



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8Ordinance/Resolution# 14-103For Meeting of _____
(Ordinance First Reading Date)For Meeting of December 2, 2013
(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 JR INVESTMENTS CO., LLC D/B/A MAIN STREET BISTRO & ALE HOUSE, LOCATED AT 139 NORTH MAIN STREET, SPACE B, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve or disapprove the issuance of a restaurant liquor license.

COUNCIL DISTRICT: 1		
<u>Drafter/Staff Contact:</u> Monica Campbell	<u>Department/Section:</u> Legal/City Attorney	<u>Phone:</u> 541-2128
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to New Mexico Statutes, an application for the 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.

JR Investments Co., LLC d/b/a Main Street Bistro & Ale House 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 139 North Main Street, Space B, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on October 17, 2013. The licensed premises will include the building and the approximately 400 square foot patio area which has been leased by the City to JR Investments Co., LLC.

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 2, 2013, 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 15 and 22, 2013, and in the *Las Cruces Sun-News* on November 17 and 24, 2013.

(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"/>	<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 \$300.00 for FY14.
	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. 14-103

A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE TO JR INVESTMENTS CO., LLC D/B/A MAIN STREET BISTRO & ALE HOUSE, LOCATED AT 139 NORTH MAIN STREET, SPACE B, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, JR Investments Co., LLC d/b/a Main Street Bistro & Ale House, located at 139 North Main Street, Space B, 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 17, 2013, 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 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:

(1)

THAT the issuance of a restaurant liquor license to JR Investments Co., LLC d/b/a Main Street Bistro & Ale House, located at 139 North Main Street, Space B, 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 _____ day of _____ 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Levatino: _____

APPROVED AS TO FORM:



City Attorney

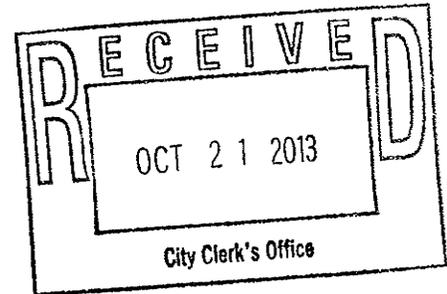


New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

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

October 17, 2013

Certified Mail No.: 7006 3450 0000 3001 2009



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

Susana Martinez
GOVERNOR

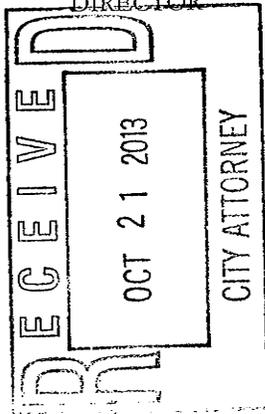
J. Dee Dennis, Jr.
SUPERINTENDENT

Mary Kay Root
DEPUTY
SUPERINTENDENT

James C. McKay
CHIEF GENERAL
COUNSEL

Jennifer M. Anderson
DIRECTOR

Re: License / Appl. No.: **Appl. No. A-888522**
Applicant Name: **JR Investments Co., LLC**
Doing Business As: **Main Street Bistro & Ale House**
Proposed Location: **139 N. Main Street, Space B**
Las Cruces, New Mexico 88001



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 Conditional Preliminary Approval; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

- 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

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 BEER & WINE LICENSE WITH ON PREMISE CONSUMPTION ONLY. THE APPLICANT IS ALSO REQUESTING A WAIVER AS THE PROPOSED PREMISE IS WITHIN 300 FEET OF A CHURCH.

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

- 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 or 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 will 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.

9/23/13
Rosa
[Signature]

\$200 -
RT# 1523838



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/alcoholandgaming

LIQUOR LICENSE APPLICATION

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

State Liquor License # _____
Application Number 888522
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 _____ Transfer Location _____ Other _____
Issue New License Type of License being applied for Restaurant

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

NAME OF APPLICANT (company or individual) JR INVESTMENTS CO., LLC ADDRESS (including city, state, zip) 5424 HELIOS FARM CT. LAS CRUCES, NM 88005 TELEPHONE NUMBER 575-496-1488

D/B/A name to be used: MAIN STREET BISTRO & ALE HOUSE Phone number for licensed premises: 575-524-5977

Physical location where license is to be used: 139 N. MAIN ST., SPACE B LAS CRUCES, NM 88001
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: SAME

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

I, (print name) Nick Ray as (title) member/manager 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 [Signature] Date 9/19/13

SUBSCRIBED AND SWORN TO before me this 19th day of September, 20 13 by Nick Ray

Notary Public [Signature] My Commission Expires 11/10/13

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 _____



OFFICIAL SEAL
LYNDA M. HUFF
NOTARY PUBLIC - STATE OF NEW MEXICO

My commission expires: 11/10/13



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/alcoholandgaming

Page 2
Rev. 03/13

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) Richard Rosen, Inc.

B. Date and term of lease Aug. 30, 2013 3 year term

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

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 278 ft. Name of church Calvary Chapel Address/location of church 139 S. Main St. L.C. 88001

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

Miles/feet 385 ft. Name of school Central Elem. Address/location of school 150 N. Alameda Blvd. L.C. 88005

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

Miles 30 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) _____



STATEMENT OF ZONING

The property located at 139 N. Main St. and having a Map Code Number or Parcel ID Number of 02-05997, in Las Cruces, New Mexico, is zoned as follows:

CBD (Central Business District & Main Street Plaza Overlay Zone)

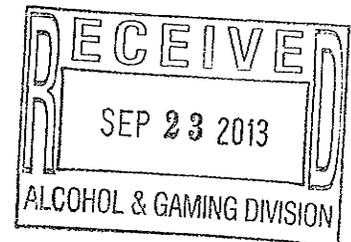
Comments: The purpose of this district is to accommodate government facilities, retail, office, residential, and other similar uses in the central business area of the City with appropriate height, yard, and intensity standards to allow for a higher density of development. Furthermore, the properties described within the "Main Street Plaza" Overlay Zone are identified as a special area within the Central Business District (CBD) to encourage revitalization through incentives and clearly defined development standards. 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 29, 2013
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.





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 15 and 22, 2013

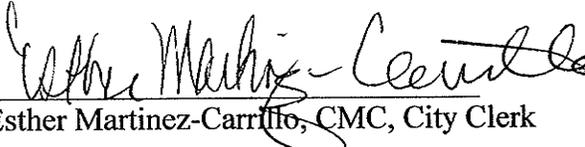
Copy to publish:

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 the issuance of a Restaurant Liquor License to JR Investments Co., LLC d/b/a Main Street Bistro & Ale House at 139 North Main Street, Space B, 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 2, 2013, 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 4th day of November 2013.



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 17 and 24, 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 the issuance of a Restaurant Liquor License to JR Investments Co., LLC d/b/a Main Street Bistro & Ale House at 139 North Main Street, Space B, 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 2, 2013, 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 4th day of November 2013.



Esther Martinez-Carrillo, CMC, City Clerk



INTER-DEPARTMENTAL MEMORANDUM

TO: Harry "Pete" Connelly, City Attorney

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

DATE: October 30, 2013

SUBJECT: **Traffic Investigation Report – Liquor License Application**
139 N. Main Street Space B – Main Street Bistro & Ale House

As requested, Traffic Engineering has completed a traffic investigation for Main Street Bistro & Ale House located at 139 N. Main Street Space B, Las Cruces, New Mexico. The following information is submitted for review:

- Main Street Bistro is located within Main Street Downtown along Main Street between Las Cruces Avenue and Griggs Avenue. The traffic volume on Main Street near this location is approximately 3,500 vehicles per day. The traffic volume on Water Street near this location is approximately 6,600 vehicles per day. The traffic volume on Las Cruces Avenue near this location is approximately 3,000 vehicles per day. The traffic volume on Griggs Avenue near this location is approximately 900 vehicles per day.
- The Mesilla Valley MPO classifies Main Street and Las Cruces Avenue as collector roadways and Water Street as a principal arterial roadway adjacent to the subject location. Griggs Avenue is not classified by the Mesilla Valley MPO near the subject location and is considered a local road. All roadways primarily serve commercial uses near the property.
- The subject property can be accessed through public parking facilities along Water Street, Las Cruces Avenue, and Griggs Avenue. Public parking is not allowed along Main Street directly adjacent to the subject location. Sight distance may be limited at the public parking facilities driveways due to adjacent on-street parking. No other sight distance or operational problems are currently known at the driveways.
- The speed limit on Main Street is 15 mph near the subject property. Speed limits on all other adjacent roads ranges from 25 to 30 mph near the subject property.

The approval of a Liquor License Application at this location does not appear to adversely impact traffic operations along these segments of roadways. Should any additional information be needed, please contact me.

**City of Las Cruces
Community Development Department**

LIQUOR LICENSE IMPACT REPORT

**Restaurant Liquor License Application No. A-888522
(Beer and Wine Only)**

**Main Street Bistro & Alehouse
139 N. Main Street**

October 28, 2013

LIQUOR LICENSE IMPACT REPORT
Restaurant Liquor License (Beer and Wine ONLY)

Main Street Bistro & Alehouse
139 N. Main Street

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: 139 N. Main Street
 Applicant: JR Investments Co., LLC
 Business Name: Main Street Bistro & Alehouse

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: CBD (Central Business District and Main Street Plaza Overlay Zone)
 (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	CBD	Commercial
South	CBD	Commercial
East	CBD	Commercial
West	CBD	Commercial

DISTANCE REQUIREMENTS:

Greater than 300 feet to a school: YES
 Greater than 300 feet to a church: NO
 Greater than 300 feet to a military installation: YES

TRAFFIC COUNT AND ACCESS INFORMATION:

Roadway: N. Main
 Classification: Collector Roadway
 Number of Lanes: 2
 Site Access: 2
 Nearest Intersection: Main Street & Griggs Avenue

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires restaurants to provide one automobile space for each 2-5 seats. However, the business is in the Main Street Plaza Overlay Zone which has no minimum or maximum parking requirement since several public parking lots and on street parking is shared among various businesses. Hence, parking is adequate for the use.

IMPACT ANALYSIS:

The applicant is requesting a new restaurant liquor license for beer and wine only for this establishment. The subject property is located on N. Main Street which is designated as a collector roadway which is designed to accommodate moderate to heavy traffic and land uses such as restaurants. Zoning for this property is CBD (Central Business District and Main Street Plaza Overlay Zone) which permits this use and uses related to it. In terms of a transportation and land use perspective, this seems to be an appropriate location and request.

There is a question, however, concerning the required distance between liquor establishments and military installations, churches, and schools. New Mexico State Statutes read that the liquor establishment must be 300 feet from the property line of military installations, churches and schools. Main Street Bistro & Alehouse is actually within the required 300 foot distance of a church property: House of Praise, located at 100 S. Church St.

According to New Mexico State Law, a local governing district may grant a waiver to allow such a business within 300 feet of a church or school. Thus the local governing district may determine whether or not the location of the liquor license request is appropriate. The law does not set parameters to assist in determining applicability. Therefore, Planning Staff assumes the local government district may use traditional guidelines, such as, health, safety, and welfare to make this decision.



STATEMENT OF ZONING

The property located at 139 N. Main St. and having a Map Code Number or Parcel ID Number of 02-05997, in Las Cruces, New Mexico, is zoned as follows:

CBD (Central Business District & Main Street Plaza Overlay Zone)

Comments: The purpose of this district is to accommodate government facilities, retail, office, residential, and other similar uses in the central business area of the City with appropriate height, yard, and intensity standards to allow for a higher density of development. Furthermore, the properties described within the "Main Street Plaza" Overlay Zone are identified as a special area within the Central Business District (CBD) to encourage revitalization through incentives and clearly defined development standards. 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.

October 28, 2013

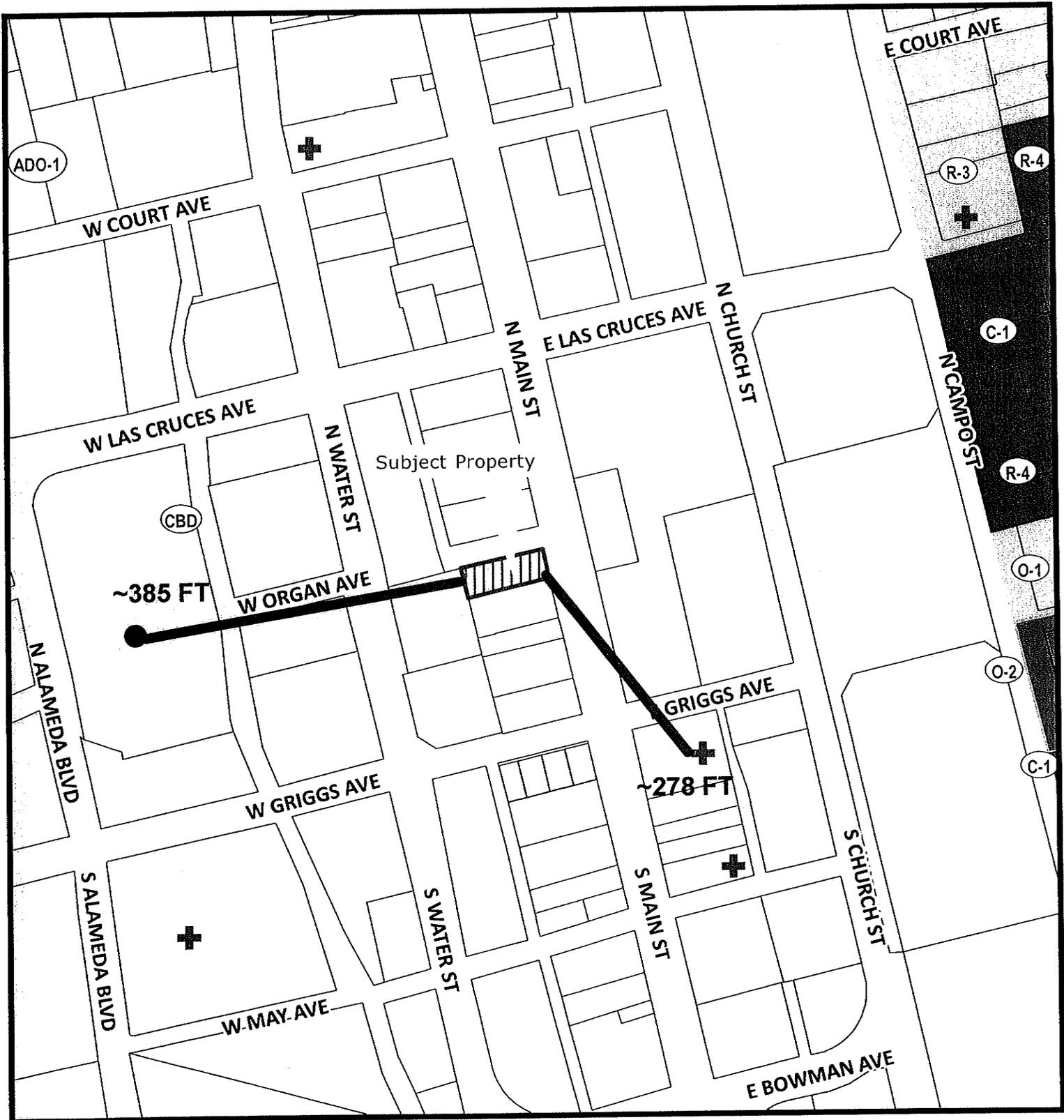
Date



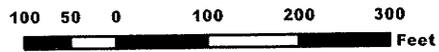
 Lorenzo Vigil
 Planning Technician, Sr

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



○ ZONING ● SCHOOL + CHURCH



139 N MAIN STREET
 PARCEL ID # 02-05997
 ZONING: CBD
 DISTANCE TO NEAREST SCHOOL: ~385 FEET
 DISTANCE TO NEAREST CHURCH: ~278 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

BUSINESS REGISTRATION REPORT – MAIN STREET BISTRO & ALE HOUSE

From: Kyle Metzgar

Subject: RE: Liquor License Report Request - Main St. Bistro

Main Street Bistro & Ale House does have a current business registration (11312) and will remain current until April 2014.

Thank you.

Kyle D. Metzgar

From: Monica Campbell

Sent: Monday, October 21, 2013 2:52 PM

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

Cc: Robert Kyle

Subject: Liquor License Report Request - Main St. Bistro

Attached is Alcohol and Gaming's letter and application about a Restaurant Liquor License for Main Street Bistro & Ale House to be located at 139 North Main Street, Space B, Las Cruces.

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

The report is due to the City Attorney on or before **October 31, 2013** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the November 18, 2013 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

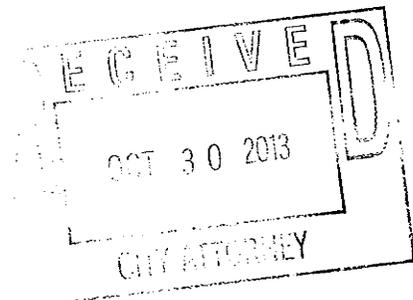


Date: October 21, 2013
To: Pete Connelly, City Attorney
From: Richard Williams Chief of Police *RW*
Subject: Main Street Bistro & Ale House

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Main Street Bistro & Ale House Restaurant located at 139 N Main Street, Space B. Las Cruces, NM 88001.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for Main Street Bistro & Ale House be approved.

Richard Williams
Chief of Police



FIRE SAFETY AND COMPLIANCE REPORT -- MAIN STREET BISTRO & ALE HOUSE

From: Billy Chaires
Subject: RE: Liquor license report request - Main St. Bistro

Main St. Bistro meets fire code compliance for a liquor license.

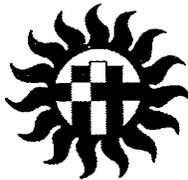
From: Monica Campbell
Sent: Monday, October 21, 2013 2:52 PM
To: Travis Brown; Ted Sweetser; Billy Chaires
Cc: Mary Helen Sarabia
Subject: Liquor license report request - Main St. Bistro

Attached is Alcohol and Gaming's letter and application about a Restaurant Liquor License for Main Street Bistro & Ale House to be located at 139 North Main Street, Space B, Las Cruces.

Please review the attachment and prepare a fire and safety compliance report.

The report is due to the City Attorney on or before **October 31, 2013** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the November 18, 2013 Council meeting.

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



City of Las Cruces®

PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of December 2, 2013
(Adoption Date)

TITLE:

A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE TO JR INVESTMENTS CO., LLC D/B/A MAIN STREET BISTRO & ALE HOUSE, LOCATED AT 139 NORTH MAIN STREET, SPACE B, LAS CRUCES, NEW MEXICO.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Monica Campbell</i>	541-2128	11/14/13
Department Director	<i>By [Signature]</i>	541-2128	11/14/13
Other	<i>[Signature]</i>	541-2100	11/15/13
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2107	11/15/13
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	11/14/13
City Attorney	<i>By [Signature]</i>	541-2128	11/14/13
City Clerk	<i>Wendy Martinez-Cerullo</i>	541-2115	11/21/13