

91  
**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 9 Ordinance/Resolution# 14-187

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

For Meeting of May 19, 2014  
 (Adoption Date)

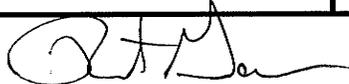
Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE TO LCE LLC D/B/A PUEBLO CAFÉ, LOCATED AT 1100 SOUTH MAIN STREET, SUITE 116, LAS CRUCES, NEW MEXICO.

**PURPOSE(S) OF ACTION:**

To approve or disapprove the issuance of a liquor license.

<b>COUNCIL DISTRICT: 4</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.

LCE LLC d/b/a Pueblo Café 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 1100 South Main Street, Suite 116, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on April 10, 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"/> 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 <u>\$300.00</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 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. 14-187****A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE TO LCE LLC D/B/A PUEBLO CAFÉ, LOCATED AT 1100 SOUTH MAIN STREET, SUITE 116, LAS CRUCES, NEW MEXICO.**

The City Council is informed that:

**WHEREAS**, LCE LLC d/b/a Pueblo Café, located at 1100 South Main Street, Suite 16, 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 April 10, 2014, 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 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 LCE LLC d/b/a Pueblo Café, located at 1100 South Main Street, Suite 116, 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:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
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



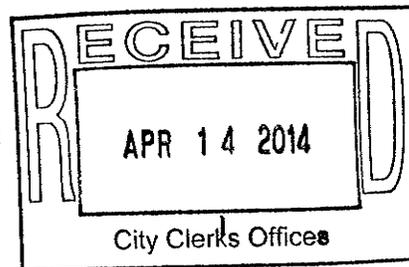
New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

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

April 10, 2014

Certified Mail No.: 7006 3450 00003001 1262

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

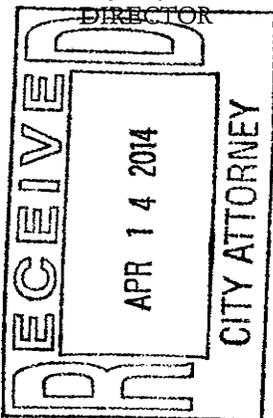


Susana Martinez  
GOVERNOR

Robert "Mike" Unthank  
SUPERINTENDENT

James C. McKay  
CHIEF GENERAL  
COUNSEL

Mary Kay Root  
DIRECTOR



Re: License / Appl. No.: **Application No. 905879**  
Applicant Name: **LCE LLC**  
Doing Business As: **Pueblo Café**  
Proposed Location: **1100 S. Main Street, Suite 116**  
**Las Cruces, New Mexico 88005**

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

Greetings:

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

Within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body **shall** hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the Public Hearing required by the Liquor Control Act **shall** be given by the governing body by publishing a notice of the date, time, and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, **which requires that two weeks of publication must be satisfied before a hearing can be conducted.** The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record **shall** be made of the hearing.

**THE APPLICANT IS SEEKING A RESTAURANT BEER & WINE LICENSE WITH ON PREMISE CONSUMPTION ONLY.**

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

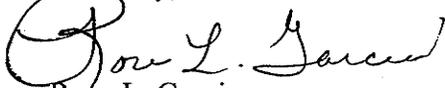
The governing body may disapprove the issuance or transfer of the license if:

- 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](mailto:rosel.garcia@state.nm.us)

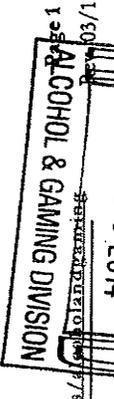
Enclosures:

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

PAID R # 1573164



New Mexico Regulation and Licensing Department - Alcohol and Gaming Division  
5500 Cerrillos Road - Santa Fe, New Mexico 87505 - (505) 476-4875 - Fax (505) 476-4595 - www.rld.state.nm.us



### LIQUOR LICENSE APPLICATION

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

State Liquor License # \_\_\_\_\_  
Application Number 905879  
Local option (AGD use) \_\_\_\_\_

Record Owner of Existing License \_\_\_\_\_  
Current D/B/A Name Pueblo Cafe  
Current Premises Address 1100 S. Main St Santa Fe, NM 87501

Application is for: Change of Stock \_\_\_\_\_ Change of Officers/Directors \_\_\_\_\_ Transfer Ownership and Location \_\_\_\_\_ Transfer Location \_\_\_\_\_ Other   
Issue New License  Type of License being applied for Restaurant Beer & Wine License  
Applicant is: Individual \_\_\_\_\_ Corporation \_\_\_\_\_ Partnership (General or Limited) \_\_\_\_\_ Limited Liability Company \_\_\_\_\_

TELEPHONE NUMBER

ADDRESS (including city, state, zip)

LCCE LLC  
D/B/A name to be used: Pueblo Cafe  
913 Summer Place Las Cruces, NM 88005  
Phone number for licensed premises: 575-647-1115  
575-541-5603

Physical location where license is to be used: 1100 S. Main Street Las Cruces, NM 88005  
(Include street number / highway number / state road, city and county, state, and zip code)  
Mailing address: 913 Summer Place Las Cruces, NM, 88001  
Suite 116

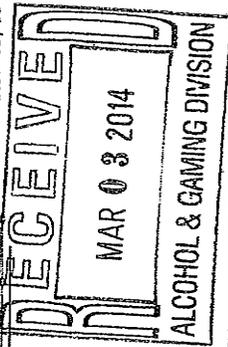
Are alcoholic beverages currently being dispensed at the proposed location? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, give license number and type \_\_\_\_\_  
I, (print name) Maxiano Hernandez as (title) Resident Agent/Manager being first duly sworn upon oath  
deposes and says: that he/she is the applicant 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 Maxiano Hernandez Date 12/7/14

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by Maxiano Hernandez  
Notary Public \_\_\_\_\_ My Commission Expires \_\_\_\_\_  
OFFICIAL SEAL OF THE NOTARY PUBLIC - STATE OF NEW MEXICO  
My Commission Expires \_\_\_\_\_

Local Governing Body of: \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_ 20\_\_\_\_  
Check one: Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ City/County Official \_\_\_\_\_ (Signature & Title)

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



**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) Whitfield Properties, Inc.

B. Date and term of lease October 1st 2013

3. Premises location is zoned (example C-1) C-2

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 .6 miles Name of church Heart for the World Church Address/location of church 1605 S. Valley Dr, Las Cruces, NM

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

Miles/feet 0.9 miles Name of school Las Cruces High School Address/location of school 1755 El Paseo Rd, Las Cruces NM 88001

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

Miles 29.1 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) \_\_\_\_\_



## STATEMENT OF ZONING

The property located at 1100 S. Main St., in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-07284 is zoned as follows:

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

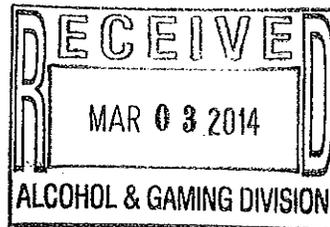
Comments: The C-2 district facilitates and encourages development of those uses which provide retail and service activities as a convenience to adjacent neighborhoods and whose use generally serves a population of 5,000 to 30,000. A restaurant with a beer and wine dispenser's license is a permitted use 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.

October 3, 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.

ALCOHOL & GAMING DIVISION  
2550 CERRILLOS ROAD  
SANTA FE, NEW MEXICO 87505

**POSTING CERTIFICATE**

- |   |  |
|---|--|
| <input type="checkbox"/> DISPENSER (FULL SERVICE)               | <input type="checkbox"/> RETAILER (PACKAGE ONLY)     |
| <input checked="" type="checkbox"/> RESTAURANT (BEER/WINE ONLY) | <input type="checkbox"/> DISPENSER (ON PREMISE ONLY) |
| <input type="checkbox"/> CANOPY (DISPENSER-C)                   | <input type="checkbox"/> INTER-LOCAL DISPENSER       |
| <input type="checkbox"/> OTHER:                                 | <input type="checkbox"/> LOTTERY                     |

LICENSE NUMBER /APPLICATION NUMBER: \_\_\_\_\_ **APPL. NO. A-905879**

TRANSFER OF OWNERSHIP & LOCATION  
 TRANSFER OF OWNERSHIP ONLY

TRANSFER OF LOCATION ONLY  
 NEW LICENSE

TRANSFERRED FROM: \_\_\_\_\_

CURRENT LOCATION: \_\_\_\_\_

TRANSFERRED TO:/APPLICANT: LCE LLC

PROPOSED LOCATION: 1100 S. MAIN STREET, LAS CRUCES, NM, 88005

PROPOSED BUSINESS NAME PUEBLO CAFÉ

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: NA
- DISTANCE FROM NEAREST CHURCH IS: APPROX. 45 FEET OR 0.2 MILE  
NAME OF CHURCH IS: Heart of the World Church
- DISTANCE FROM NEAREST SCHOOL IS: APPROX. 85 FEET OR 0.2 MILE  
NAME OF SCHOOL IS: Central Elem. School
- DISTANCE FROM NEAREST MILITARY INSTALLATION: NA  
NAME OF INSTALLATION IS: NA
- IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:  
BY PASSABLE ROAD: NA BY STRAIGHT AIRLINE: NA
- NOTICE POSTED ON:  
 BUILDING  BILLBOARD  
 BUILDING UNDER CONSTRUCTION  
 BUILDING BEING REMODELED  NO BUILDING

DATE POSTED: 03/06/2014

EXPIRATION DATE: 03/26/2014 (midnight)

*Mariah J Hernandez*  
APPLICANT'S SIGNATURE

*Douglas Slavens*  
S.I.D. SPECIAL AGENT SIGNATURE

Mariah J Hernandez  
PRINTED

Douglas Slavens  
PRINTED



**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

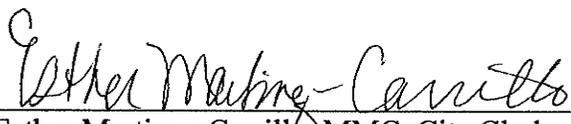
Copy to publish:

**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 LCE LLC d/b/a Pueblo Café at 1100 S. Main Street, Suite 116, 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

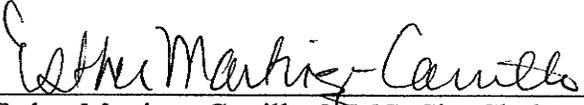
Copy to publish:

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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

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**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  
1100 S. Main Street, Suite 116 – Pueblo Cafe**

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As requested, Traffic Engineering has completed a traffic investigation for Pueblo Cafe located at 1100 S. Main Street, Suite 116 in Las Cruces, New Mexico. The following information is submitted for review:

- Pueblo Cafe is located at the northwest corner of the intersection of Main Street and Avenida De Mesilla. The traffic volume on Main Street near this location is approximately 10,400 vehicles per day. The traffic volume on Avenida De Mesilla near this location is approximately 10,900 vehicles per day.
- The Mesilla Valley MPO classifies Main Street and Avenida De Mesilla as principal arterial roadways adjacent to the subject property. Main Street primarily serves commercial properties and Avenida De Mesilla serves residential and commercial properties near the subject location.
- The subject property contains two driveways along Main Street and two driveways along Williams Lane. No sight distance or operational problems are currently known at these driveways.
- The speed limit along Main Street near the subject property is 35 mph and the speed limit along Avenida de Mesilla near the subject property is 40 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. 905879  
(Beer and Wine Only)

Pueblo Cafe  
1100 S. Main St. Ste. 116

April 21, 2014

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

**Pueblo Cafe**  
**1100 S. Main St. Ste. 116**

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: 1100 S. Main St. Ste. 116  
 Applicant: LCE LLC  
 Business Name: Pueblo Cafe

**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	R-3/C-2	Residential/Commercial
South	C-2	Commercial
East	C-2	Commercial
West	R-1a/C-2	Residential/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: S. Main St.  
 Classification: Principal Arterial  
 Number of Lanes: 4  
 Site Access: 2  
 Nearest intersection: Main & Avenida De Mesilla

**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 Pueblo Cafe is 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 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 1100 S. Main Ste. 116, and having a Map Code Number or Parcel ID Number of 02-07248, in Las Cruces, New Mexico, is zoned as follows:

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

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. 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.

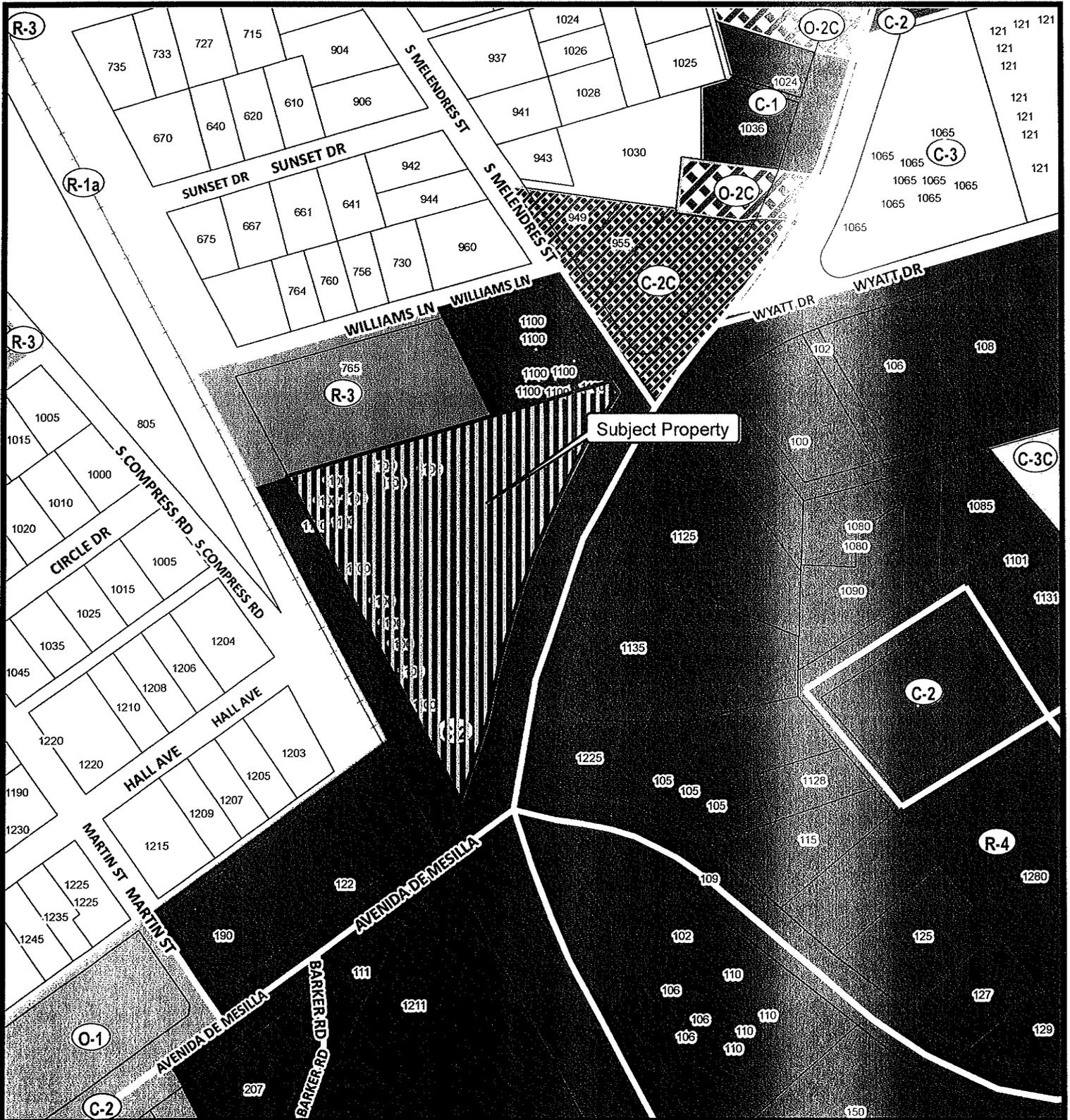
The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

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.

# Zone Map

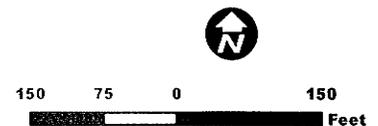


This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged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

**Legend**

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

1100 S. MAIN ST. STE. 116  
 ZONING C-2  
 DISTANCE TO THE NEAREST SCHOOL: LCHS  
 3,060 FEET  
 DISTANCE TO THE NEAREST CHURCH: HEART FOR  
 THE WORLD CHURCH  
 2,031 FEET



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

**BUSINESS REGISTRATION REPORT – PUEBLO CAFÉ**

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

Pueblo Café's license has been issued as of 10/1/2013 and expires as of 11/30/14. The license number is 10891 at the location of 1100 S Main St. Suite 116, Las Cruces NM.

**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



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

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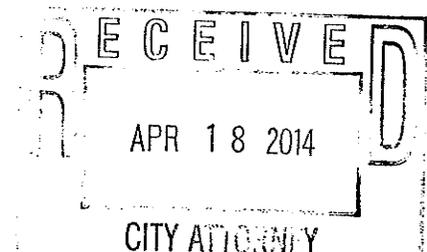
**Date:** April 17, 2014  
**To:** Pete Connelly, City Attorney  
**From:** Jaime Montoya, Chief of Police  
**Subject:** Pueblo Cafe

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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 Pueblo Cafe Restaurant located at 1100 S. Main Suite 116, Las Cruces, NM 88005.

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

Jaime Montoya  
Chief of Police



**FIRE SAFETY COMPLIANCE REPORT – PUEBLO CAFÉ**

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

Pueblo Café meets code requirements for a liquor license.

**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