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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 8 Ordinance/Resolution# 14-186

For Meeting of \_\_\_\_\_  
 (Ordinance First Reading Date)

For Meeting of May 19, 2014  
 (Adoption Date)

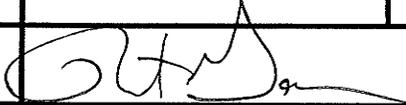
Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE TO JOSE DELGADO D/B/A LOS TIOS RESTAURANT, LOCATED AT 525 EAST MADRID AVENUE, SUITES 1 AND 2, LAS CRUCES, NEW MEXICO.

**PURPOSE(S) OF ACTION:**

To approve or disapprove the issuance of a liquor license.

<b>COUNCIL DISTRICT: 1</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 New Mexico Statutes, an application for the issuance of a restaurant liquor license must be accompanied by a resolution of the Las Cruces City Council approving of and consenting to the issuance after a public hearing.

Jose Delgado d/b/a Los Tios Restaurant 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 525 East Madrid, Suites 1 and 2, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval by letter dated January 16, 2014, which was received by the Las Cruces City Clerk on April 14, 2014.

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, May 19, 2014, 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 April 25 and May 2, 2014, and in the *Las Cruces Sun-News* on April 28 and May 5, 2014.

(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 Traffic Operations.
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:**

N/A	<b>Is this action already budgeted?</b>		
	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.	
<b>Does this action create any revenue?</b>	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
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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 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

(Continue on additional sheets as required)

**RESOLUTION NO. 14-186****A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE TO JOSE DELGADO D/B/A LOS TIOS RESTAURANT, LOCATED AT 525 EAST MADRID AVENUE, SUITES 1 AND 2, LAS CRUCES, NEW MEXICO.**

The City Council is informed that:

**WHEREAS**, Jose Delgado d/b/a Los Tios Restaurant, located at 525 East Madrid Avenue, Suites 1 and 2, 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**, Alcohol and Gaming granted preliminary approval for the issuance of the license by letter dated January 16, 2014, which was received by the Las Cruces City Clerk on April 14, 2014; and

**WHEREAS**, pursuant to law, the application for issuance of a liquor license must be accompanied by a resolution of the Las Cruces 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 Jose Delgado d/b/a Los Tios Restaurant, located at 525 E. Madrid, Suites 1 and 2, 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 19 day of May 2014.

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:

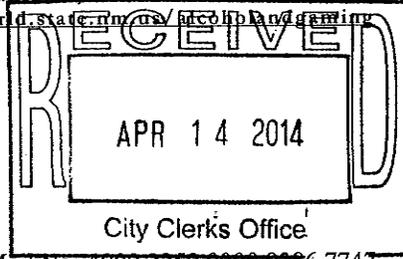
  
\_\_\_\_\_  
City Attorney



New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

Toney Anaya Building • PO Box 25101 • Santa Fe, New Mexico 87505-5101  
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

January 16, 2014



Certified Mail No: 4009 2250 0000 9386 7747

Susana Martinez  
GOVERNOR

Robert "Mike" Unthank  
SUPERINTENDENT

James C. McKay  
GENERAL COUNSEL

Mary Kay Root  
DIRECTOR

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

Re: Lic. No./App. No. 905983  
Applicant Name: Jose Delgado  
Doing Business As: Los Tio Restaurant  
Proposed Location: 525 E. Madrid Ave., Suite 1 & 2, 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:

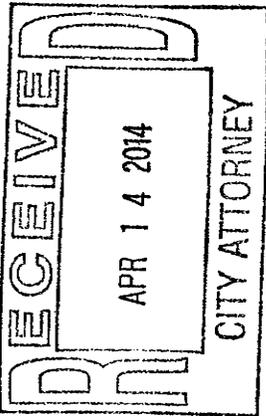
The Director of the Alcohol and Gaming Division has granted Preliminary Approval for the referenced application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

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 Restaurant 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 location prior to 1981 or unless the applicant/licensee has obtained a waiver from the local option district governing body for the proposed licensed premises.)



Alcohol and Gaming Division  
(505) 476-4875

Boards and Commissions Division  
(505) 476-4600

Construction Industries Division  
(505) 476-4700

Financial Institutions Division  
(505) 476-4885

Manufactured Housing Division  
(505) 476-4770

Securities Division  
(505) 476-4580

Administrative Services Division  
(505) 476-4800

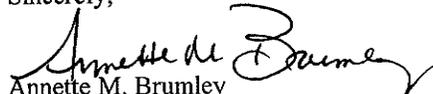
The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a zoning statement from the governing body, this is not a basis for disapproval.

The issuance would be detrimental to the public health, safety or morals of the residents of the local option district. Disapproval by the governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

\*Within thirty (30) days after the public hearing, the governing body shall notify the Alcohol and Gaming Division *in writing* as to whether the local governing body has approved or disapproved the issuance of transfer of the license and by signing the enclosed original Page 1 of the application. *The letter of approval/disapproval and the Page 1 must be returned together with the notice of publication(s).* If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the public hearing, the director 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,

  
Annette M. Brumley  
Hearing Officer

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

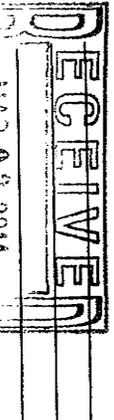


New Mexico Regulation and Licensing Department • Alcohol and Gaming Division  
 2550 Cerrillos Road • Santa Fe, New Mexico 87505 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

AUG 21 2013 Page 1  
 Rev. 03/13

**LIQUOR LICENSE APPLICATION**

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



State Liquor License # 905983  
 Application Number 2012-15352  
 Local option (AGD use) \_\_\_\_\_

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 Licenses (Beer and Wine)  
 Corporation \_\_\_\_\_ Partnership (General or Limited) \_\_\_\_\_ Limited Liability Company \_\_\_\_\_

Applicant is: Individual \_\_\_\_\_  
 NAME OF APPLICANT (company or individual) Jose Delgado  
 ADDRESS (including city, state, zip) 940 Chaparxo Rd Apt 2, Las Cruces, NM 88001  
 TELEPHONE NUMBER (575) 386-1022

D/B/A name to be used: Los Tios Restaurant  
 Phone number for licensed premises: (575) 526-6026  
 Physical location where license is to be used: 525 E Madrid Ave, Las Cruces, NM 88001  
 (Include street number / highway number / state road, city and county, state, and zip code)  
 Mailing address: 525 E Madrid Ave, Las Cruces, NM 88001

Are alcoholic beverages currently being dispensed at the proposed location? Yes \_\_\_\_\_ No  If yes, give license number and type \_\_\_\_\_  
 I, (print name) Jose Delgado, as (title) Owner, 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 Jose Delgado Date 8/14/2013

SUBSCRIBED AND SWORN TO before me this 14 day of August, 2013 by Jose Delgado  
 Notary Public \_\_\_\_\_ My Commission Expires July 12, 2015  
 OFFICIAL SEAL  
 Marcos Ramirez  
 NOTARY PUBLIC  
 STATE OF NEW MEXICO  
 My Commission Expires: 07/12/15

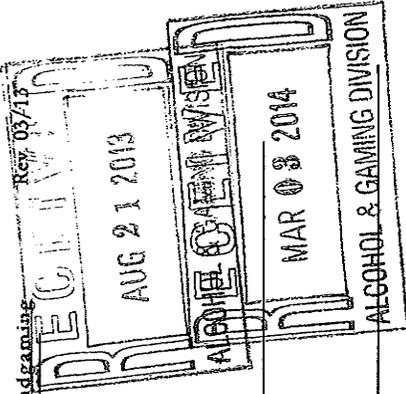
Local Governing Body of: \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_  
 Check one: Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ City/County Official \_\_\_\_\_  
 (Signature & Title)

For Alcohol and Gaming Division Use Only  
 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Director Approval \_\_\_\_\_ Date \_\_\_\_\_



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

**COPY**



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) Mesquite Junction LLC

B. Date and term of lease May 1st 2013 lease until April 30 2015

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 2.5 miles Name of church Cathedral of the Immaculate Heart of Mary  
Address/location of church 1240 S Espina, Las Cruces, NM 88001  
Address, City, State

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

Miles/feet 4/66 ft Name of school Boke Washington Elementary Address/location of school 755 E Chestnut Ave Las Cruces, NM 88001  
Address, City, State

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

Miles 98 miles Name of Military Installation, circle one: 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 ROAD 87505  
P.O. BOX 25101  
SANTA FE, NEW MEXICO 87504-5101



POSTING CERTIFICATE  
(ISSUANCE OF NEW LIQUOR LICENSES)

RESTAURANT (BBB/WINE ONLY)      \_\_\_\_\_ WHOLESALER:  
 MASTER WINEGROWER      \_\_\_\_\_ WINEGROWER OFF-SITE: 1 2 3 (Circle)  
 MASTER SMALL BREWER      \_\_\_\_\_ SMALL BREWER OFF-SITE: 1 2 (Circle)  
 OTHER: \_\_\_\_\_

APPLICATION NUMBER: A-905983  
APPLICANT NAME: JOSE DELGADO  
PROPOSED NAME: LOS TIOS RESTAURANT  
PROPOSED LOCATION: 200525 E. MADRID AVE., SUITE 1, LAS CRUCES, NM

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

1. LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: City of Las Cruces
2. LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: NA
3. DISTANCE FROM NEAREST CHURCH IS APPROXIMATELY: .35 tenths of a mile  
NAME OF CHURCH IS: Jehovah's Witnesses
4. DISTANCE FROM NEAREST SCHOOL IS APPROXIMATELY: .6 tenths of a mile  
NAME OF SCHOOL IS: Booker T. Washington Elem. School
5. DISTANCE FROM NEAREST MILITARY INSTALLATION IS: NA

MILES

NAME OF INSTALLATION IS:  KIRTLAND AIR FORCE BASE (ALBUQUERQUE)  
 WHITE SANDS MISSILE RANGE (LAS CRUCES)  
 HOLLOMAN AIR FORCE BASE (ALAMOGORDO)  
 CANNON AIR FORCE BASE (CLOVIS)

NOTICE POSTED ON:  BUILDING      \_\_\_\_\_ BILLBOARD      \_\_\_\_\_ OTHER: \_\_\_\_\_

DATE POSTED: 03/18/2014  
Jose Delgado  
APPLICANT'S SIGNATURE

EXPIRATION DATE: 04/07/2014 (midnight)  
[Signature]  
S.I.D. SPECIAL AGENT



**AD FORM  
LAS CRUCES BULLETIN  
LEGAL CLASSIFIED**

City contact: Monica Campbell, 541-2128

Account No. 977669 (Bill to City Clerk, PO Box 20000, Las Cruces, NM 88004)

Dates to Publish: April 25 and May 2, 2014

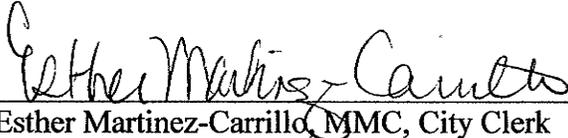
Copy to publish:

**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 Jose Delgado d/b/a Los Tios Restaurant at 525 E. Madrid Avenue, Suites 1 and 2, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council on Monday, May 19, 2014, beginning at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the Alcohol and Gaming Division of 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 18<sup>th</sup> day of April, 2014.

  
\_\_\_\_\_  
Esther Martinez-Carrillo, MMC, 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: April 28 and May 5, 2014

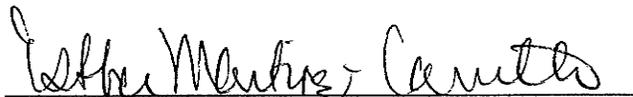
Copy to publish:

**NOTICE OF INTENT TO ADOPT**

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The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council on Monday, May 19, 2014, beginning at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the Alcohol and Gaming Division of 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 18<sup>th</sup> day of April, 2014.

  
\_\_\_\_\_  
Esther Martinez-Carrillo, MMC, City Clerk



## INTER-DEPARTMENTAL MEMORANDUM

---

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

**FROM:** Willie Roman, P.E., PTOE   
Acting Streets and Traffic Operations Administrator, Transportation Dept.

**DATE:** April 30, 2014

**SUBJECT:** Traffic Investigation Report – Liquor License Application  
525 E. Madrid Avenue, Suites 1 & 2 – Los Tios Restaurant

---

As requested, Traffic Engineering has completed a traffic investigation for Los Tios Restaurant located at 525 E. Madrid Avenue, Suites 1 & 2, in Las Cruces, New Mexico. The following information is submitted for review:

- Los Tios Restaurant is located at the northwest corner of the intersection of Madrid Avenue and Solano Drive. The traffic volume on Madrid Avenue near this location is approximately 5,900 vehicles per day. The traffic volume on Solano Drive near this location is approximately 15,500 vehicles per day.
- The Mesilla Valley MPO classifies Madrid Avenue as a collector roadway and Solano Drive as a minor arterial roadway. Madrid Avenue and Solano Drive primarily serve commercial properties near the subject location.
- The subject property contains one driveway along Madrid Avenue and one driveway along Solano Drive. No sight distance or operational problems are currently known at these driveways.
- The speed limit along both roadways near the subject property is 35 mph.

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

City of Las Cruces  
Community Development Department

LIQUOR LICENSE IMPACT REPORT

Restaurant Liquor License Application No. 905983  
(Beer and Wine Only)

Los Tio Restaurant  
525 E. Madrid Ave. Ste. 1&2

April 21, 2014

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

**Los Tio Restaurant**  
**525 E. Madrid Ave. Ste. 1&2**

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: 525 E. Madrid Ave. Ste. 1&2  
 Applicant: Jose Delgado  
 Business Name: Los Tio Restaurant

**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	C-2	Commercial
South	C-2	Commercial
East	R-1a	Park
West	C-2	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: E. Madrid Ave.  
 Classification: Major Collector  
 Number of Lanes: 3  
 Site Access: 3  
 Nearest intersection: Madrid & Solano

**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. As the business currently exists, there is no apparent change in land use and parking is not an issue.

**IMPACT ANALYSIS:**

The site of Los Tio Restaurant is located along a Major Collector roadway which is designed to accommodate moderately to 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 new restaurant liquor license (beer & wine only) 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 525 E. Madrid Ave. Ste. 1&2, in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-04439 is zoned as follows:

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

Comments: The C-2 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. A restaurant with a beer and wine dispenser's license is a permitted use in the C-2 zoning district, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met.

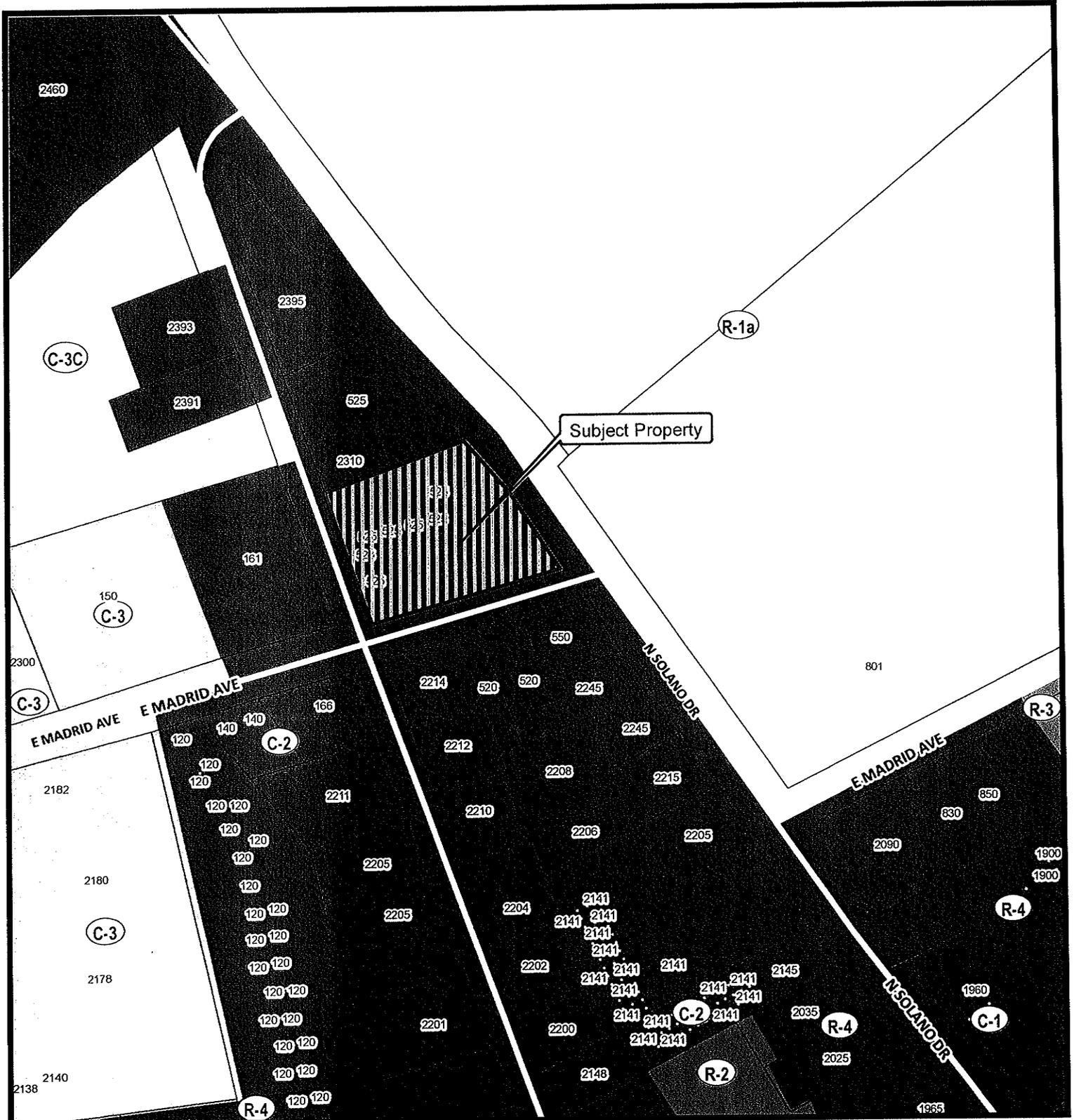
The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

April 21, 2014  
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.

# Zone7Map



This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.

525 E. MADRID AVE. STE. 1&2  
 ZONING C-2  
 DISTANCE TO THE NEAREST SCHOOL: BOOKER T. WASHINGTON 2,870 FEET  
 DISTANCE TO THE NEAREST CHURCH: HOLY CROSS PARISH 3,660 FEET

**Legend**

- County Parcel
- Interstates\_Highway
- Railroad
- Rio Grande

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

**BUSINESS REGISTRATION REPORT – LOS TIOS RESTAURANT**

**From:** Sara Gonzales  
**Subject:** RE: 2 liquor license report requests

Los Tios Restaurant located at 525 E. Madrid Suites 1 and 2 has a current license until 5/31/15 under license 10159.

**From:** Monica Campbell  
**Sent:** Wednesday, April 16, 2014 1:40 PM  
**To:** Lorenzo Vigil; Sara Gonzales; Business Registration  
**Cc:** Robert Kyle  
**Subject:** 2 liquor license report requests

Attached are Alcohol and Gaming's letters and 2 restaurant liquor license applications:

Pueblo Café, 1100 S. Main Street, Suite 116, Las Cruces  
Los Tios Restaurant, 525 E. Madrid, Suites 1 and 2, Las Cruces

Please review the attachments and prepare a 1) zoning report and 2) a business registration report for each address.

The report is due to the City Attorney on or before **May 1, 2014** in order to meet required time limits and other deadlines imposed by law. Both matters will be submitted for the May 19, 2014 City 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



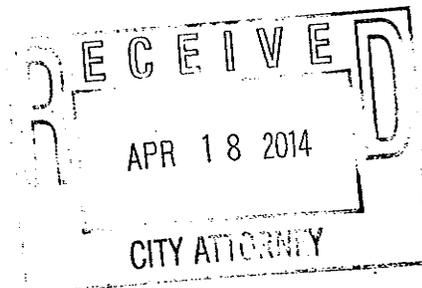
**Date:** April 17, 2014  
**To:** Pete Connelly, City Attorney  
**From:** Jaime Montoya, Chief of Police  
**Subject:** Los Tio Restaurant

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Los Tio Restaurant located at 525 E. Madrid Ave, Suite 1&2, Las Cruces, NM 88001.

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

A handwritten signature in black ink, appearing to read "J. Montoya".

Jaime Montoya  
Chief of Police



**FIRE SAFETY COMPLIANCE REPORT – LOS TIOS RESTAURANT**

**From:** Billy Chaires  
**Subject:** RE: 2 liquor license report requests

Los Tios meets Code compliance for a liquor license request.

**From:** Monica Campbell  
**Sent:** Wednesday, April 16, 2014 1:41 PM  
**To:** Travis Brown; Ted Sweetser; Billy Chaires  
**Cc:** Mary Helen Sarabia  
**Subject:** 2 liquor license report requests

Attached are Alcohol and Gaming's letters and 2 restaurant liquor license applications:

Pueblo Café, 1100 S. Main Street, Suite 116, Las Cruces  
Los Tios Restaurant, 525 E. Madrid, Suites 1 and 2, Las Cruces

Please review the attachments and prepare a fire safety compliance report for each address.

The report is due to the City Attorney on or before **May 1, 2014** in order to meet required time limits and other deadlines imposed by law. Both matters will be submitted for the May 19, 2014 City Council meeting.

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