

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 17Ordinance/Resolution# 14-046For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)For Meeting of September 3, 2013  
(Adoption Date)

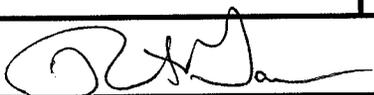
Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

**TITLE:** A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 0228 TO M & S GROUP, INC. D/B/A WING DADDY'S SAUCE HOUSE, TO BE LOCATED AT 775 SOUTH TELSHOR BOULEVARD, LAS CRUCES, NEW MEXICO.

**PURPOSE(S) OF ACTION:**

To approve or disapprove the transfer of a liquor license.

<b>COUNCIL DISTRICT: 6</b>		
<b><u>Drafter/Staff Contact:</u></b> Monica Campbell	<b><u>Department/Section:</u></b> Legal/City Attorney	<b><u>Phone:</u></b> 541-2128
<b><u>City Manager Signature:</u></b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

Pursuant to state law, an application for the transfer of ownership and location 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.

M & S Group, Inc. d/b/a Wing Daddy's Sauce House applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a transfer of ownership and location of Liquor License No. 0228 to 775 South Telshor Boulevard, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval which was received by the City on July 23, 2013.

The City Council is required to hold a public hearing within 45 days of receipt of the preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled for Tuesday, September 3, 2013, as part of the regular City Council meeting which begins at 1:00 p.m. in the City Council Chambers at City Hall, 700 North Main Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Sun-News* on August 11 and 18, 2013, and in the *Las Cruces Bulletin* on August 9 and 16, 2013.

(Continue on additional sheets as required)

Council may approve or disapprove the transfer. However, Council's disapproval must be based on substantial evidence that the transfer of ownership and location 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 this 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 <u>\$600.00</u> for <u>FY14</u> .
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

N/A
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**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. 0228 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. 14-046

**A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 0228 TO M & S GROUP, INC. D/B/A WING DADDY'S SAUCE HOUSE, TO BE LOCATED AT 775 SOUTH TELSHOR BOULEVARD, LAS CRUCES, NEW MEXICO.**

The City Council is informed that:

**WHEREAS**, M & S Group, Inc. d/b/a Wing Daddy's Sauce House applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a transfer of ownership and location of Liquor License No. 0228 to 775 South Telshor Boulevard, Las Cruces, New Mexico; and

**WHEREAS**, Alcohol and Gaming has granted preliminary approval for the transfer of the license; and

**WHEREAS**, pursuant to law, an application for the 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 citizens 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. 0228 to M & S Group, Inc. d/b/a Wing Daddy's Sauce House, to be located at 775 South Telshor Boulevard, Las Cruces, New Mexico, as evidenced by 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 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 3<sup>rd</sup> day of September 2013.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

Mayor Miyagishima: \_\_\_\_\_

Councillor Silva: \_\_\_\_\_

Councillor Smith: \_\_\_\_\_

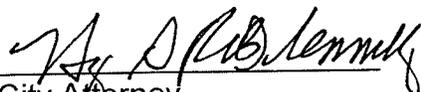
Councillor Pedroza: \_\_\_\_\_

Councillor Small: \_\_\_\_\_

Councillor Sorg: \_\_\_\_\_

Councillor Thomas: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

403

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



Suzanna Martinez  
GOVERNOR

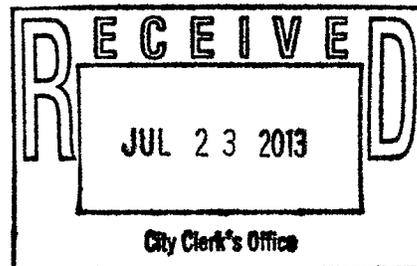
J. Dee Dennis, Jr.  
SUPERINTENDENT

Jennifer W. Anderson  
DIRECTOR

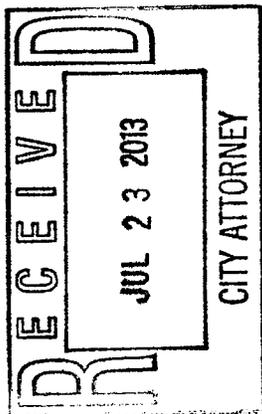
July 17, 2013

Certified Mail No: 7009 2250 0000 9386 7143

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



Re: Lic./App. No. 228/856716  
Applicant Name: M & S Group, Inc.  
Doing Business As: Wing Daddy's Sauce House  
Proposed Location: 775 S. Telshor Blvd., 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 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

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

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.)

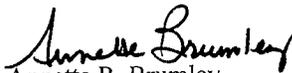
The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a zoning statement from the governing body, this is not a basis for disapproval.

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



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

**LIQUOR LICENSE APPLICATION**

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

State Liquor License # 0228

Application Number 856716

Local option (AGD use)

Record Owner of Existing License John D. & A. Renay Brandenburg

Current D/B/A Name Red River Mining Co.

Current Premises Address Mallette & Main St., Red River, NM 87558

Application is for: Change of Stock \_\_\_\_\_ Transfer Ownership of Existing License \_\_\_\_\_ Transfer Ownership and Location \_\_\_\_\_ X \_\_\_\_\_ Other \_\_\_\_\_

Issue New License \_\_\_\_\_ Type of License being applied for \_\_\_\_\_ Partnership (General or Limited) \_\_\_\_\_ Limited Liability Company \_\_\_\_\_

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

NAME OF APPLICANT (company or individual) M & S Group, Inc. ADDRESS (including city, state, zip) 2021 E. Yandall, El Paso, Texas 79903 TELEPHONE NUMBER (915) 544-9464

cc: New Mexico Liquor Licenses, LLC. c/o Kyla Rhodes Stoker 1801 Lomas Blvd NW, Albuquerque, New Mexico 87104 (505) 980-5614

D/B/A name to be used: Wing Daddy's Sauce House Phone number for licensed premises: not yet assigned

Physical location where license is to be used: 775 S. Telshor Blvd, Las Cruces, New Mexico, Dona Ana County, 88011 (Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 2021 E. Yandall, El Paso, Texas 79903

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

I, (print name) Ryan M. Nellis, as (title) President, 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 5.21.13

Notary Public Use Only

20 13 by Ryan M. Nellis

Expires 9-15-2016

PERLA S. GONZALEZ  
NOTARY PUBLIC  
STATE OF TEXAS  
MY COMMISSION EXPIRES SEPTEMBER 15, 2016

PERLA S. GONZAI  
NOTARY PUB  
STATE OF TEX  
MY COMMISSION  
SEPTEMBER 1

SUBSCRIBED AND SWORN TO before me this 21st day of May, 2013

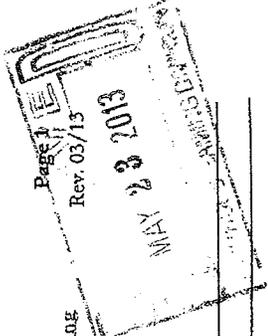
Notary Public Perla S. Gonzalez

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

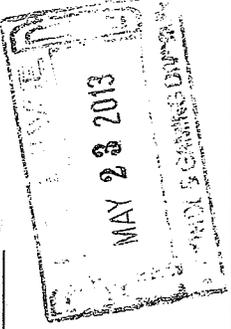
Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Director Approval \_\_\_\_\_ Date \_\_\_\_\_





**PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION**

SS-60-6B-10



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) Cruces Equities, LLLP

B. Date and term of lease 5/10/13 120 months

3. Premises location is zoned (example C-1) C-2c Commercial Medium Density Conditional

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 approx .4 miles Church of Jesus Christ of LDS 2915 E. Idaho Ave, Las Cruces, NM Address/location of church

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

Miles/feet approx .6 miles Hillrise Elementary School 1400 Curmurt Street, Las Cruces, NM Address/location of school

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

Miles approx 33.9 miles Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), 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) \_\_\_\_\_

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: 228/856716

TRANSFER OF OWNERSHIP & LOCATION

TRANSFER OF LOCATION

TRANSFER OF OWNERSHIP

NEW LICENSE

CHANGE OF STOCKHOLDERS/PARTNERSHIP INTEREST

**COPY**

TRANSFERRED FROM:

TRANSFERRED TO:

OWNER: JOHN D. & A. RENAY BRANDENBURG

OWNER: N & S GROUP, INC.

CURRENT LOCATION: MALLETTE & MAIN ST., RED RIVER, NM PROPOSED LOCATION: 775 S. TELSHOR BLVD., LAS CRUCES, NM

CURRENT BUSINESS NAME: RED RIVER MINING CO. PROPOSED NAME: WING DADDY'S SAUCE HOUSE

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. .35 miles  
NAME OF CHURCH IS: Church of Jesus Christ of Latter Day Saints
- DISTANCE FROM NEAREST SCHOOL IS: Approx. .60 miles of a route  
NAME OF SCHOOL IS: Millose Elm. 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: 06/03/2013

EXPIRATION DATE: 06/23/2013 (midnight)

  
APPLICANT'S SIGNATURE

  
S.I.D. SPECIAL AGENT

James O'Keefe  
Printed Name

Douglas Stevens  
Printed Name



**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: August 9 and 16, 2013

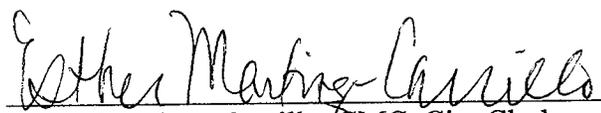
Copy to publish:

**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. 0228 to M & S Group, Inc. d/b/a Wing Daddy's Sauce House, to be located at 775 South Telshor Boulevard, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council scheduled for Tuesday, September 3, 2013, 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 1<sup>st</sup> day of August 2013.

  
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: August 11 and 18, 2013

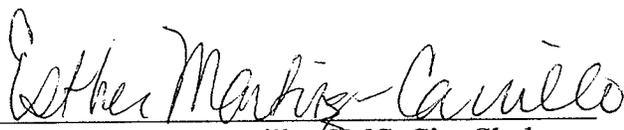
Copy to publish:

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The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council scheduled for Tuesday, September 3, 2013, 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 1<sup>st</sup> day of August 2013.

  
Esther Martinez-Carrillo, CMC, City Clerk



## INTER-DEPARTMENTAL MEMORANDUM

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**TO:** Harry "Pete" Connelly, City Attorney

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

**DATE:** August 13, 2013

**SUBJECT:** **Traffic Investigation Report – Liquor License Application  
775 S. Telshor – Wing Daddy's Sauce House**

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As requested, Traffic Engineering has completed a traffic investigation for Wing Daddy's Sauce House at the proposed location of 775 S. Telshor, Las Cruces, New Mexico. Preliminary development information was obtained from the developer's consultant, Nava-Tech, Inc. The following information is submitted for review:

- Wing Daddy's Sauce House is proposed to be located along Telshor Boulevard. According to the Las Cruces MPO 2012 Traffic Flow Map the traffic volume on Telshor Boulevard near this location is approximately 11,200 vehicles per day.
- The Las Cruces MPO classifies Telshor Boulevard as a principal arterial roadway near the subject location. This roadway primarily serves commercial and higher density residential uses near the property.
- The subject property's driveway is located along Telshor Boulevard. Preliminary plans show the property will also have access to an adjacent parking lot that has driveways along Telshor Boulevard and Sundown Road. The Wing Daddy's Sauce House driveway along Telshor Boulevard is proposed to limit exiting traffic to right turns and include a newly constructed left turn bay for entering traffic. No sight distance or operational problems are currently anticipated at the subject property's driveway.
- The speed limit on Telshor Boulevard is 35 mph near the subject property.

The approval of a Liquor License Application 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 Ownership and Location for Liquor License No. 228/856716

Wing Daddy's Sauce House  
775 S. Telshor Blvd.

August 13, 2013

**LIQUOR LICENSE IMPACT REPORT**  
**Transfer of Ownership and Location**

**Wing Daddy's Sauce House**  
**775 S. Telshor Blvd.**

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: 775 S. Telshor Blvd.  
 Applicant: M & S Group, Inc.  
 Business Name: Wing Daddy's Sauce House

**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	O-2	Office/Commercial
South	O-2	Office/Commercial
East	R-3	Residential
West	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: Telshor Blvd.  
 Classification: Principal Arterial  
 Number of Lanes: 5  
 Site Access: 1  
 Nearest intersection: Telshor Blvd & Majestic Ridge

**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 site of Wing Daddy's Sauce house located along a Principal Arterial roadway which is designed to accommodate heavy traffic and land uses such as restaurants. The subject property is zoned C-2 which allows a restaurant as a permitted use by right. The applicant is requesting a transfer of ownership and location of a liquor license. 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 775 S. Telshor Blvd., and having a Map Code Number or Parcel ID Number of 02-40360, in Las Cruces, New Mexico, is zoned as follows:

### **C-2c (Commercial Medium Intensity- Conditional)**

Comments: The C-2 zoning 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 condition placed on this zoning stipulates that the maximum building height in this zoning district is thirty-five feet (35') and all new utilities be placed underground. Food and beverage establishments with a dispenser's liquor license are permitted uses within this zoning district, providing that all requirements prescribed for liquor establishments by the State of New Mexico are met.

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.

August 13, 2013

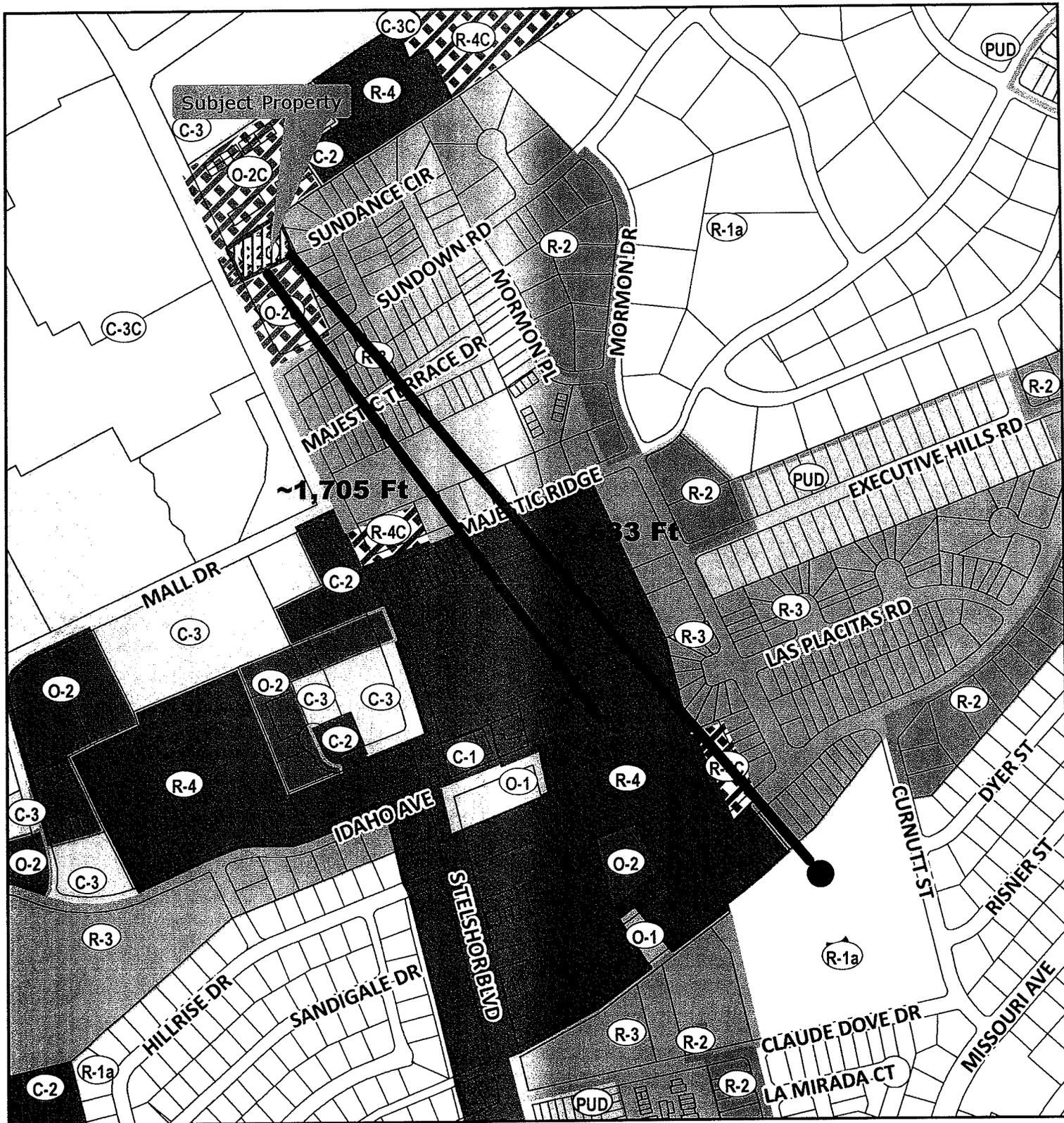
Date

\_\_\_\_\_  
Lorenzo Vigil  
Planning Technician Senior

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

415



○ ZONING ● SCHOOL + CHURCH



775 S. TELSHOR BLVD.

Zoning: C-2C

Parcel ID#: 02-14176

Distance to nearest school: ~2,633 Feet

Distance to nearest church: ~1,705 Feet



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

**BUSINESS REGISTRATION REPORT – WING DADDY’S SAUCE HOUSE**

**From:** Sara Gonzales

Wing Daddy’s Sauce House has not applied for the business registration at 775 South Telshor.

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**From:** Monica Campbell

**Sent:** Wednesday, July 31, 2013 8:36 AM

**To:** Lorenzo Vigil; Sara Gonzales; Eloy Jimenez; Kyle Metzgar; Business Registration

**Cc:** Robert Kyle

**Subject:** 3 Liquor License Report Requests

Attached are the letters and applications from Alcohol and Gaming for:

1. Roadrunner Brew House. Winegrower Liquor License at 901 East University Ave., Building 945A, Las Cruces;
2. Walgreens #13927. Transfer of Location of State Liquor License No. 4053 to 3490 Northrise Dr., Las Cruces; and
3. Wing Daddy’s Sauce House. Transfer of Ownership and Location of State Liquor License No. 0228 to 775 S. Telshor, Las Cruces.

Please review the documents and prepare reports for each application for 1) zoning and 2) business registration.

The reports are due to the City Attorney on or before **August 15, 2013** in order to meet required time limits and other deadlines imposed by law. These liquor license matters will be submitted for the September 3, 2013 City Council meeting.

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



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**LAS CRUCES POLICE DEPARTMENT**  
**MEMORANDUM**

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**Date:** August 8, 2013  
**To:** Pete Connelly, City Attorney  
**From:** Richard Williams Chief of Police *RCW*  
**Subject:** Wing Daddy's Sauce House

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I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Wing Daddy's Sauce House located at 775 S. Telshor Blvd. Las Cruces, NM 88011.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for Wing Daddy's Sauce House be approved.

Richard Williams  
Chief of Police

**FIRE SAFETY AND COMPLIANCE REPORT – WING DADDY’S SAUCE HOUSE**

**From:** Michael Danner  
**Subject:** Liquor License Applications

The following address is in compliance with the 2009 IFC for its liquor license:

755 S. Telshor Blvd., Wing Daddy’s Sauce House

*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](mailto:mdanner@las-cruces.org)*