

602

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 20 Ordinance/Resolution# 15-113

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of December 1, 2014
(Adoption Date)

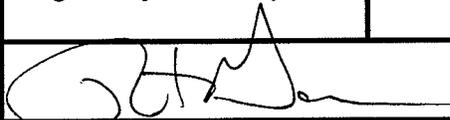
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A SMALL BREWER OFF-SITE LIQUOR LICENSE TO BOSQUE BREWING CO., LLC, TO BE LOCATED AT 901 EAST UNIVERSITY AVENUE, BUILDING 985, SUITE 1B, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve or disapprove a liquor license.

COUNCIL DISTRICT: 2		
<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 Small Brewer Off-Site liquor license must be accompanied by a resolution of the City Council approving of and consenting to the issuance after a public hearing.

Bosque Brewing Co., LLC 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 Small Brewer off-site liquor license at 901 East University Avenue, Building 985, Suite 1B, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on October 22, 2014.

The City Council is required to hold a public hearing within 45 days of the receipt of the preliminary approval letter from Alcohol and Gaming. A public hearing to review the issuance of the liquor license is scheduled during the regular City Council meeting to be held on Monday, December 1, 2014, beginning at 1:00 p.m., in the City Council Chambers, City Hall, 700 North Main Street, Las Cruces, New Mexico. Notice of the public hearing was published in the *Las Cruces Bulletin* on November 7 and 14, 2014 and in the *Las Cruces Sun-News* on November 9 and 16, 2014.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Alcohol and Gaming's letter and the application.
3. Attachment "1", Notice of Intent to Adopt published in the *Las Cruces Bulletin*.
4. Attachment "2", Notice of Intent to Adopt published in the *Las Cruces Sun-News*.
5. Attachment "3", Traffic Impact Report from the Traffic Engineering Section.
6. Attachment "4", Liquor License Impact Report (zoning) from Development Services.
7. Attachment "5", Business Registration Report from Development Services.
8. Attachment "6", Criminal Activity Report from the Las Cruces Police Department.
9. Attachment "7", Fire 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 <u>\$600.00</u> for <u>FY15</u> .
	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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve of and consent to the issuance of the Small Brewer off-site 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.

(Continue on additional sheets as required)

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. 15-113**A RESOLUTION APPROVING THE ISSUANCE OF A SMALL BREWER OFF-SITE LIQUOR LICENSE TO BOSQUE BREWING CO., LLC, TO BE LOCATED AT 901 EAST UNIVERSITY AVENUE, BUILDING 985, SUITE 1B, LAS CRUCES, NEW MEXICO.**

The City Council is informed that:

WHEREAS, Bosque Brewing Co., LLC 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 Small Brewer off-site liquor license, to be located at 901 East University Avenue, Building 985, Suite 1B, Las Cruces, New Mexico; and

WHEREAS, on October 22, 2014, Alcohol and Gaming granted preliminary approval for the issuance of the license, as evidenced by its letter and the application; 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 public notice of such hearing; and

WHEREAS, the City Council did on this date hold a public hearing after reasonable public 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 Small Brewer off-site liquor license to Bosque Brewing Co., LLC at 901 East University Avenue, Building 985, Suite 1B, Las Cruces, New Mexico, 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 of the State of New Mexico, Post Office Box 25101, Santa Fe, New Mexico 87504-5101.

(III)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED on this ____ day of _____ 2014.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

VOTE:

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

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



For City Attorney

608

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



October 22, 2014

Susana Martinez
GOVERNOR

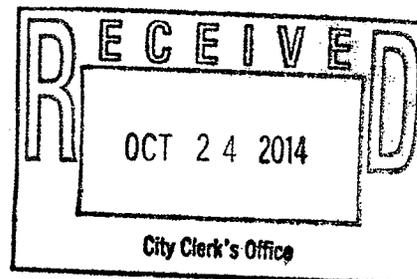
Robert "Mike" Unthank
SUPERINTENDENT

James C. McKay
GENERAL COUNSEL

Mary Kay Root
DIRECTOR

Certified Mail No: 7013 2630 0000 9074 9867

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



Re: License / App. No. Master License 0000 / A-925420
Applicant Name: Bosque Brewing Co., LLC
Doing Business As: Bosque Brewing Co., LLC
Proposed Location: 901 E University Ave Bld 985 Ste 1B 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 **Conditional 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 on 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 Small Brewers Liquor License:

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

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries &
Manufactured Housing Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

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.)

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

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

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

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the minutes of the public hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (page 1 of the application page noting disapproval).

Sincerely,



Pamela Brommer
Hearing Officer

ENCLOSURES: Original page 1
Copy of page 2
Copy of Posting Certificate
Copy of Zoning Statement

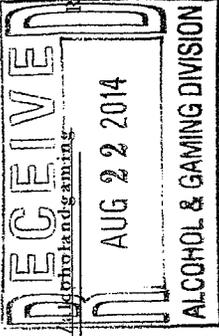


New Mexico Regulation and Licensing Department - Alcohol and Gaming Division

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

Alcohol and Gaming

Rev. 08/13



LIQUOR LICENSE APPLICATION

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

PAID \$200.00 cash

State Liquor License # 925420 Application Number 925420 Local option (AGD use) 0016

Application is for: Change of Stock Change of Officers/Directors Transfer Ownership of Existing License Transfer Ownership and Location Other Issue New License Type of License being applied for SMALL BREWER OFF-SITE LICENSE Partnership (General or Limited) Corporation Limited Liability Company X

NAME OF APPLICANT (company or individual) ROSAWE BREWING Co, LLC ADDRESS (including city, state, zip) 8900 SAN MARCO BLVD. NE, STE. I Albuquerque NM 87113 TELEPHONE NUMBER 3554017115

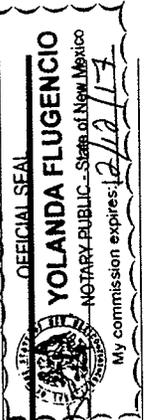
D/B/A name to be used: 9016B Phone number for licensed premises: 610

Physical location where license is to be used: 915 UNIVERSITY AVE, BLDG 985, Ste. 1B, LAS CRUCES, NM 88001 (Include street number / highway number / state road, city and county, state, and zip code) Mailing address: 8900 SAN MARCO BLVD. NE, STE. I, ALBUQUERQUE NM 87113

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If yes, give license number and type I, (print name) GABRIEL JENSEN as (title) 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 Date 8/21/14

SUBSCRIBED AND SWORN TO before me this 21 day of AUGUST, 2014 by Gabriel Jensen My Commission Expires Dec 12, 2017 Notary Public Yolanda Flugencio My commission expires: 12/12/17



Local Governing Body of: (City or County). Hearing held on 20 (Signature & Title)

Check one: Approved Disapproved City/County Official Director Approval 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) Cruces III L & Co.

B. Date and term of lease 37 months from commencement date

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

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 1270 ft Name of church Westman Center Church Address/location of church 2615 S. Salome, Las Cruces, NM 611

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

Miles/feet 85 ft Name of school UMSU Address/location of school University Park, Las Cruces, NM

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

Miles 96 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) Small Brews Off Site



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

DISPENSER (FULL SERVICE)
 RESTAURANT (BEER/WINE ONLY)
 CANOPY (DISPENSER-C)
 OTHER: Small Brewers Off-Site

RETAILER (PACKAGE ONLY)
 DISPENSER (ON PREMISE ONLY)
 INTER-LOCAL DISPENSER
 LOTTERY

LICENSE NUMBER /APPLICATION NUMBER:

MASTER LICENSE NO. 67014 /APPL. NO. A-925420

TRANSFER OF OWNERSHIP & LOCATION
 TRANSFER OF OWNERSHIP ONLY

TRANSFER OF LOCATION ONLY
 NEW LICENSE

TRANSFERRED FROM: _____

CURRENT LOCATION: _____

TRANSFERRED TO:/APPLICANT: Bosque Brewing Co., LLC

PROPOSED LOCATION: 915 University Avenue Bldg. 985 Suite 1B Las Cruces, NM 88001

PROPOSED BUSINESS NAME ?

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. 2.5 miles
NAME OF CHURCH IS: The New Man Center
- DISTANCE FROM NEAREST SCHOOL IS: Approx. 1.5 feet
NAME OF SCHOOL IS: New Mexico State University
- 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: 09/19/2014

EXPIRATION DATE: 10/09/2014 (one year)

APPLICANT'S SIGNATURE Ben Miles

Douglas Slavens
S.I.D. SPECIAL AGENT SIGNATURE

PRINTED Ben Miles

PRINTED Douglas Slavens



STATEMENT OF ZONING

The property located at 901 E. University Avenue, Bldg 985 Ste.1B in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-40890 is zoned as follows:

UD-UAZ (University District-University Avenue Zone)

Remarks: The UD-UAZ is assigned to land appropriate for an urban neighborhood center with a mix of building types and uses. These lands are generally occupied by attached residential houses, apartment buildings, and commercial or mixed-use buildings. Civic and religious use buildings may also be present. Lands may also be used for playgrounds, squares, and plazas. Two-to-five story buildings are encouraged. Block sizes are limited to create a walkable and well-connected network of streets. Streets are designed to encourage pedestrian activity by generally including on-street parking, curbs and gutters, parkways with street trees, and wide sidewalks. University Avenue shall be the primary frontage for properties on University Avenue. An eating and drinking establishment with a small brewer off-site license for on-premises consumption and package sales is a permitted use within the UD-UAZ, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met.

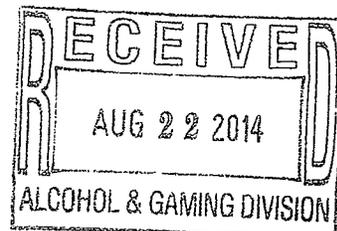
The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

August 20, 2014

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; 541-2014 / 541-2128

Proof of publication/bill to: City Clerk, PO Box 20000, Las Cruces, NM 88004

Dates to Publish: November 7 and 14, 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 Small Brewer off-site liquor license Bosque Brewing Co., LLC at 901 East University Ave., Building 985, Suite 1B, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, December 1, 2014, 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 27th day of October 2014.


~~Esther Martinez, CMC, City Clerk~~

Esther Martinez-Carnillo, MMC,
 City Clerk



AD FORM
LAS CRUCES SUN NEWS
LEGAL CLASSIFIED

City contact: Monica Campbell; 541-2014 / 541-2128

Account No. 26484 (Bill to City Clerk, PO Box 20000, Las Cruces, NM 88004)

Dates to Publish: November 9 and 16, 2014

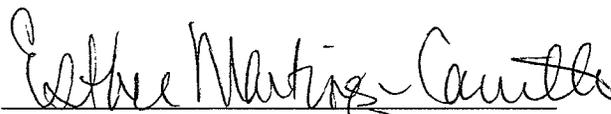
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The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, December 1, 2014, at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the issuance.

Witness my hand and seal of the City of Las Cruces on this the 28th day of October 2014.



 Esther Martinez, CMC, City Clerk

Esther Martinez-Carrillo, CMC,



INTER-DEPARTMENTAL MEMORANDUM

TO: Harry "Pete" Connelly, City Attorney

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

DATE: November 13, 2014

SUBJECT: Traffic Investigation Report – Liquor License Application
901 E University Avenue Building 985 Suite 1B – Bosque Brewing Co., LLC

As requested, Traffic Engineering has completed a traffic investigation for Bosque Brewing Co. located at 901 E. University Avenue Building 985 Suite 1B in Las Cruces, New Mexico. The following information is submitted for review:

- Bosque Brewing Co. is located in a commercial complex located along University Avenue near its intersection with Espina Street. According to the Mesilla Valley MPO 2013 Traffic Flow Map the traffic volume on University Avenue near this location is approximately 22,700 vehicles per day. The traffic volume on Espina Street near this location is approximately 5,400 vehicles per day.
- The Las Cruces MPO classifies University Avenue as a principal arterial roadway and Espina Street as a collector roadway near the subject location. Both roadways primarily serve commercial, institutional, and high-density residential uses near the property.
- The property can be accessed through a driveway along University Avenue and a driveway along Espina Street. Both driveways have vegetation and/or minor structures within the clear site triangle and the Espina driveway is located in close proximity to a signalized intersection, with allowable left turns in and out at the location of the southbound left-turn bay for the University Avenue/Espina Street intersection. No other sight distance or operational problems are currently known at those driveways.
- The speed limit on University Avenue and Espina Street is 35 mph near the subject property.

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

City of Las Cruces
Community Development Department

LIQUOR LICENSE IMPACT REPORT

Small Brewer License for On-Premises Consumption
Liquor License No. A-925420

901 E. University Avenue, Bldg 985 Ste. 1B
Bosque Brewing Co., LLC

October 28, 2014

LIQUOR LICENSE IMPACT REPORT
Small Brewer License for On-Premises Consumption

Bosque Brewing Co.,LLC
901 E. University Avenue, Bldg. 985 Ste. 1B

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: 901 E. University Avenue Bldg 985 Ste. 1B
 Applicant: Bosque Brewing Co.,LLC
 Business Name: Bosque Brewing Co., LLC

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: UD-UAZ (University District-University Avenue 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	UD-UAZ	Multi-Dwelling Residential
South	NMSU	Institutional
West	UD-UAZ	Multi-Dwelling Residential/Commercial
East	UD-UAZ	Commercial

DISTANCE REQUIREMENTS:

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

TRAFFIC COUNT AND ACCESS INFORMATION:

Roadway: University Avenue
 Classification: Principal Arterial
 Number of Lanes: 5
 Site Access: 2
 Nearest Intersections: University Avenue & Espina Street

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires eating and drinking establishments to provide 1 auto parking space per 2-5 seats. However, because the business is in a shopping center, one (1) space for each 250-350 square feet of gross floor area is required. As the center currently exists, it complies with current parking standards.

IMPACT ANALYSIS:

The subject property is located on University Avenue, a designated principal arterial roadway that is designed to accommodate moderate to heavy traffic and land uses such as eating and drinking establishments. The subject property is zoned UD-UAZ (University District-University Avenue Zone) which permits this use and uses related to it. The applicant is requesting a small brewer license for on-premise consumption for this location. 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 a liquor establishment must be 300 feet from the property line of military installations, churches and schools. The shopping center in which the subject business is located in is approximately 85 feet from the property line of New Mexico State University. The nearest building where classes are held is approximately 170 feet from the subject business. 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 restaurant 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 901 E. University Avenue, Bldg 985 Ste.1B in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-40890 is zoned as follows:

UD-UAZ (University District-University Avenue Zone)

Remarks: The UD-UAZ is assigned to land appropriate for an urban neighborhood center with a mix of building types and uses. These lands are generally occupied by attached residential houses, apartment buildings, and commercial or mixed-use buildings. Civic and religious use buildings may also be present. Lands may also be used for playgrounds, squares, and plazas. Two-to-five story buildings are encouraged. Block sizes are limited to create a walkable and well-connected network of streets. Streets are designed to encourage pedestrian activity by generally including on-street parking, curbs and gutters, parkways with street trees, and wide sidewalks. University Avenue shall be the primary frontage for properties on University Avenue. An eating and drinking establishment with a small brewer off-site license for on-premises consumption and package sales is a permitted use within the UD-UAZ, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met.

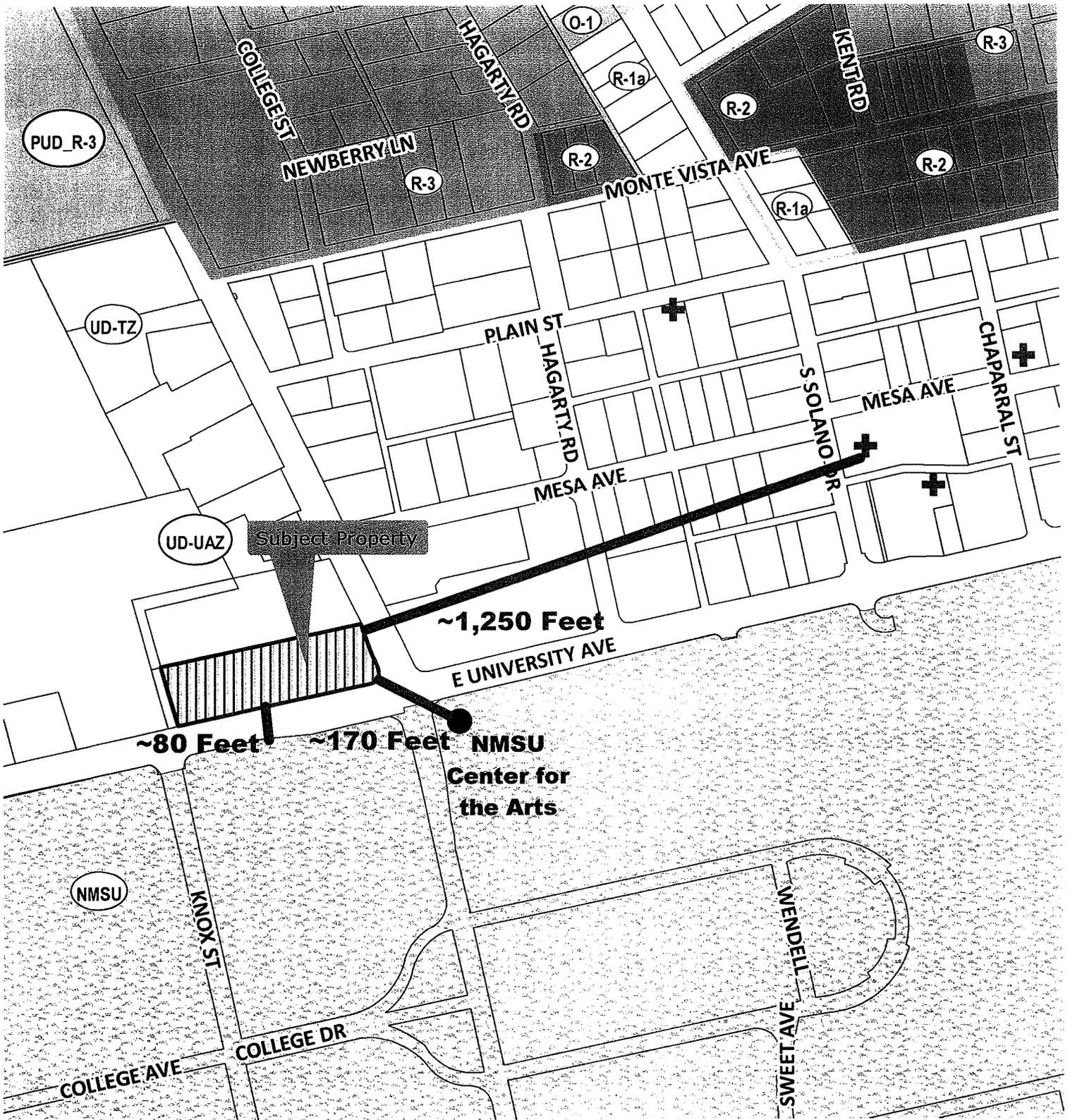
The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

October 29, 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.

ZONING/VICINITY MAP



○ ZONING ● SCHOOL + CHURCH



901 E. University Avenue
 Zoning: UD-UAZ
 Parcel ID#: 02-40890
 Distance to nearest school: ~80 Feet (NMSU Property)
 Distance to nearest school building: ~170 Feet
 Distance to nearest church: ~1,250 Feet



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

BUSINESS REGISTRATION REPORT – BOSQUE BREWING CO.

From: Sara Gonzales

Subject: RE: Liquor license report requests x 4

Bosque Brewing does not have a current business license with the City of Las Cruces. The only license held at that location is Mimbres Valley Brewing Co. and they are current through July 31, 2015.

From: Monica Campbell

Sent: Tuesday, October 28, 2014 9:15 AM

To: Lorenzo Vigil; Permitting Development Technicians

Cc: Robert Kyle

Subject: Liquor license report requests x 4

Attached are Alcohol & Gaming's letters and applications for:

1. A Bite of Belgium (Restaurant (Beer & Wine)), 741 N. Alameda, Suites 15&16;
2. Bosque Brewing Co. (Small Brewer Off-Site), 901 E. University, Bldg. 985, Suite 1B;
3. Cattle Baron (Transfer of Ownership), 790 S. Telshor; and
4. NY Pizza Slice House (Restaurant (Beer & Wine)), 2001 E. Lohman, Suite 111.

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

The reports are due to the City Attorney on or before **November 13, 2014** in order to meet required time limits and other deadlines imposed by law. All four applications will be submitted for the December 1, 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: 11/14/2014
To: Pete Connelly, City Attorney
From: Jaime Montoya, Chief of Police
Subject: Bosque Brewing Co. LLC

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Bosque Brewing Co. LLC Las Cruces, NM 88001

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

Jaime Montoya

A handwritten signature in black ink, appearing to be "JM" with a stylized flourish.

Chief of Police

FIRE SAFETY COMPLIANCE REPORT – BOSQUE BREWING CO.

From: Michael Danner
Subject: RE: Liquor license report requests x 4

Bosque Brewing Co. is in compliance with the 2009 International Fire Code and is approved from LCFD.

Michael Danner
Fire Inspector
Las Cruces Fire Department
Station 1
201 E. Picacho Ave.
(575) 528-3473
(575) 528-4049 Direct
mdanner@las-cruces.org

From: Monica Campbell
Sent: Tuesday, October 28, 2014 9:15 AM
To: Travis Brown; Ted Sweetser; Michael Danner
Cc: Mary Helen Sarabia
Subject: Liquor license report requests x 4

Attached are Alcohol & Gaming's letters and applications for:

1. A Bite of Belgium (Restaurant (Beer & Wine)), 741 N. Alameda, Suites 15&16;
2. Bosque Brewing Co. (Small Brewer Off-Site), 901 E. University, Bldg. 985, Suite 1B;
3. Cattle Baron (Transfer of Ownership), 790 S. Telshor; and
4. NY Pizza Slice House (Restaurant (Beer & Wine)), 2001 E. Lohman, Suite 111.

Please review the attachments and prepare fire and safety compliance reports for each application.

The reports are due to the City Attorney on or before **November 13, 2014** in order to meet required time limits and other deadlines imposed by law. All four applications will be submitted for the December 1, 2014 City Council meeting.

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