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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 9 Ordinance/Resolution# 15-122

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of December 15, 2014
 (Adoption Date)

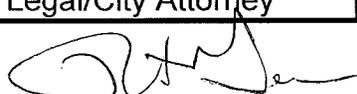
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT (BEER AND WINE) LICENSE TO RJK DINING LLC D/B/A CAFÉ A GO GO, LOCATED AT 1120 COMMERCE DRIVE, SUITE A, 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 and wine) 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.

RJK Dining LLC d/b/a Café A Go Go 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 and wine) Liquor License at 1120 Commerce Drive, Suite A, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval by letter dated November 13, 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 15, 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 21 and 28, 2014, and in the *Las Cruces Sun-News* on November 23 and 30, 2014.

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.

(Continue on additional sheets as required)

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:

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"/>	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>\$300.00</u> for FY <u>15</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 Restaurant (beer and wine) Liquor License and Alcohol and Gaming will continue with the application process.

(Continue on additional sheets as required)

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. 15-122

A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT (BEER AND WINE) LICENSE TO RJK DINING LLC D/B/A CAFÉ A GO GO, LOCATED AT 1120 COMMERCE DRIVE, SUITE A, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, RJK Dining LLC d/b/a Café a Go Go, located at 1120 Commerce Drive, Suite A, 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 and wine) Liquor License; and

WHEREAS, Alcohol and Gaming granted preliminary approval for the issuance of the license by a letter dated November 13, 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 and wine) Liquor License to RJK Dining LLC d/b/a Café A Go Go, located at 1120 Commerce Drive, Suite A, 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:

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

Draft



186
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

November 13, 2014

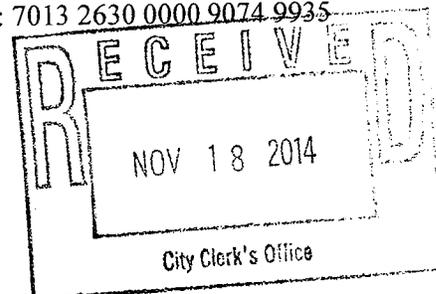
Susana Martinez
 GOVERNOR

Robert "Mike" Unthank
 SUPERINTENDENT

James C. McKay
 GENERAL COUNSEL

Mary Kay Root
 DIRECTOR

Certified Mail No: 7013 2630 0000 9074 9935



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

Re: License / App. No. 0000/921914
 Applicant Name: RJK Dining LLC
 Doing Business As: Café A Go Go
 Proposed Location: 1120 Commerce Drive Suite A 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 Acting Director of the Alcohol and Gaming Division has granted **Preliminary Approval** for the referenced application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

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

The applicant is requesting an issuance of a Transfer of Ownership of an Inter Local 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 or 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
Zoning Statement
Posting Certificate
Letter of No Objection



1029714
200
1023792

RESTAURANT LIQUOR LICENSE APPLICATION

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

ADD USE ONLY - APPLICATION # 921914 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) RJK Dining LLC

ADDRESS (including city, state, zip) 1120 Commerce Dr Ste A Las Cruces NM 88011

TELEPHONE NUMBER OWNER 575-522-0383 EMAIL info@cafeagogenm.com

D/B/A name to be used: Cafe A Go Go Phone number for licensed premises: 575-522-0383 pb

Physical location where license is to be used: 1120 Commerce Dr Suite A Las Cruces NM 88011

Mailing address: 1120 Commerce Dr Ste A Las Cruces NM 88011
(Include street number / highway number / state road, city and county, state, and zip code)

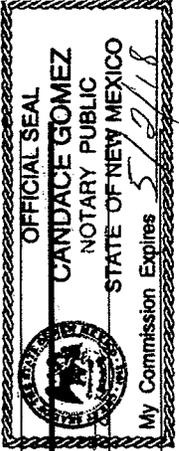
188

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

I, (print name) Ramon S Sanchez as (title) 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 Ramon S Sanchez Date 7-1-14



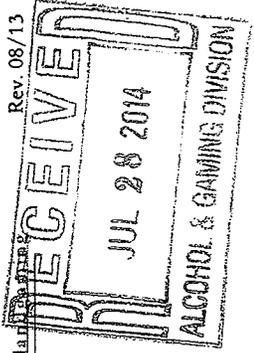
SUBSCRIBED AND SWORN TO before me this 1st day of July, 20 14 by Candace Gomez
Notary Public Candace Gomez My Commission Expires 5/2/18

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 _____



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
55-60-6B-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) John R. Curry - 1120 Commerce LLC pb

B. Date and term of lease Feb 22, 2012 (Signed) starts 4-1-2012 to 3-31-07

3. Premises location is zoned (example C-1) PUD-Planned Unit Development
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 .8 Name of church Church of Jesus Christ of Latter Day Saints Address/location of church 3210 Venus Street, Las Cruces NM

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

Miles/feet 1.1 Name of school Camino Real Middle Address/location of school 2961 Roadrunner, Las Cruces NM

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

Miles 23 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 1120 Commerce Dr., and having a Map Code Number or Parcel ID Number of 02-25030, in Las Cruces, New Mexico, is zoned as follows:

PUD (Planned Unit Development)

Comments: This property is zoned PUD, with an underlying land use of M-1 (Light Manufacturing). The Northrise Business Park, of which this property is a part, utilizes provisions from the 1981 Zoning Code, as amended (attached), as well as provisions/restrictions found within the Northrise Business Park Development Plan (also attached). For additional land use guidelines, please refer to the Northrise Business Park Development Plan. Food and beverage establishments with a dispenser's liquor license are permitted uses within this zoning district, providing that all requirements prescribed for liquor establishments by the State of New Mexico are met.

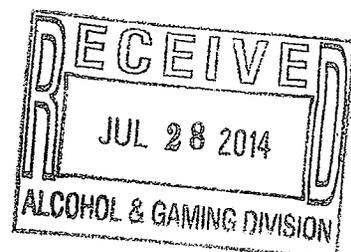
The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

July 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.



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-921914

TRANSFER OF OWNERSHIP & LOCATION
 TRANSFER OF OWNERSHIP ONLY

TRANSFER OF LOCATION ONLY
 NEW LICENSE

TRANSFERRED FROM: _____

CURRENT LOCATION: _____

TRANSFERRED TO:/APPLICANT: RJK Dining LLC

PROPOSED LOCATION: 1120 Commerce Drive Suite A Las Cruces, NM 88011

PROPOSED BUSINESS NAME: Cafe A Go Go

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: Dona Ana County
- DISTANCE FROM NEAREST CHURCH IS: 0.8 mile
NAME OF CHURCH IS: Church of Jesus Christ of Latter Day Saints
- DISTANCE FROM NEAREST SCHOOL IS: 0.7 mile
NAME OF SCHOOL IS: The Childrens Garden Child Deveopement Center, LLC, 2740 Northrise Drive Las Cruces
- DISTANCE FROM NEAREST MILITARY INSTALLATION: 2.3 miles
NAME OF INSTALLATION IS White Sands Missile Range.
- 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: 10/11/2014

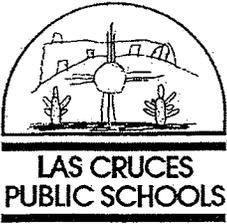
EXPIRATION DATE: 10/21/2014 @ 24:00 HRS

N. Andrea Subor
APPLICANT'S SIGNATURE

Sgt. J. M. Miller
S.I.D. SPECIAL AGENT SIGNATURE

N. Andrea Subor
PRINTED

Sgt. J. M. Miller
PRINTED



BOARD OF EDUCATION

Chuck Davis

Maria A. Flores

Barbara Hall

Connie Phillips, Ph.D.

Bonnie Votaw, Ed.D.

Stan Rounds
Superintendent



OUR MISSION

The Las Cruces Public Schools, in partnership with students, families, and the community, provides a student-centered learning environment that cultivates character, fosters academic excellence, and embraces diversity.

July 7, 2014

Katherine Velasco
c/o RJK Dining LLC DBA Café a Go Go
1120 Commerce Dr. Ste. A
Las Cruces, NM 88011

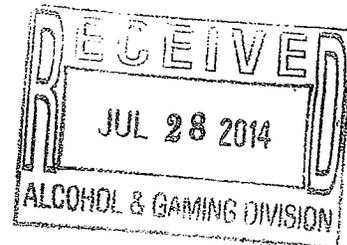
Dear Ms. Velasco,

The Las Cruces Public Schools is offering this letter as a "no objection" to your request for application of a liquor license. The district determined there were not any issues after reviewing with our Operations Division departments that included Safety and Security, Construction Projects and Transportation.

Sincerely,

Dane Kennon
Associate Superintendent for Operations
575-527-5990

/srs





AD FORM
LAS CRUCES BULLETIN
LEGAL CLASSIFIED

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

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

Dates to Publish: November 21 and 28, 2014

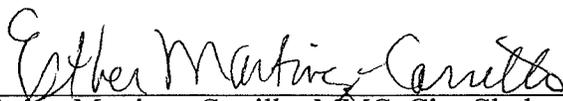
Copy to publish:

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 (beer and wine) to RJK Dining LLC d/b/a Café A Go Go, located at 1120 Commerce Drive, Suite A, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council scheduled for Monday, December 15, 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 transfer.

Witness my hand and seal of the City of Las Cruces on this the 18th day of November 2014.



Esther Martinez-Carrillo, 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 23 and 30, 2014

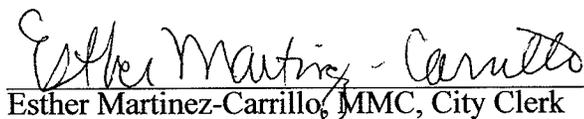
Copy to publish:

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 (beer and wine) to RJK Dining LLC d/b/a Café A Go Go, located at 1120 Commerce Drive, Suite A, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council scheduled for Monday, December 15, 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 transfer.

Witness my hand and seal of the City of Las Cruces on this the 18th day of November 2014.


Esther Martinez-Carrillo, MMC, City Clerk



INTER-DEPARTMENTAL MEMORANDUM

TO: Harry "Pete" Connelly, City Attorney

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

DATE: November 20, 2014

SUBJECT: Traffic Investigation Report – Restaurant Liquor License Application
1120 Commerce Drive Suite A – Café A Go Go

As requested, Traffic Engineering has completed a traffic investigation for Café A Go Go located at 1120 Commerce Drive located in Las Cruces, New Mexico. The following information is submitted for review:

- Café A Go Go is located along Commerce Drive. The traffic volume on Commerce Drive is unknown but expected to be less than 3,000 vehicles per day.
- Commerce Drive is not classified by the Mesilla Valley MPO and is considered a local road. This roadways primarily serves commercial uses near the property.
- The subject property has two driveways along Commerce Drive. Vertical and horizontal curvature exists along Commerce Drive near the east driveway which also has nearby vegetation within the clear site triangle. The site can also be accessed through a network of parking lot connections with adjacent establishment, but these locations do not appear to be primary access points. No other sight distance or operational problems are currently known at the two driveways.
- The speed limit along Commerce Drive near the subject property is 35 mph.

The approval of a Restaurant Liquor License Application at this location does not appear to adversely impact traffic operations along this roadway segment. 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. 0000/ 921914
(Beer and Wine Only)

1120 Commerce Dr. Ste. A
Café A Go Go

November 19, 2014

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

Café A Go Go
1120 Commerce Drive, Suite A

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: 1120 Commerce Drive, Suite A
 Applicant: RJK Dining LLC
 Business Name: Café A Go Go

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: PUD (Planned Unit Development)
 (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	PUD	Commercial Use
South	A-1	Drainage Area
East	PUD	Commercial Use
West	PUD	Commercial Use

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: Commerce Drive
 Classification: Local Roadway
 Number of Lanes: 2
 Site Access: 2
 Nearest Intersection: Telshor Boulevard & Commerce Drive

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires restaurants to provide 1 auto parking space per 2-5 seats. However, because the business is in a shopping center, one (1) space for each 200-300 square feet of gross floor area is required. As the center currently exists, it complies with current parking standards.

IMPACT ANALYSIS:

The applicant is requesting a Beer and Wine On-Premise Consumption Only Liquor License for this establishment. The subject property is part of a Planned Unit Development (PUD), and is described in the Northrise Business Park Development Plan. The parcel is located on Commerce Drive which is designated as a local roadway, but was designed to accommodate moderate traffic and land uses such as restaurants in the Northrise Business Park Development Plan. The Northrise Business Park utilizes provisions from the 1981 Zoning Code, as amended. The underlying zoning is M-1 (Light Industrial) and permits this use and uses related to it. In terms of a transportation and land use perspective, this seems to be an appropriate location and request.



STATEMENT OF ZONING

The property located at 1120 Commerce Dr., and having a Map Code Number or Parcel ID Number of 02-25030, in Las Cruces, New Mexico, is zoned as follows:

PUD (Planned Unit Development)

Comments: This property is zoned PUD, with an underlying land use of M-1 (Light Manufacturing). The Northrise Business Park, of which this property is a part, utilizes provisions from the 1981 Zoning Code, as amended (attached), as well as provisions/restrictions found within the Northrise Business Park Development Plan (also attached). For additional land use guidelines, please refer to the Northrise Business Park Development Plan. Food and beverage establishments with a dispenser's liquor license are permitted uses within this zoning district, providing that all requirements prescribed for liquor establishments by the State of New Mexico are met.

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

November 19, 2014

Date


Lorenzo Vigil
Planning Technician Sr

BUSINESS REGISTRATION REPORT – CAFÉ A GO GO

From: Sara Gonzales

Subject: RE: Liquor license report request - Cafe A Go Go

Café A Go Go located at 1120 Commerce Unit A has a current business registration through February 28, 2015.

From: Monica Campbell

Sent: Tuesday, November 18, 2014 3:49 PM

To: Lorenzo Vigil; Sara Gonzales; Permitting Development Technicians

Subject: Liquor license report request - Cafe A Go Go

Attached is Alcohol and Gaming's letter and application about the issuance of a Restaurant license (beer and wine) to Café A Go Go located at 1120 Commerce Drive, Suite A. The letter from A&G says "transfer of ownership" at the bottom of page 1, but the application is for a Restaurant License (beer and wine).

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

The report is due to the City Attorney on or before **November 25, 2014** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the December 15, 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: 11/18/2014
To: Pete Connelly, City Attorney
From: Jaime Montoya, Chief of Police
Subject: Café A Go Go

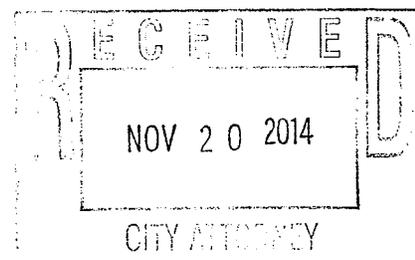
I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Café A Go Go located at 1120 Commerce Drive Suite A, Las Cruces, NM 88011.

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

Jaime Montoya,

A handwritten signature in black ink, appearing to be "JM", written over the printed name.

Chief of Police



FIRE SAFETY COMPLIANCE REPORT – CAFÉ A GO GO

From: Michael Danner

Subject: RE: Liquor license report request - Cafe A Go Go

This is approved by LCFD. Please let me know if there is anything else you need.

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, November 18, 2014 3:49 PM
To: Travis Brown; Ted Sweetser; Michael Danner
Cc: Mary Helen Sarabia
Subject: Liquor license report request - Cafe A Go Go

Attached is Alcohol and Gaming's letter and application about the issuance of a Restaurant license (beer and wine) to Café A Go Go located at 1120 Commerce Drive, Suite A. The letter from A&G says "transfer of ownership" at the bottom of page 1, but the application is for a Restaurant License (beer and wine).

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

The report is due to the City Attorney on or before **November 25, 2014** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the December 15, 2014 City Council meeting.

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