



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8

Ordinance/Resolution# 14-015

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of July 15, 2013
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

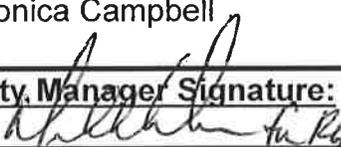
LEGISLATIVE

ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE EXPANSION OF THE LICENSED PREMISES FOR WINE GROWER OFFSITE LIQUOR LICENSE NUMBER 6106 ISSUED TO HEART OF THE DESERT, INC. D/B/A EAGLE RANCH GIFT SHOPPE LOCATED AT 4100 DRIPPING SPRINGS ROAD, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve the expansion of a liquor licensed premises.

COUNCIL DISTRICT: 2		
Drafter/Staff Contact: Monica Campbell	Department/Section: Legal/City Attorney	Phone: 541-2128
City Manager Signature: 		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Heart of the Desert, Inc. d/b/a Eagle Ranch Gift Shoppe ("Heart of the Desert"), which holds Wine Grower Offsite Liquor License No. 6106, has operated the gift shop at the Farm and Ranch Heritage Museum ("Museum") since 2004. The wine premises consisted of only the gift shop, and that premises continues today.

In 2008, Heart of the Desert agreed to take over the snack bar and provide concessions for visitors to the Museum. Heart of the Desert has proposed that including the snack bar and a conference room within the area where wine can be sold would allow expanded events and encourage the awareness of New Mexico wines and increased Museum attendance.

On June 12, 2013, Heart of the Desert filed a Change of Floor Plan/Expansion of Liquor Licensed Premise Application with the New Mexico Regulation and Licensing Department, Alcohol and Gaming Division ("Alcohol and Gaming"). The application proposes that the conference room and snack bar adjacent to the gift shop be included in the licensed premises for Wine Grower Offsite Liquor License No. 6106. The proposed expansion would add approximately 221% to the existing square footage by adding 2,142.4 square feet to the current 966.7 square feet.

(Continue on additional sheets as required)

Alcohol and Gaming may require a transfer of location of the license if the requested expansion is greater than 25% of the existing square footage. In this case, Alcohol and Gaming has requested that the license holder submit the application for expansion to the City Council for approval.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A". Change of Floor Plan/Expansion of Liquor Licensed Premise Application for Liquor License No. 6106, Wine Grower Offsite.

SOURCE OF FUNDING:

N/A	Is this action already budgeted?		
	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the expansion of the licensed premises of Wine Grower Offsite Liquor License Number 6106 issued to Heart of the Desert, Inc. d/b/a Eagle Ranch Shoppe at the Farm and Ranch Heritage Museum.

(Continue on additional sheets as required)

2. Vote "No"; this must be based on substantial evidence that the expansion of the licensed premises 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. 14-015

A RESOLUTION APPROVING THE EXPANSION OF THE LICENSED PREMISES FOR WINE GROWER OFFSITE LIQUOR LICENSE NUMBER 6106 ISSUED TO HEART OF THE DESERT, INC. D/B/A EAGLE RANCH GIFT SHOPPE LOCATED AT 4100 DRIPPING SPRINGS ROAD, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, Heart of the Desert, Inc. d/b/a Eagle Ranch Gift Shop, which holds Wine Grower Offsite Liquor License Number 6106, decided to expand its licensed premises at the Farm and Ranch Heritage Museum to add a snack bar and conference room; and

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

WHEREAS, Alcohol and Gaming has requested that the license holder submit the application for expansion to the City Council for approval.

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

(I)

THAT the expansion of the licensed premises of Heart of the Desert, Inc. d/b/a Eagle Ranch Gift Shoppe, located at the Farm and Ranch Heritage Museum, for Wine Grower Offsite Liquor License Number 6106, as shown on Exhibit “A” attached hereto, is hereby approved.

(II)

THAT a copy of this resolution shall be conveyed to the Director of the Alcohol and Gaming Division of the New Mexico 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 _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

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

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

PALD

Exhibit A

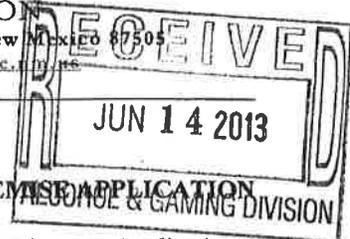
\$75
1489301



New Mexico Regulation and Licensing Department

ALCOHOL AND GAMING DIVISION

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



✓ Fee \$75.00 Fees are Non-Refundable

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

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

Liquor License Number 6087/6106 ^{OFFSITE} Telephone Number 575.434.0035 Fax Number 575.432.2132

Business Name (DBA) HEART OF THE DESERT Owner Name GEORGE + MARIANNE SCHWEERS

Mailing Address 7288 Hwy 54/70 City ALAMOGORDO State NM Zip 88310

License Location 4100 Dripping Springs RD City HAS CRUESES State NM Zip _____

Current square footage 966.7 Additional square footage you would like to add/change 2142.4

Total square footage (add both amounts above) 3109.1 Reason for request CONFERENCE ROOM CONVERTED TO SNACK BAR.

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

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

If so, explain _____

I Stephen C. Jaszai (print name) Licensee for Liquor License No. 6087 hereby attest that the requested change meets the definition of "licensed premises" in NMSA 1978 60-3A-3 (M), which states in part " 'licensed premises' means the contiguous areas or areas connected by indoor passageways of a structure and the outside dining, recreation and lounge areas of the structure that are under the direct control of the licensee..."

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

Submitted by (print name) Stephen C. Jaszai

Signature [Signature] Title Corporate Manager Date 12 Jun 13

SUBSCRIBED AND SWORN TO before me this 12th day of June, 2013 By Stephen Jaszai

Notary Public [Signature] My Commission Expires: Aug 19 2016



NOTARY PUBLIC USE ONLY
OFFICIAL SEAL
Lara Sanborn
NOTARY PUBLIC
STATE OF NEW MEXICO
LOCAL GOVERNING BODY APPROVAL (Required on expansion requests only)

Print Name _____ Title _____ Date _____

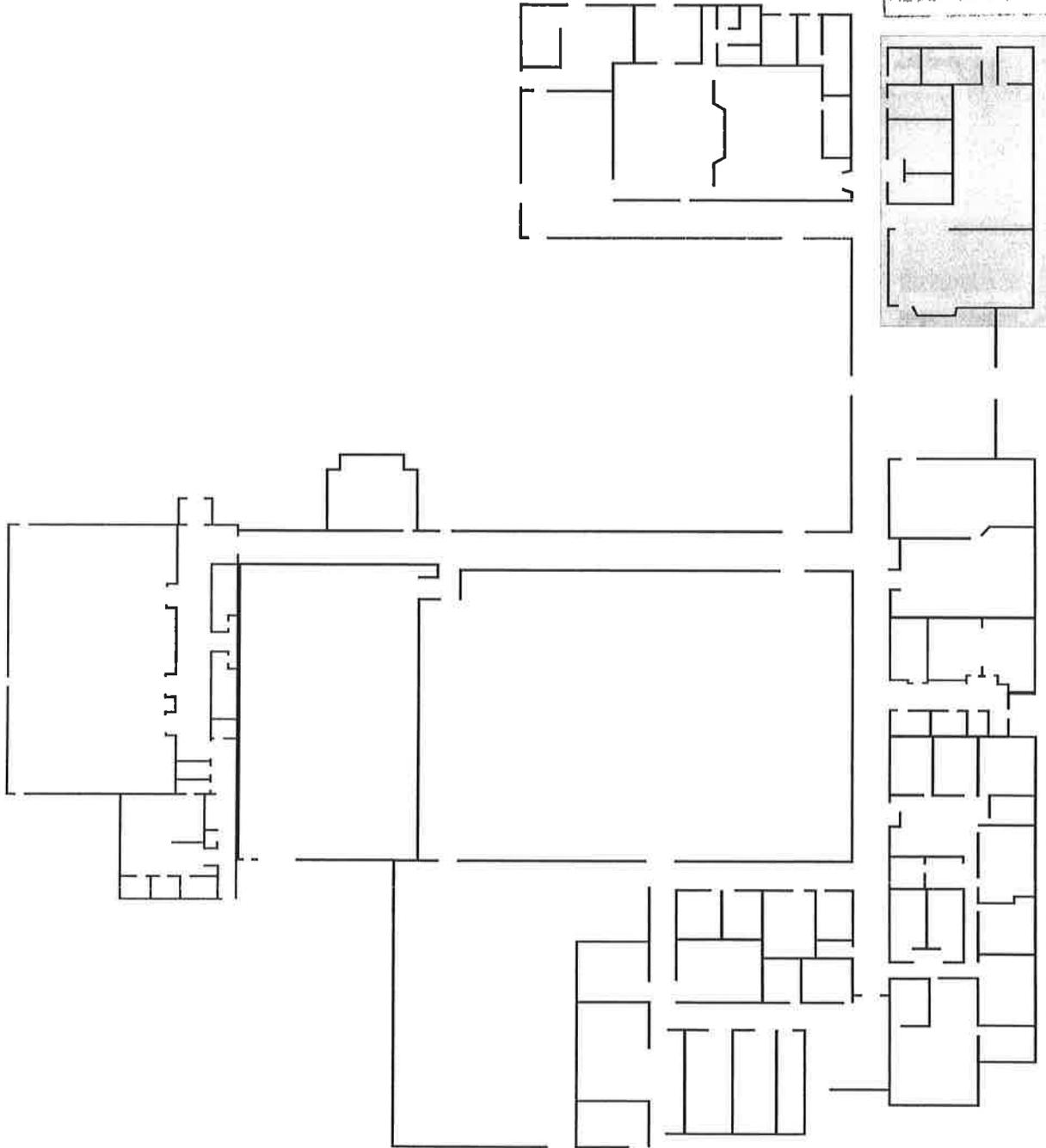
Signature _____ Phone _____ Fax _____

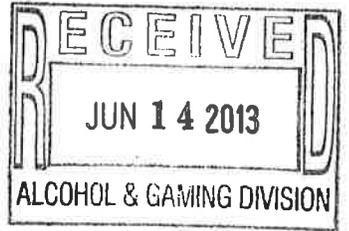
Alcohol and Gaming Use Only: _____ Approved _____ Disapproved _____

By _____ Date _____

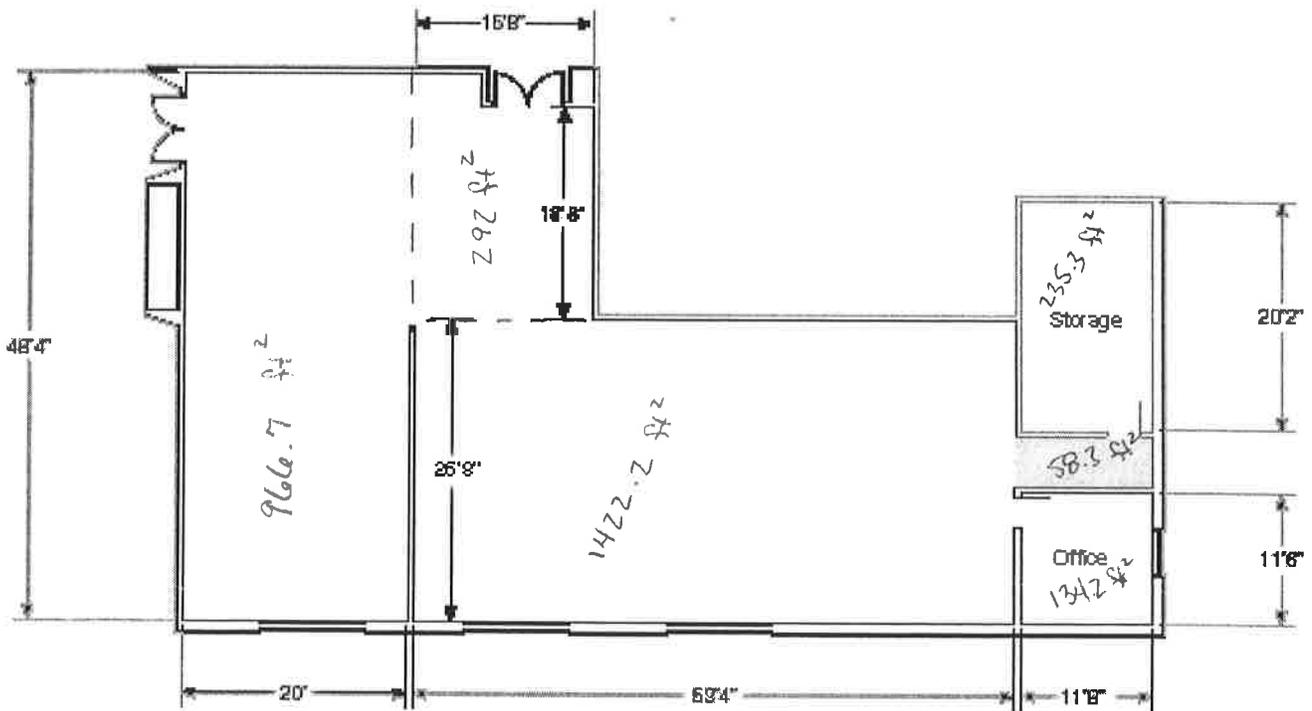
PROPOSED FLOOR PLAN
HEART OF THE DESERT #6106
OFFSITE

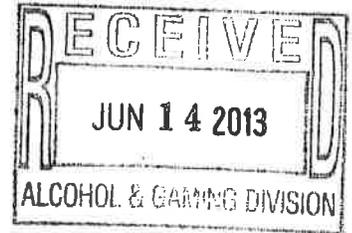
RECEIVED
JUN 14 2013
ALCOHOL & GAMING DIVISION





Proposed Floor Plan
7 July 2013





MEMORANDUM OF RECORD

DATE: 10 July 2013

SUBJECT: Floor Plan expansion request for Heart of the Desert Inc.

REQUEST: Heart of the Desert (#6087) requests the Director of New Mexico Alcohol and Gaming approve the expansion of the wine premise for the off-site located in the Gift Store (#6106) at the Farm and Ranch Heritage Museum, located at 4100 Dripping Springs Rd, Las Cruces, NM.

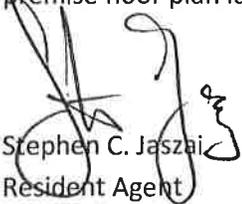
BACKGROUND: In 2004, Heart of the Desert Pistachios and Wines took over the gift store in the Farm and Ranch Heritage Museum. The space of the gift store was limited to the 966 square feet associated with the current permissible layout. This is the area identified with our current premise license.

In 2008, the Farm and Ranch Heritage Museum requested Heart of the Desert to take over concessions for their visitors. This agreement required the partial removal of the wall separating the gift store from the adjoining room (previously a conference room) to provide access between the two rooms. 40% of the wall was removed. The resulting expansion allowed Heart of the Desert Pistachios and Wines to provide both functions for the Heritage Museum; Gift Store and Snack Bar.

Over the last four years, Heart of the Desert has maintained the separation of the two rooms for the purposes of wine serving/purchasing. Also, Heart of the Desert has had many requests to allow wine serving in the snack bar area.

SUMMARY: Expanding the current premise floor plan layout to include the snack bar area would provide the opportunity to expand events including wine for both the Heritage Museum and Heart of the Desert Pistachios and Wines. The expansion would encourage greater awareness of New Mexico wines, increased revenue, and increased attendance for the Heritage Museum.

RECOMMENDATION: Heart of the Desert Pistachio and Wines respectfully requests authorization to increase the premise floor plan layout as presented.


Stephen C. Jaszai
Resident Agent

Corporate Manager, Heart of the Desert Inc.,