

625

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 21 Ordinance/Resolution# 15-114

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of December 1, 2014
(Adoption Date)

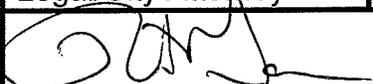
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT (BEER & WINE) LICENSE FOR ON PREMISE CONSUMPTION TO MAY ENTERTAINMENT, LLC D/B/A A BITE OF BELGIUM, LOCATED AT 741 NORTH ALAMEDA BOULEVARD, SUITES 15 & 16, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve or disapprove the issuance of a liquor license.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to New Mexico Statutes, an application for the issuance of a restaurant (beer & wine) license for on premise consumption must be accompanied by a resolution of the Las Cruces City Council approving of and consenting to the issuance after a public hearing.

May Entertainment, LLC d/b/a A Bite of Belgium 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 (beer & wine) license for on premise consumption at 741 North Alameda Boulevard, Suites 15 & 16, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval by letter dated October 27, 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, 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 this 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)

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 Safety Compliance Report from the Las Cruces Fire Department.

SOURCE OF FUNDING:

N/A	Is this action already budgeted?		
	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____.
	<input type="checkbox"/>	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.	
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>1000-10180010-520002</u> in the amount of \$300.00 for FY14.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve of and consent to the issuance of the restaurant (beer & wine) license for on premise consumption and Alcohol and Gaming will continue with the application process.
2. Vote "No"; this must be based on substantial evidence that the issuance of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.
3. Vote to "Amend"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.
4. Vote to "Table"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

RESOLUTION NO. 15-114

A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT (BEER & WINE) LICENSE FOR ON PREMISE CONSUMPTION TO MAY ENTERTAINMENT, LLC D/B/A A BITE OF BELGIUM, LOCATED AT 741 NORTH ALAMEDA BOULEVARD, SUITES 15 & 16, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, May Entertainment, LLC d/b/a A Bite of Belgium, located at 741 North Alameda Boulevard, Suites 15 & 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 (beer & wine) license for on premise consumption; and

WHEREAS, Alcohol and Gaming granted preliminary approval for the issuance of the license by a letter dated October 27, 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 (Beer & Wine) license for on premise

consumption to May Entertainment, LLC d/b/a A Bite of Belgium, located at 741 North Alameda Boulevard, Suites 15 & 16, Las Cruces, New Mexico, as evidenced by Alcohol and Gaming's letter and the application attached hereto as Exhibit "A", is hereby approved.

(II)

THAT a copy of this resolution shall be conveyed to the Director of the Alcohol and Gaming Division of the Regulation and Licensing Department, Post Office Box 25101, Santa Fe, New Mexico 87504-5101.

(III)

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

DONE AND APPROVED on this ____ day of _____ 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

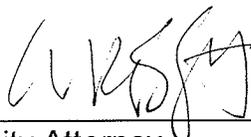
Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Levatino: _____

APPROVED AS TO FORM:



City Attorney

Duply



Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

James C. McKay
CHIEF GENERAL
COUNSEL

Mary Kay Root
DIRECTOR

**New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION**

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87505
P.O. Box 25101 • Santa Fe, New Mexico 87505-5101
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

October 27, 2014

Certified Mail No.: 7013 2630 0000 9074 9850

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

Re: Lic. No. /Appl. No.: Appl. No. 921993
Name of Applicant: May Entertainment, LLC
Doing Business As: A Bite of Belgium
Proposed Location: 741 N. Alameda Blvd. Suite 15 & 16
Las Cruces, New Mexico 88001

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

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **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 FOR ON PREMISE CONSUMPTION.

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.
- 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,

Brenda Marks

FOZ Pamela Brommer
 Hearing Officer
 NM Regulation & Licensing Dept.
 Alcohol & Gaming Division
 Phone: 505-476-4571
 Fax: 505-476-4595
 Email: pamela.brommer@state.nm.us

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application, Zoning Statement, and Posting Certificate



RESTAURANT LIQUOR LICENSE APPLICATION

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

AGD USE ONLY - APPLICATION # 921993 LOD _____

Application is for: New License / Change of Stock among existing members only / Change of Officers (no ownership interest)

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

NAME OF APPLICANT (company or individual) May Entertainment LLC

ADDRESS (including city, state, zip) P.O. Box 2019, Las Cruces, NM 88004

TELEPHONE NUMBER OWNER (575) 644-3177 EMAIL jyork@telstar-networks.com

D/B/A name to be used: A Bite of Belgium Phone number for licensed premises: (575) 527-2483

Physical location where license is to be used: 741 N. Alameda Blvd. Ste. 15 + 16, Las Cruces, NM 88005

Mailing address: P.O. Box 2019, Las Cruces, NM, 88004
(Include street number / highway number / state road, city and county, state, and zip code)

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

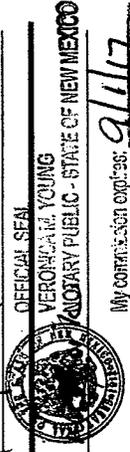
I, (print name) James W. York, as (title) Managing Member, being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that 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 7/18/2014

SUBSCRIBED AND SWORN TO before me this 18th day of July, 20 14 by James

Notary Public Veronica Young My Commission Expires 9/1/17

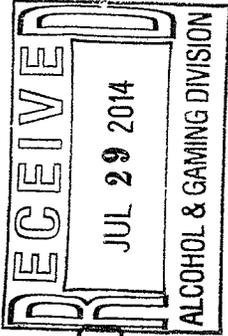


Local Governing Body of: _____ (City or County). Hearing held on _____ 20__

Check one: Approved _____ Disapproved _____ City/County Official _____ (Signature & Title)

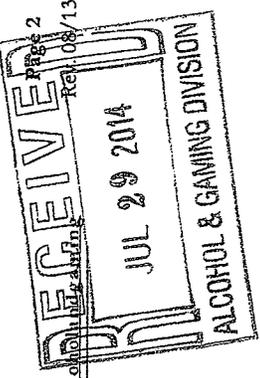
For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____



7/29/14
ENTERED
200
1623943

633



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) Mark and Pat Heck; Heck Enterprises

B. Date and term of lease May 1, 2014 - April 30, 2017 with 2 three year options

3. Premises location is zoned (example C-1) ADO-2pk
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 0.2 miles Name of church Church of Christ Address/location of church 800 N. Miranda St., Las Cruces, NM

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

Miles/feet 0.3 miles Name of school Alma D'Arce Charter School Address/location of school 402 W. Court Ave., Las Cruces, NM

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

Miles 9.2 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
SANTA FE, NEW MEXICO 87505
POSTING CERTIFICATE

DISPENSER (FULL SERVICE)
 RESTAURANT (BEER/WINE ONLY)
 CANOPY (DISPENSER-C)
 OTHER:

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

LICENSE NUMBER /APPLICATION NUMBER:

LICENSE NO. 0000 /APPL. NO. A-921993

TRANSFER OF OWNERSHIP & LOCATION
 TRANSFER OF OWNERSHIP ONLY

TRANSFER OF LOCATION ONLY
 NEW LICENSE

TRANSFERRED FROM:

CURRENT LOCATION:

TRANSFERRED TO:/APPLICANT: May Entertainment, LLC

PROPOSED LOCATION: 741 North Alameda Blvd Suite 15 & 16 Las Cruces, NM 8805

PROPOSED BUSINESS NAME: A Bite of Belgium

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

- LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: City of Las Cruces
- LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: N/A
- DISTANCE FROM NEAREST CHURCH IS: Approx. 2 1/2 miles
NAME OF CHURCH IS: St. Andrew's Episcopal Church
- DISTANCE FROM NEAREST SCHOOL IS: Approx. 4 1/2 miles
NAME OF SCHOOL IS: Alameda Elem. School
- DISTANCE FROM NEAREST MILITARY INSTALLATION: N/A
NAME OF INSTALLATION IS: N/A
- IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
BY PASSABLE ROAD: N/A BY STRAIGHT AIRLINE: N/A
- NOTICE POSTED ON:
 BUILDING BILLBOARD
 BUILDING UNDER CONSTRUCTION
 BUILDING BEING REMODELED NO BUILDING

DATE POSTED: 09/05/2014

EXPIRATION DATE: 09/25/2014 (midnight)

Angel Ortega
APPLICANT'S SIGNATURE
Angel Ortega
PRINTED

Douglas Slavers
S.I.D. SPECIAL AGENT SIGNATURE
Douglas Slavers
PRINTED



STATEMENT OF ZONING

The property located at 741 N. Alameda Ste. 15&16, and having a Map Code Number or Parcel ID Number of 02-29036, in Las Cruces, New Mexico, is zoned as follows:

ADO (Alameda Depot Neighborhood Overlay)

Comments: The purpose of the Alameda Depot Neighborhood Overlay (ADO) is to the policies that were established in the Alameda Depot Neighborhood Plan. As it is impacted by changes in downtown and surrounding neighborhoods, residents and property owners want to protect the characteristics that make the Alameda Depot neighborhood special. Specific provisions in this overlay provide greater flexibility for historical properties and address such things as setbacks, land uses, parking and changes to structures that predate the creation of development standards. The Alameda Depot Overlay contains a state historic district and a national historic district, but the neighborhood has not been designated a local historic district, and will be exempt from any future local historic district ordinances should they be adopted by the city.

ADO-1, The Alameda Corridor: Uses in ADO-1 include single-family residential, multifamily residential, low-intensity office and commercial uses, and public/institutional uses that generate relatively little traffic or parking demand. The residential and historic character of the neighborhood shall be retained as closely as possible. A restaurant with a beer and wine dispenser's license is a permitted use within the ADO-1, 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.

September 9, 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, 541-2128

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

Dates to Publish: November 7 and 14, 2014

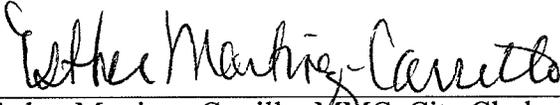
Copy to publish:

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 Restaurant (Beer & Wine) License for on premise consumption to May Entertainment, LLC d/b/a A Bite of Belgium, located at 741 North Alameda Boulevard, Suites 15 & 16, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council on Monday, December 1, 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 28th day of October 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: November 9 and 16, 2014

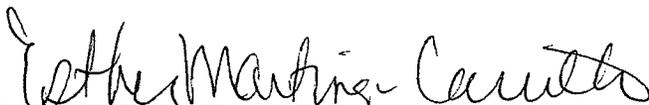
Copy to publish:

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The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council on Monday, December 1, 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 25th day of October 2014.



Esther Martinez-Carrillo, MMC, City Clerk

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City of Las Cruces
PEOPLE HELPING PEOPLE

INTER-DEPARTMENTAL MEMORANDUM

TO: Harry "Pete" Connelly, City Attorney

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

DATE: November 13, 2014

SUBJECT: **Traffic Investigation Report – Restaurant Liquor License Application
741 N. Alameda Blvd. Suite 15 & 16 – A Bite of Belgium**

As requested, Traffic Engineering has completed a traffic investigation for A Bite of Belgium located at 741 N. Alameda Boulevard Suite 15 & 16 in Las Cruces, New Mexico. The following information is submitted for review:

- A Bite of Belgium is located in a small commercial complex located at the corner of Alameda Boulevard and Van Patten Avenue. According to the Mesilla Valley MPO 2013 Traffic Flow Map the traffic volume on Alameda Boulevard near this location is approximately 5,000 vehicles per day. The traffic volume on Van Patten Avenue is unknown but estimated to be less than 2,000 vehicles per day.
- The Mesilla Valley MPO classifies Alameda Boulevard as a minor arterial roadway and Van Patten Avenue is a local roadway adjacent to the subject property. Both roads serve a mix of commercial and residential properties near the subject location.
- The small commercial complex contains one driveway along Alameda Boulevard and one driveway along Van Patten Avenue. Parking is permitted along Van Patten which may affect sight distance and the driveways have nearby vegetation within the clear site triangle. No other sight distance or operational problems are currently known at those driveways.
- The speed limit along Alameda Boulevard near the subject property is 30 mph. There is not a posted speed limit along Van Patten Avenue.

The approval of a Restaurant 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

Restaurant Liquor License Application No. 921993
(Beer and Wine Only)

A Bite of Belgium
741 N. Alameda Blvd. Ste. 15&16

October 28, 2014

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

A Bite of Belgium
741 N. Alameda Blvd. Ste. 15&16

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: 741 N. Alameda Blvd. Ste. 15&16
 Applicant: May Entertainment, LLC
 Business Name: A Bite of Belgium

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: ADO-1 (Alameda Depot Neighborhood Overlay)
 (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	ADO-1	(Vacant) Residential/Commercial
South	ADO-1	Commercial
East	ADO-1	Commercial
West	ADO-3	Residential

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: N. Alameda Blvd.
 Classification: Minor Arterial
 Number of Lanes: 4
 Site Access: 2
 Nearest intersection: N. Alameda Blvd. & Van Patton Ave.

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires restaurants located within a shopping center/ business service center to provide one (1) automobile parking space for every 200-300 square feet of gross floor area 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 A Bite of Belgium is located along a Minor Arterial roadway which is designed to accommodate heavy traffic and land uses such as restaurants. The subject property is zoned ADO-1 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 741 N. Alameda Ste. 15&16, and having a Map Code Number or Parcel ID Number of 02-29036, in Las Cruces, New Mexico, is zoned as follows:

ADO (Alameda Depot Neighborhood Overlay)

Comments: The purpose of the Alameda Depot Neighborhood Overlay (ADO) is to the policies that were established in the Alameda Depot Neighborhood Plan. As it is impacted by changes in downtown and surrounding neighborhoods, residents and property owners want to protect the characteristics that make the Alameda Depot neighborhood special. Specific provisions in this overlay provide greater flexibility for historical properties and address such things as setbacks, land uses, parking and changes to structures that predate the creation of development standards. The Alameda Depot Overlay contains a state historic district and a national historic district, but the neighborhood has not been designated a local historic district, and will be exempt from any future local historic district ordinances should they be adopted by the city.

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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

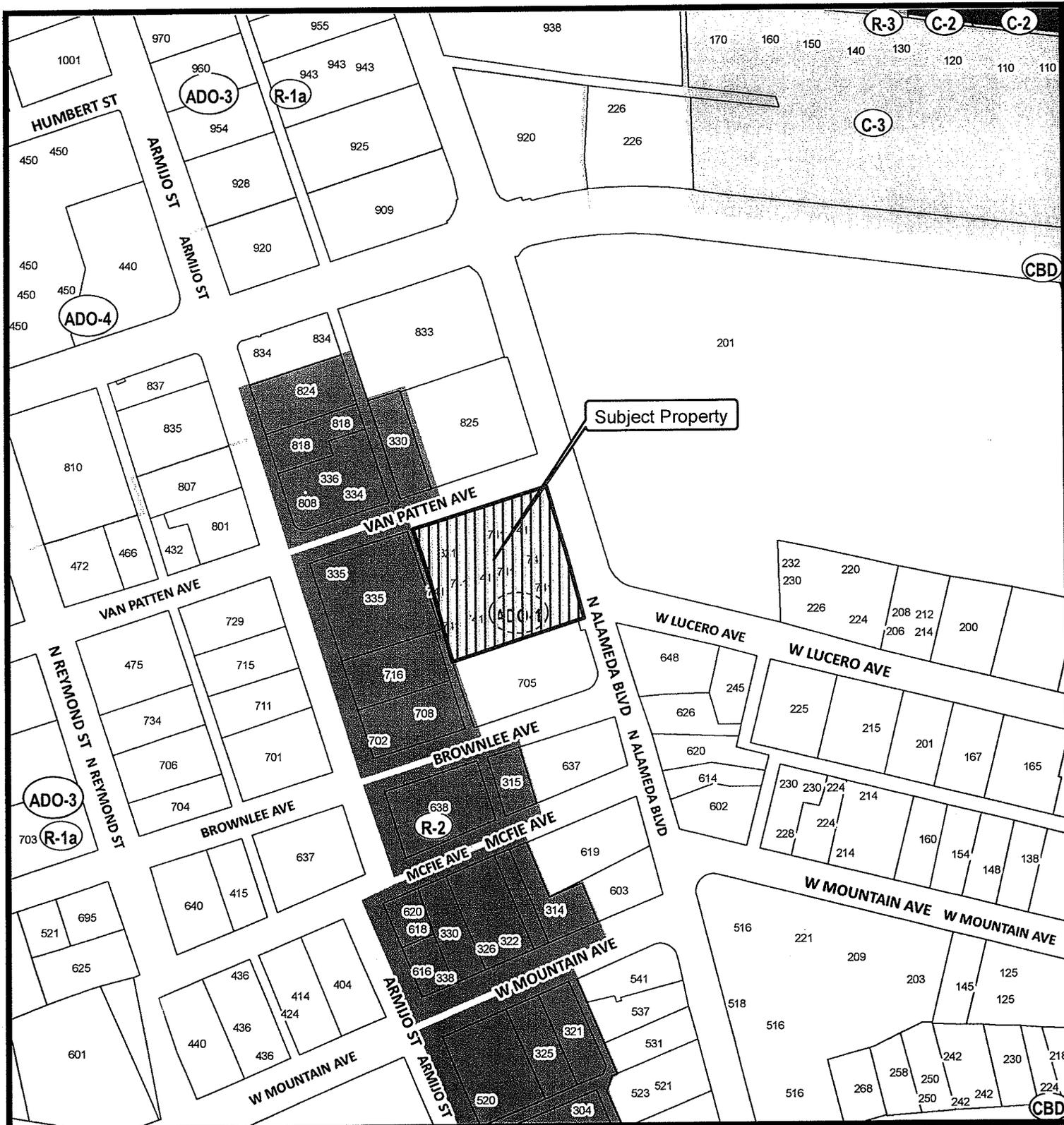
Date



 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

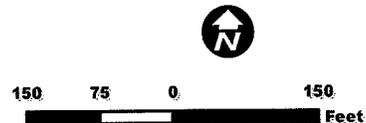


This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged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

Legend

- County Parcel
- Interstates_Highway
- Railroad
- Rio Grande

741 N. ALAMEDA BLVD.
ZONING ADO-1



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

BUSINESS REGISTRATION REPORT – A BITE OF BELGIUM

From: Sara Gonzales
Subject: RE: Liquor license report requests x 4

A Bite of Belgium located at 741 N Alameda has a current business license through September 30, 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: A Bite of Belgium

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for A Bite of Belgium, located at 741 N. Alameda Blvd. Suite 15 & 16 Las Cruces, NM 88001

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for A Bite of Belgium Suite 15 & 16 be approved.

Jaime Montoya

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

Chief of Police

FIRE SAFETY COMPLIANCE REPORT – A BITE OF BELGIUM

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

A Bite of Belgium 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