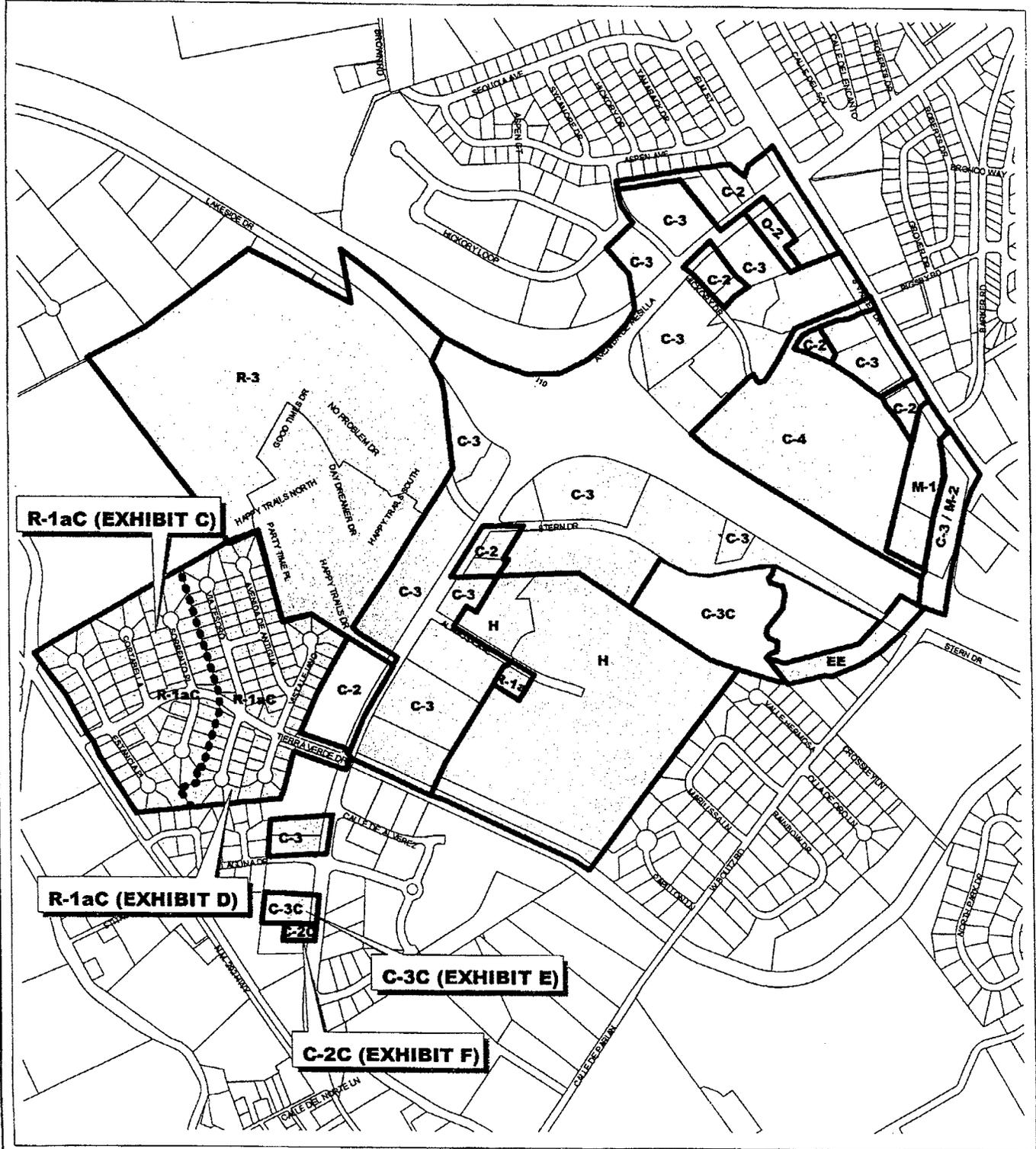
Moved by: Fietze

Seconded by: Trowbridge

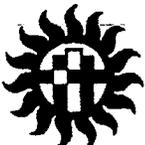
APPROVED AS TO FORM:

Just Clark
City Attorney

EXHIBIT "B"



CONDITIONS ON ZONING
REFLECTED ON EXHIBITS C-F



MAP GENERATED BY
COMMUNITY DEVELOPMENT
GIS
BJM
03-G-040

LEGEND

PROPERTIES TO BE
REZONED

PROPOSED ZONING

LOCATION: I-10 & AVENIDA DE MESILLA
ZONING: VARIES
DATE: 08-19-2003



EXHIBIT "C"

1. Applies to those properties identified on Exhibit "B", being the western half of the properties lying within the Tierra Verde Subdivision:
2. Property conditioned to a maximum of three (3) dwelling units per acre.

EXHIBIT "D"

1. Applies to those properties identified on Exhibit "B", being the eastern half of the properties lying within the Tierra Verde Subdivision:
2. Property conditioned to a maximum of five (5) dwelling units per acre.

EXHIBIT "E"

1. Applies to the property identified on Exhibit "B", being the 1.414 acres of property located at 1800 Avenida de Mesilla:
2. The zoning of the subject property shall be limited to the following uses only:

Arts and craft studio
Catering
Coffee shop
Florist
Lessons (art, music, dance, and the like)
Office (business and professional)

Bakery
Clothing store and apparel shop
Dressmaking shop
Food Store
Residence
Restaurant
Retail Sales

EXHIBIT "F"

1. Applies to the property identified on Exhibit "B", being the 0.426 acres of property located at 1802 Avenida de Mesilla:
2. The zoning of the subject property shall be limited to the following uses only:

Barber shop and beauty parlor
Cigarette and cigar stand
Pet shop
Radio-television-music store
Arts and craft studio
Florist
Lessons (art, music, dance, and the like)
Office (business and professional)

Bicycle sales and service
Assembly of arts and crafts
Printing and engraving room
Upholstery store
Bakery shop
Food store
Residence
Restaurant
Retail sales



City of Las Cruces

COUNCIL ACTION FORM

For the Meeting of October 8, 2003
(Adoption Date)

TITLE:

AN ORDINANCE APPROVING A SERIES OF ZONE CONVERSIONS WITHIN THE AVENIDA DE MESILLA GATEWAY OVERLAY ZONE DISTRICT INCLUDING ADJACENT PARCELS IN THE GENERAL VICINITY ALONG AVENIDA DE MESILLA FROM SOUTH VALLEY DRIVE WEST TO THE CITY LIMITS (CASE Z2519).

BACKGROUND:

As part of the City's adoption of the 2001 Las Cruces Zoning Code, as amended, the City is initiating zoning conversions on certain parcels of land in order to bring the zoning of those parcels into compliance with the new regulations. Attached is a map(s) that indicate the area(s) of zoning conversion at this time, but generally the subject area is located along Avenida de Mesilla, from South Valley Drive west to the City limits.

Staff has field inventoried all parcels involved in this specific conversion case and based largely on the identified use and size of properties, has determined the most appropriate zoning district for each parcel. The attached map(s) indicate staff's zoning district determinations.

To note, a majority of these properties included in this request lie within the Avenida de Mesilla Gateway Overlay Zone District (includes those properties having direct frontage on Avenida de Mesilla). This proposed zoning action does not, however, impact this Overlay and will not affect those restrictions/requirements found within that Ordinance.

An open house on August 20, 2003 took place in addition to the normal public notice that occurs. One citizen attended this public hearing inquiring about this case. Staff has also received a few phone calls regarding the case and would characterize these as informational, not opposed to the request.

(Continue on additional sheets as required)

Name of Drafter: Lani Ruth McCarron <i>LRM</i>	Department: Community Development <i>JMM</i>	Phone: 528-3043
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Department	Signature	Phone	Department	Signature	Phone
Originating Department		528-3043	Budget	<i>[Signature]</i>	2300
Legal	<i>[Signature]</i>	2124	City Manager	<i>[Signature]</i>	

Council Action Form

Page 2

Account Number	Amount of Expenditure	Budgeted Amount
N/A	N/A	N/A

Via Ordinance 1999, approved on May 19, 2003 by the City Council, the processing of zoning conversion cases was modified. According to the Zoning Code amendment, a proposed zone change for the sole purpose of bringing property into compliance with the 2001 Zoning Code, as amended, (otherwise known as "zoning conversions") shall be processed directly to the City Council. No recommendation from the Planning and Zoning Commission is necessary before the City Council takes final action.

SUPPORT INFORMATION:

1. Ordinance (including attached Exhibits "A" through "F").

COUNCIL OPTIONS:

1. Vote "yes" and approve the Ordinance. This action will convert the zoning of the identified subject properties and bring them into compliance with the 2001 Zoning Code, as amended. Approving the Ordinance will allow property owners similar use of their property as it currently exists today.
2. Vote "no" and deny the Ordinance. Such action results in the properties maintaining their current zoning district designations. Some of these properties as currently zoned will become nonconforming after September 3, 2004, due to various reasons (use, lot size, existing building sizes, etc.). The nonconforming properties will have to be re-zoned at a future date to be in compliance with the 2001 Zoning Code, as amended.

If development is proposed or changes on a nonconforming property (vacant or not) occur after September 3, 2004, a zone change will have to occur prior to development to bring the property into compliance with the 2001 Zoning Code, as amended. This activity could potentially delay issuance of building permits or other permits (business registration, etc.) in order for the zone change to occur.

3. Modify the Ordinance. The Council may modify the Ordinance to add conditions to address concerns that may exist. Specific properties can also be removed from the identified subject area or can be specifically conditioned to address concerns/issues.

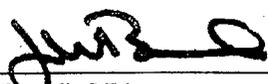
Orig. filed w/ Ord. 2038

PROOF OF PUBLICATION

Wayne Barnard, being duly sworn, deposes and says that he is the Classified Director of the Las Cruces Sun-News, a newspaper published daily in the county of Dona Ana, State of New Mexico; that the notice 31003 per clipping attached was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof for 1 consecutive week(s)/day(s), the first publication was in the issue dated October 12, 2003 and the last publication was October 12, 2003.

Deponent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

Signed



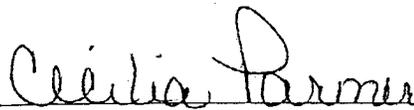
Classified Director
Official Position

STATE OF NEW MEXICO
ss.
County of Dona Ana

Subscribed and sworn before me this

4 day of November

2003


Notary Public in and for
Dona Ana County, New Mexico
9-14-05
My Term Expires

Notice of Adoption
The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of The Following at the regularly scheduled meeting of October 6, 2003.
1. Council Bill No. 04-024; Ordinance No. 2028: An Ordinance Adding LCMC Section 2-1101 Through 2-1183 Concerning the City's Collection Policy, Procedure and Enforcement.
2. Council Bill No. 04-033; Ordinance No. 2047: An Ordinance Approving a Series of Zone Conversions Within the Avenida De Mesilla Gateway Overlay Zone District Including Adjacent Parcels in the General Vicinity along Avenida De Mesilla from South Valley Drive West to the City Limits (Case 22519).
3. Council Bill No. 04-034; Ordinance No. 2048: An Ordinance Approving a Zone Conversion from M-1 (Industrial Light) to M-2 (Industrial Standard) at 2455 and 2456 Entrada Del Sol. Submitted by the City of Las Cruces on Behalf of Young Pecan Shelling Company (Case 22532).
Copies Are Available For Inspection During Working Hours at The Office of The City Clerk. Witness My Hand And Seal of The City of Las Cruces on This The 7th Day of October 2003.
/s/Shirley Clark, MMC
City Clerk
Pub. No. 31003
Publish: October 12, 2003



City of Las Cruces

AD FORM

LAS CRUCES SUN NEWS <input checked="" type="checkbox"/>	LAS CRUCES BULLETIN <input type="checkbox"/>
CLASSIFIED LEGAL AD <input checked="" type="checkbox"/>	DISPLAY AD <input type="checkbox"/>
DATE TO PUBLISH: 10-12-03	
CITY CONTACT & PHONE#: SHIRLEY CLARK 541-2118	BILL TO: CITY CLERK P O Box 20000 LAS CRUCES, NM 88004
PROOF OF PUBLICATION REQUIRED. PLEASE INITIAL AD FORM, AND FAX IT BACK TO 541-2117 TO INDICATE RECEIPT. FOLLOW UP TO EMAIL	

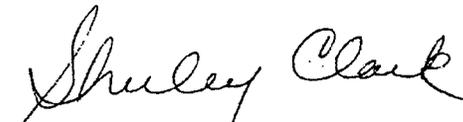
COPY TO PUBLISH:

Notice of Adoption

The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of The Following at the regularly scheduled meeting of October 6, 2003.

1. Council Bill No. 04-024; Ordinance No. 2038: An Ordinance Adding LCMC Section 2-1181 Through 2-1183 Concerning the City's Collection Policy, Procedure and Enforcement.
2. Council Bill No. 04-033; Ordinance No. 2047: An Ordinance Approving a Series of Zone Conversions Within the Avenida De Mesilla Gateway Overlay Zone District Including Adjacent Parcels in the General Vicinity along Avenida De Mesilla from South Valley Drive West to the City Limits (Case Z2519).
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Copies Are Available For Inspection During Working Hours at The Office of The City Clerk.
Witness My Hand And Seal of The City of Las Cruces on This The 7th Day of October 2003.


Shirley Clark, MMC
City Clerk

330 LEGAL NOTICES

Notice of Adoption

The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of The Following at the regularly scheduled meeting of October 6, 2003:

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Copies Are Available For Inspection During Working Hours at The Office of The City Clerk. Witness My Hand And Seal of The City of Las Cruces on This The 7th Day of October 2003.

/s/Shirley Clark, MMC
City Clerk

Pub. No. 31003
Publish: October 1
2003



City of Las Cruces

AD FORM

LAS CRUCES SUN NEWS	<input checked="" type="checkbox"/>	LAS CRUCES BULLETIN	<input type="checkbox"/>
CLASSIFIED LEGAL AD	<input checked="" type="checkbox"/>	DISPLAY AD	<input type="checkbox"/>
DATE TO PUBLISH:	9-14-03		
CITY CONTACT & PHONE#: SHIRLEY CLARK 541-2118		BILL TO: CITY CLERK P O BOX 20000 LAS CRUCES, NM 88004	
PROOF OF PUBLICATION REQUIRED. PLEASE INITIAL AD FORM, AND FAX IT BACK TO 541-2117 TO INDICATE RECEIPT. FOLLOW UP TO EMAIL.			

COPY TO PUBLISH:

Notice of Intent to Adopt

The City Council of The City of Las Cruces, New Mexico Hereby Gives Notice of Its Intent to Adopt The Following Ordinance at The Special City Council Meeting of Monday, October 6, 2003.

1. Council Bill No. 04-024; Ordinance No. 2038: An Ordinance Adding LCMC Section 2-1181 Through 2-1183 Concerning the City's Collection Policy, Procedure and Enforcement.
2. Council Bill No. 04-033; Ordinance No. 2047: An Ordinance Approving a Series of Zone Conversions Within the Avenida De Mesilla Gateway Overlay Zone District Including Adjacent Parcels in the General Vicinity along Avenida De Mesilla from South Valley Drive West to the City Limits (Case Z2519).
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Copies Are Available For Inspection During Working Hours at The Office of The City Clerk. Witness My Hand And Seal of The City of Las Cruces on This The 9th Day of September 2003.

Shirley Clark, MMC
City Clerk

of Intent to
Office for
The City of
Las Cruces, N
hereby Giv
of Its Intent
The Followi
inance at The Spec
City Council Meeting
Monday, October
2003.

1. Council Bill No. 04-024; Ordinance No. 2038: An Ordinance Adding LCMC Section 1181 Through 2-1183 Concerning the City Collection Policy Procedure and Enforcement.

2. Council Bill No. 04-033; Ordinance No. 2047: An Ordinance Approving a Series of Zone Conversions With the Avenida De Mesilla Gateway Overlay Zone District Including Adjacent Parcels in the General Vicinity along Avenida De Mesilla from South Valley Drive West to the City Limits (Case Z2519).

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Copies Are Available For Inspection During Working Hours at The Office of The City Clerk. Witness My Hand And Seal of The City of Las Cruces on This The 9th Day of September 2003.

/s/Shirley Clark, MMC
City Clerk

BUSINESS REGISTRATION REPORT – SAVOY DE MESILLA**FROM:** Sara Gonzales**Subject:** Report request- liquor license application resolution

A business registration certificate was issued November 9, 2012 for Savoy De Mesilla located at 1800 Avenida De Mesilla.

Sara Gonzales
Permit Technician
City of Las Cruces
Community Development
700 N Main
Las Cruces, NM 88001
First Floor Ste 1100
528-3122 main
528-3187 ext.

From: Monica Campbell**Sent:** Monday, November 05, 2012 10:45 AM**To:** Lorenzo Vigil; Sara Gonzales; Kyle Metzgar; Business Registration**Subject:** Liquor license reports requests - Savoy de Mesilla and Q's Southern Bistro

Attached are Alcohol and Gaming's approval letters and applications about a Restaurant Liquor License for:

1. Savoy De Mesilla, to be located at 1800-B Avenida de Mesilla; and
2. Q's Southern Bistro, to be located at 200 Avenida de Mesilla.

Please review the documents and prepare a Zoning and a Business Registration report for each location.

The reports are due to the City Attorney on or before **November 15, 2012** in order to meet required time limits and other deadlines imposed by law. These matters will be submitted for the December 3, 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: November 5, 2012
To: Pete Connelly, City Attorney
From: Richard Williams Chief of Police *RW*
Subject: Savoy De Mesilla

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for the World Class Gourmet, LLC (Savoy De Mesilla) located at 1800 B 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 Savoy De Mesilla be approved.

Richard Williams
Chief of Police

FIRE SAFETY AND COMPLIANCE REPORT – SAVOY DE MESILLA

From: Michael Danner

Subject: RE: Liquor license report request - Savoy de Mesilla

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: Monday, November 05, 2012 10:46 AM

To: Travis Brown; Ted Sweetser; Billy Chaires

Cc: Mary Helen Sarabia

Subject: Liquor license report requests - Savoy de Mesilla and Q's Southern Bistro

Attached are Alcohol and Gaming's approval letters and applications about a Restaurant Liquor License for:

1. Savoy De Mesilla, to be located at 1800-B Avenida de Mesilla; and
2. Q's Southern Bistro, to be located at 200 Avenida de Mesilla.

Please review the documents and prepare a fire and safety compliance report for each location.

The reports are due to the City Attorney on or before **November 15, 2012** in order to meet required time limits and other deadlines imposed by law. These matters will be submitted for the December 3, 2012 Council meeting.

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