

144

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 13 Ordinance/Resolution# 10-078 Council District:

For Meeting of September 8, 2009

(Adoption Date)

A RESOLUTION APPROVING THE ISSUANCE OF A WINE WHOLESALER LIQUOR LICENSE (WINE WHOLESALING OF WINEGROWER'S PRODUCT) TO AMARO WINERY, LLC D/B/A AMARO WINERY, TO BE LOCATED AT 601 WEST AMADOR, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION: To approve, disapprove, or not approve the issuance of a Wine Wholesale Liquor License (Wine Wholesaling of Winegrower's Product) to Amaro Winery, LLC d/b/a Amaro Winery.

Name of Drafter: Monica Campbell <i>mc</i>		Department: Legal		Phone: 541-2128	
Department	Signature	Phone	Department	Signature	Phone
Originating Department		541-2128	Budget	<i>Richard Y. Hernandez</i>	541-2107
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to state law, the application for issuance of a wine wholesaler liquor license must be accompanied by a resolution of the City Council approving of and consenting to the issuance after a public hearing.

Amaro Winery, LLC d/b/a Amaro Winery applied to the Alcohol & Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for the issuance of a Wine Wholesaler Liquor License (Wine Wholesaling of Winegrower's Product) at 601 West Amador, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on July 24, 2009.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled during the regular City Council Meeting on Tuesday, September 8, 2009, beginning at 1:00 p.m., in the City Council Chambers, City Hall, 200 North Church Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Sun-News* on August 16 and 23, 2009 and in the *Las Cruces Bulletin* on August 14 and 21, 2009.

(Continue on additional sheets as required)

Council may approve or disapprove the issuance. 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 this license.

SUPPORT INFORMATION:

Revenue: The City receives a \$600 administrative fee to cover publication and preparation costs regarding the issuance of this liquor license.

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Resolution with Alcohol and Gaming's preliminary approval with the application attached as Exhibit "A".
2. Notice of Intent to Adopt, Attachments "1" and "2".
3. Traffic Impact Report from the Traffic Engineering Section, Attachment "3".
4. Liquor License Impact Report (zoning) from the Community Development Department, Attachment "4".
5. Liquor License Impact Report (registration and permits) from the Economic Development Department, Attachment "5".
6. Criminal Activity Report from the Las Cruces Police Department, Attachment "6".
7. Fire and Safety Compliance Report from the Las Cruces Fire Department, Attachment "7".

OPTIONS / ALTERNATIVES:

1. Approve the resolution and consent to the issuance of a Wine Wholesaler Liquor License (Wine Wholesaling of Winegrower's Product) to Amaro Winery, LLC d/b/a Amaro Winery. Approval will allow Alcohol and Gaming to continue with its application process.
2. Disapprove the resolution. Council's disapproval must be based on substantial evidence that the issuance of the liquor 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. Not approve or disapprove the Resolution. If the Council fails to either approve or disapprove the issuance of the liquor license, the Director of Alcohol and Gaming may give final approval to said issuance.

RESOLUTION NO. 10-078

A RESOLUTION APPROVING THE ISSUANCE OF A WINE WHOLESALER LIQUOR LICENSE (WINE WHOLESALING OF WINEGROWER'S PRODUCT) TO AMARO WINERY, LLC D/B/A AMARO WINERY, TO BE LOCATED AT 601 WEST AMADOR, LAS CRUCES, NEW MEXICO.

The City Council of the City of Las Cruces is informed that:

WHEREAS, Amaro Winery, LLC d/b/a Amaro Winery, to be located at 601 West Amador, 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 Wine Wholesaler Liquor License (Wine Wholesaling of Winegrower's Product); and

WHEREAS, on July 24, 2009, Alcohol and Gaming granted preliminary approval for the issuance of the license, as evidenced by their letter with the application attached; and

WHEREAS, pursuant to law, the application for issuance of a liquor license must be accompanied by a resolution of the 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 Wine Wholesaler Liquor License (Wine Wholesaling of Winegrower's Product) to Amaro Winery, LLC d/b/a Amaro Winery, to be located at 601 West Amador, 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, Post Office Box 25101, Santa Fe, New Mexico 87504-5101.

(III)

THAT City staff is authorized to do all deeds necessary to accomplish the intent of this Resolution and the Agreement.

DONE AND APPROVED on this 8 day of September 2009.

Mayor

ATTEST:

City Clerk

{SEAL}

Moved by: _____

Seconded by: _____

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Archuleta:	_____
Councillor Small:	_____
Councillor Jones:	_____
Councillor Thomas:	_____

APPROVED AS TO FORM:



City Attorney



New Mexico Regulation and Licensing Department

ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/agd

Bill Richardson
GOVERNOR

Kelly O'Donnell, Ph.D.
SUPERINTENDENT

Julie Ann Meade
DEPUTY
SUPERINTENDENT

Randall Cherry
CHIEF GENERAL
COUNSEL

Gary J. Tomada
DIRECTOR

July 24, 2009

Certified Mail No.: 7006 3450 0001 4339 5624

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

Re: License / App. No.: Application #A-604837
Applicant Name: Amaro Winery, LLC
Doing Business As: Amaro Winery
Proposed Location: 601 W. Amador Avenue, Las Cruces, NM 88005

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

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and 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 WINE WHOLESALER LIQUOR LICENSE (WINE WHOLESALING OF WINEGROWER'S PRODUCT).

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

EXHIBIT A

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

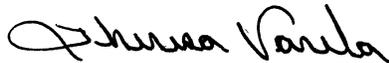
Administrative Services Division
(505) 476-4800

- proposed licensed premises¹⁻⁵⁰).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval. Attached is a copy of a Zoning Statement from the local governing body.
 - 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance of 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 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).

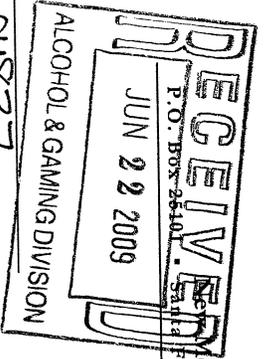
Sincerely,



Theresa Varela
Administrative Law Judge

ENCLOSURES

1. **Original Page 1 of the Application (must be signed and returned).**
2. **Copy of Page 2 of the Application.**
3. **Copy of Zoning Statement.**
4. **Copy of Floor Plan with attachment.**
5. **Copy of Limited Liability Company Page of the Application with attachment.**



Mexico Regulation and Licensing Department • Alcohol and Gaming Division
F.O. Box 2540 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd

LIQUOR LICENSE APPLICATION

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

Record Owner of Existing License _____

Current D/B/A Name _____

Current Premises Address _____

State Liquor License # 604837
Application Number 604837
Local option (AGD use) Las Cruces

Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License _____ Transfer Ownership and Location _____ Transfer Location _____ Other _____
Issue New License Type of License being applied for Wine Wholesale License SR 07-06-09
Partnership (General or Limited) _____ Limited Liability Company

NAME OF APPLICANT (company or individual) Amare Winery, LLC ADDRESS (including city, state, zip) 2480 Roadrunner Pkwy Las Cruces, NM 88011 TELEPHONE NUMBER 575-525-0241
Amare Winery, LLC 2480 Roadrunner Pkwy Las Cruces, NM 88011

D/B/A name to be used: Amare Winery Phone number for licensed premises: 575-649-5780

Physical location where license is to be used: 101. W Amador Ave. Las Cruces, NM 88005 Dona Ana County
15 (Include street number / highway number / state road, city and county, state, and zip code)
Mailing address: 2480 Roadrunner Pkwy Las Cruces, NM 88011 Dona Ana County

Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ No If yes, give license number and type _____
I, (print name) Harold G. Denton 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 Harold G. Denton Date 6/15/09

SUBSCRIBED AND SWORN TO before me this 15th day of June Notary Public Use Only, 20 09 by Harold G. Denton
Notary Public Elisa K Krause My Commission Expires 6/21/2010



OFFICIAL SEAL
ELISA K KRAUSE
NOTARY PUBLIC - STATE OF NEW MEXICO
My commission expires 6/21/2010

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

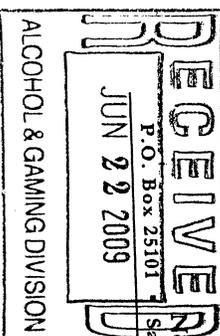
Check one: Approved _____ Disapproved _____ City/County Official _____ (Signature & Title)

For Alcohol and Gaming Division Use Only

/approved _____ Disapproved _____ Director Approval _____ Date _____

Page 1 of 1
1185-475
Rev. 04/08
ENTERED

6/24/09
Huber



New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd

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) Chishelm's, LLC PO Box 397 Las Cruces, NM 88004
B. Date and term of lease April 16, 2009 Term 3 years (see attached)

3. Premises location is zoned (example C-1) M/MZ (Industrial Standard)
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).
2 streets of 1/2 mile each, per posting. First Baptist Church, per posting. Address unavailable, per posting. 505 S. Miranda Las Cruces, NM 07-09-09
Miles/feet 414 Name of church Church of Latter Day Saints Address/location of church _____

5. Distance from nearest school * (Property line of school to licensed premises—shortest distance).
3 streets of 1/2 mile each, per posting. Central Elementary School, per posting. Address/location of school 150 N. Alameda Blvd Las Cruces, NM 07-06-09
Miles/feet 2296 Name of school Central Elementary

6. Distance from military installation * (Property line of military installation to licensed premises—shortest distance.)
Miles 22 + Name of Military Installation, circle one: White Sands Missile Range (Las Cruces),
Holloman Air Force Base (Albuquerque), Cannon Air Force Base (Clovis),
Holloman Air Force Base (Alamogordo).

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) Wine Wholesaler
TV 07-06-09



City of Las Cruces®

STATEMENT OF ZONING

The property located at 601 W. Amador, and having a Map Code Number or Parcel ID Number of 02-05631, in Las Cruces, New Mexico, is zoned as follows:

M-1/M-2 (Industrial Standard)

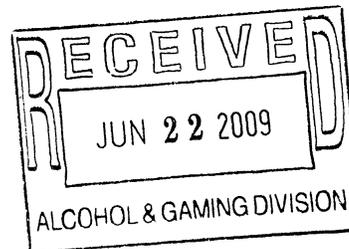
The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

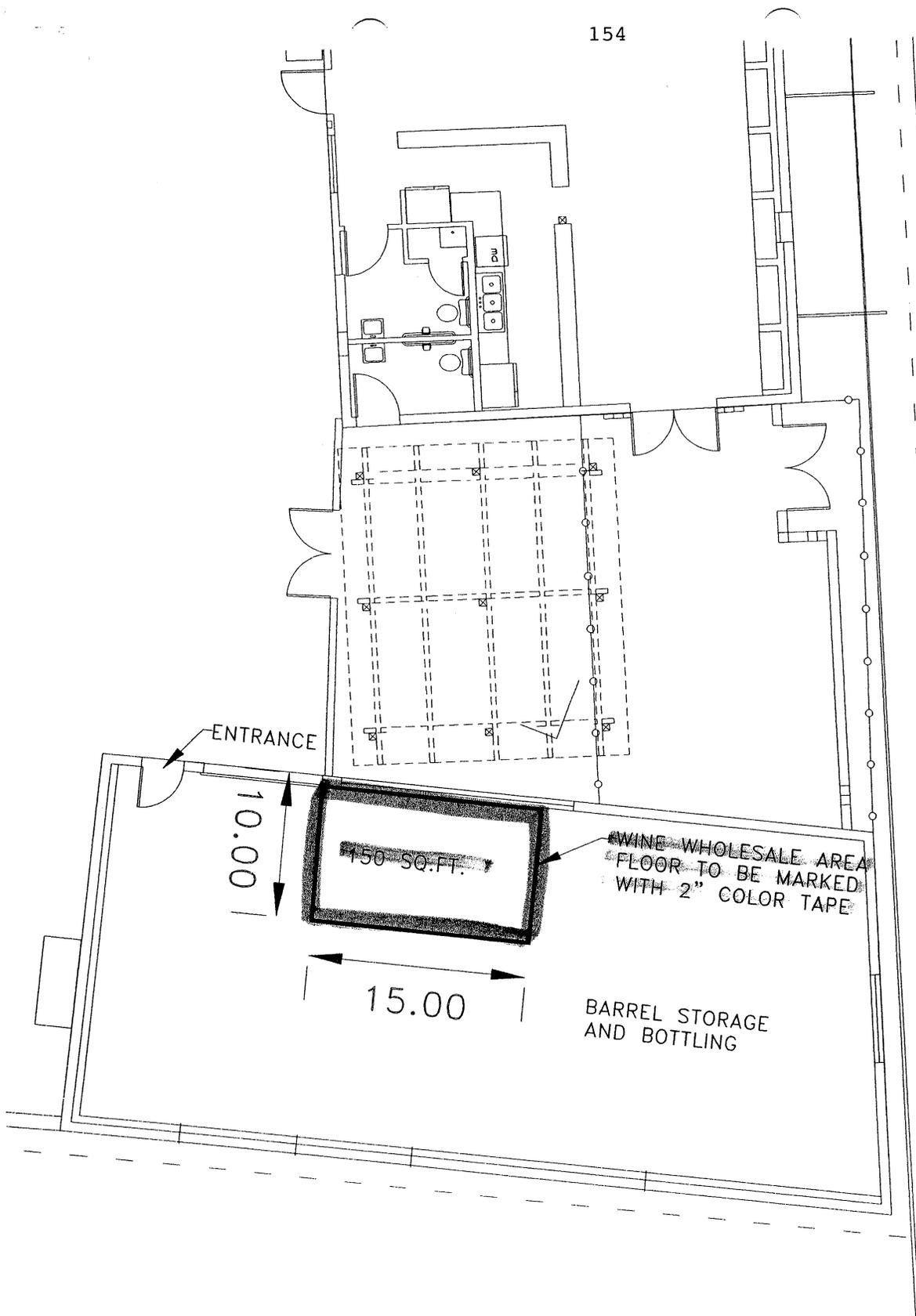
June 15, 2009
Date


Adam Ochoa
Associate Planner

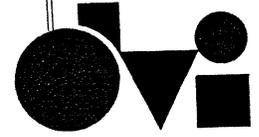
Comments: The M-1/M-2 zoning district is intended to provide for industrial uses that consist of full-scale fabrication, manufacturing, packaging and processing of products that can be conducted in a generally clean, quiet, and safe environment with minimal negative impacts on the surrounding environment and uses. A brewery/winery is a permitted use in the M-1/M-2 zoning district.

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.





SAVING ENDLESS STR



architecture|engineering|planning
 2480 roadrunner parkway
 las cruces, nm 88011
 575.525.0241
 fax 575.525.9405
 barb@dvi-lascruces.com
 www.dvi-lascruces.com
 d9918lic
 7/15/09
 PAGE 2



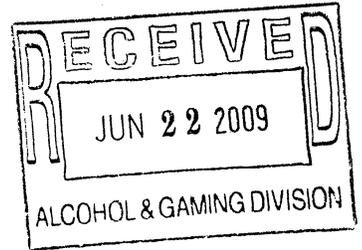
FLOOR PLAN

SCALE 1" = 10'

N73°34'
 R=5689.00
 L=117.83
 Tan=58.92
 Δ 1°11'12"

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AMADOR AVE.

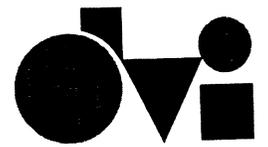
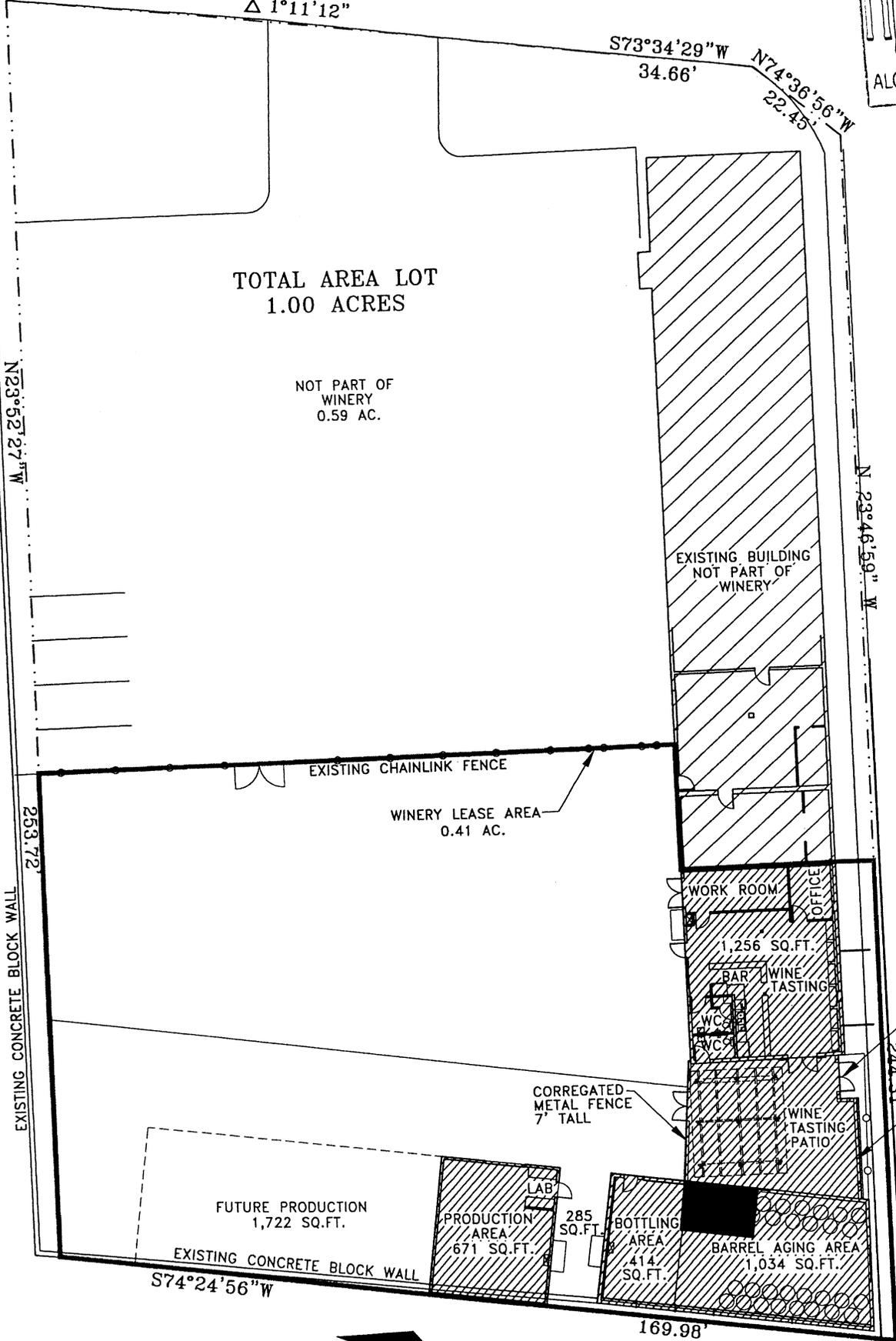


TOTAL AREA LOT
 1.00 ACRES

NOT PART OF
 WINERY
 0.59 AC.

S. MELENDRES ST.

-  WINERY LEASE AREA
0.41 ACRES
-  MASTER WINE
GROWERS LICENSE
3,472 SQ.FT.
-  WINE WHOLESALER
LIQUOR LICENSE
151 SQ.FT.



architecture|engineering|planning
 2480 roadrunner parkway
 las cruces, nm 88011
 575.525.0241
 fax 575.525.9405
 barb@dvi-lascruces.com
 www.dvi-lascruces.com
 d9918lic
 5/28/09
 PAGE 1

 **SITE PLAN**
 SCALE 1" = 30'



LIMITED LIABILITY COMPANY

SS 60-6B-24

1. Name of Limited Liability Company Amaro Winery, LLC
 2. Date company formed (attach copy of Operating Agreement) 04 / 16 / 2009
 3. Date company registered (attach copy of certificate and Article of Organization) 03 / 16 / 2009
 4. Mailing Address: Street 2480 Roadrunner Pkwy City Las Cruces State NM zip 88011 Phone 575-525-0241
- (James and addresses of all Members – full disclosure is required. If a Member is a corporation, Trust, Limited Liability Company, General or Limited Partnership, complete the appropriate entity information page.

LIST ALL MEMBERS AND MANAGERS

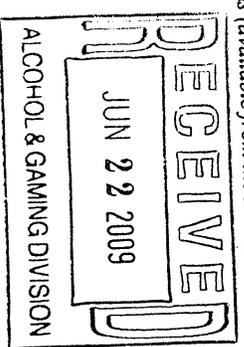
Name	Title	Address	% of interest/contribution
Harold G Denton -	Manager -	2480 Roadrunner Pkwy Las Cruces, NM 88011	18.8%
Rend Maier -	Manager -	PO Box 692 Mesquite, NM 88048	21.8%
Benjamin Maier -	Member -	230 Three Crosses, #37 Las Cruces, NM 88005	21.7%
Erato Nonne Revocable Trust -	Member -	42169 Nombre Ct Las Cruces, NM 88011	16.7%
Barbara L. Nobley Denton -	Member -	2480 Roadrunner Pkwy Las Cruces, NM 88011	9.0%

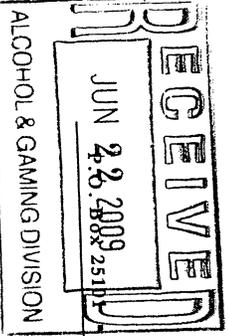
Has this Limited Liability Company ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Limited Liability Company been denied the issuance of a liquor license? No Yes If Yes, provide details:

7. List every liquor license in which this Limited Liability Company owns any interest, direct or indirect:
None

NOTE: For each Member who is an individual, complete the Personal Data Information Form (page 6), and for each person attach two (2) completed fingerprints cards (available from the Alcohol and Gaming Division) along with fees and supporting documentation. Fingerprints must be taken by City Police, State Police or Sheriff (any state).

Return this form to the Alcohol and Gaming Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505, if using overnight delivery.





New Mexico Regulation and Licensing Department - Alcohol and Gaming Division
Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd

TRUST

1. Name of Trust 1) Grato Nonne Revocable Trust

2. Date Trust formed (attach copy of entire Trust Agreement) 11 / 25 / 2008

3. Mailing Address: Street 4269 Nambe Ct. City Las Cruces State NM zip 88011 Phone 575-312-3168

4. Names and addresses of all Trustees and each Beneficiary of the Trust - full disclosure is required. If a Trustee or Beneficiary is a corporation, Limited Liability Company or a General or Limited Partnership, complete the appropriate corporation information on Page 4, or appropriate Partnership Statement (Page 3).

LIST ALL TRUSTEES AND BENEFICIARIES

Name	Title	Address	% of interest
<u>Kelley A. Allen</u>	<u>Trustee</u>	<u>4269 Nambe Ct. Las Cruces, NM 88011</u>	<u>100%</u>

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5. Has this Trust ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Trust been denied the issuance of a liquor license? No Yes If Yes, provide details: N/A

6. List every liquor license in which this Trust owns any interest, direct or indirect N/A

NOTE: For each Trustee and/or Beneficiary who are individuals, complete the Personal Data Information Form (page 6), and for each person attach two (2) completed fingerprints cards (available from the Alcohol and Gaming Division) along with fees and supporting documentation. Fingerprints must be taken by City Police, State Police or Sheriff (any state).

Return this form to the Alcohol and Gaming Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505, if using overnight delivery.



AD FORM

LAS CRUCES BULLETIN	
CLASSIFIED LEGAL AD	
DATE TO PUBLISH: 08/14/09 & 08/21/09	
CITY CONTACT & PHONE NUMBER: MONICA CAMPBELL 541-2128 FAX: 541-2017	BILL TO: CITY CLERK P O BOX 20000 LAS CRUCES, NM 88004
PROOF OF PUBLICATION REQUIRED.	

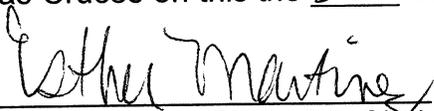
COPY TO PUBLISH:

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 Wine Wholesale Liquor License (Wine Wholesaling of Winegrower's Product) to Amaro Winery, LLC d/b/a Amaro Winery, to be located at 601 West Amador, Las Cruces, New Mexico.**

The Public Hearing will be held at a meeting of the City Council on Tuesday, September 8, 2009, at 1:00 p.m. in the City Council Chambers, 200 North Church, City Hall. If passed, the State of New Mexico Regulation & Licensing Department, Alcohol and Gaming Division, may approve the issuance of the Restaurant Liquor License.

Witness my hand and seal of the City of Las Cruces on this the 3rd day of August 2009.



 Esther Martinez, CMC, City Clerk



AD FORM

LAS CRUCES SUN NEWS	
CLASSIFIED LEGAL AD	
DATE TO PUBLISH: 08/16/09 & 08/23/09	Account No. 720680
CITY CONTACT & PHONE NUMBER: MONICA CAMPBELL 541-2128 FAX: 541-2017	BILL TO: <u>CITY CLERK</u> P O BOX 20000 LAS CRUCES, NM 88004
PROOF OF PUBLICATION REQUIRED.	

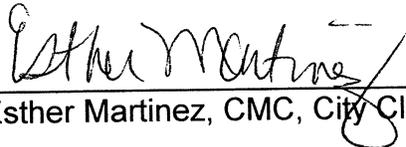
COPY TO PUBLISH:

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Witness my hand and seal of the City of Las Cruces on this the 3rd day of August 2009.



 Esther Martinez, CMC, City Clerk



City of Las Cruces
PEOPLE HELPING PEOPLE

**INTER-DEPARTMENTAL
MEMORANDUM**

=====

TO: Fermin A. Rubio, City Attorney
FROM: Dan Soriano, Traffic Engineer, Public Works
SUBJECT: Traffic Investigation Report

DATE: August 4, 2009

=====

As requested, Traffic Engineering has completed a traffic investigation for Amaro Winery LLC located at 601 W. Amador, Las Cruces, New Mexico. The following information is submitted for review:

- **West Amador Avenue at this location carries approximately 16,500 vehicles per day.**
- **West Amador Avenue is operated as a four lane major arterial roadway and primarily serves commercial use.**
- **Access to the property in question is off of both West Amador Avenue and Melendres Street. No sight distance problems exist at either access.**
- **The speed limit on West Amador Avenue in this area is 40 mph and along Melendres Street is 25 mph.**

The approval of a Liquor License Transfer at this location does not appear it will adversely impact traffic operations along this segment of roadway.

Should any additional information be needed, please contact me.

City of Las Cruces
Community Development Department

LIQUOR LICENSE IMPACT REPORT
Wine Wholesaler Liquor License No. A-604837

601 W. Amador Avenue
Amaro Winery

August 6, 2009

**LIQUOR LICENSE IMPACT REPORT
Wine Wholesaler Liquor License (Wine Wholesaling of Winegrower's Product)**

**Amaro Winery
601 W. Amador Avenue**

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: 601 W. Amador Avenue
 Applicant: Amaro Winery, LLC
 Business Name: Amaro Winery

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: M-1/M-2 (Industrial Standard)
 (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	M-1/M-2	Industrial
South	M-1/M-2	Industrial
East	C-2C	Commercial/Residential
West	M-1/M-2	Industrial

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: Amador Avenue
 Classification: Principal Arterial
 Number of Lanes: 4
 Site Access: 2
 Nearest Intersections: Amador & Melendres

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires wineries to provide one (1) auto parking space per 800-1200 square feet of gross floor area and one (1) bicycle parking space per 20,000 square feet of gross floor area. Parking requirements will be verified upon the submittal of a building permit.

IMPACT ANALYSIS:

The subject property is located off of Amador Avenue which is designated as a principal arterial and is designed to accommodate heavy traffic and land uses such as wineries and breweries. The subject property is zoned M-1/M-2 (Industrial Standard) which permits this use and uses related to it. The applicant is requesting a wine wholesaler liquor license (wine wholesaling of winegrowers product) 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 601 W. Amador Avenue, and having a Map Code Number or Parcel ID Number of 02-05631, in Las Cruces, New Mexico, is zoned as follows:

M-1/M-2 (Industrial Standard)

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.

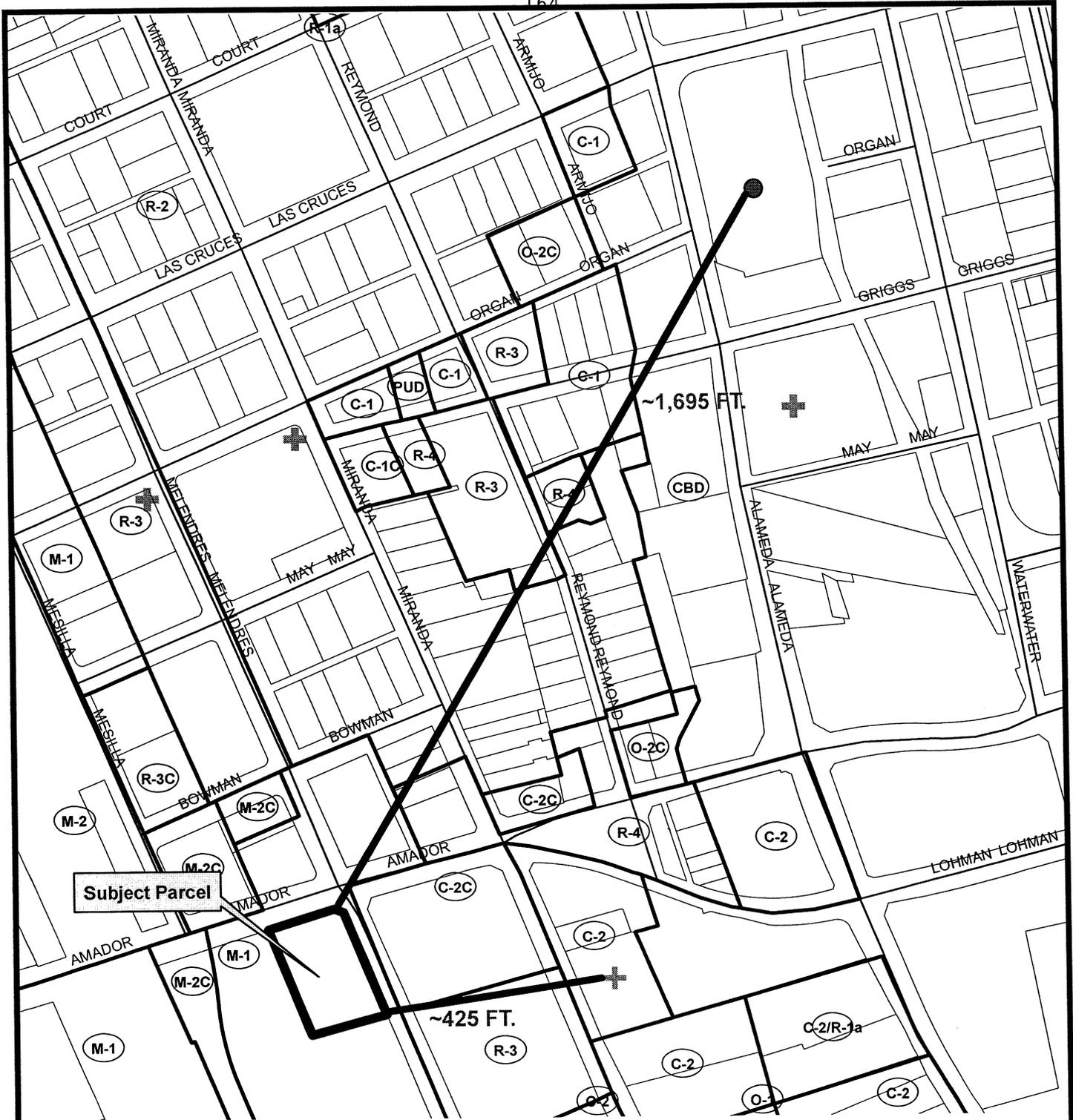
August 6, 2009
Date



Adam Ochoa
Associate Planner

Comments: The M1/M2 zoning district is intended to provide for industrial uses that consist of full-scale fabrication, manufacturing, packaging and processing of products that can be conducted in a generally clean, quiet, and safe environment with minimal negative impacts on the surrounding environment and uses. A winery is a permitted use in M-1/M-2 zoning districts, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met (as per Section 38-44.C.4a 2001 Las Cruces Zoning Code as amended).

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.



Subject Parcel

Zoning/Vicinity Map

601 W. Amador Avenue

Parcel ID#: 02-05631

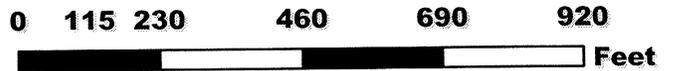
Zoning: M-1/M-2

Distance to nearest school: ~1,695 FT.

Distance to nearest church: ~425 FT.



- Zoning
- Church
- School



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 Community Development Department at (505) 528-3043.

Community Development Department
 575 S Alameda Blvd.
 Las Cruces, NM 88001
 (505) 528-3222

From: Christine Logan
Subject: RE: Review of Liquor License Application

No additional licensing required from this section.

From: Monica Campbell
Sent: Monday, August 03, 2009 10:45 AM
To: Christine Logan
Cc: Vicki Montez
Subject: Review of Liquor License Application

Attached is Alcohol & Gaming's letter and application for Amaro Winery's **additional application** for a Wine Wholesale liquor license, to be located at 601 W. Amador Ave., Las Cruces.

Please review the application and report on whether this business has obtained a business license and permits, if applicable. Note that a report was previously submitted for Amaro Winery for their Wine Production liquor license.

In order to meet the time limits and publication deadlines imposed by law, I would appreciate it if you would submit your report no later than **August 13, 2009**.

Monica Campbell
City Attorney's Office
541-2128

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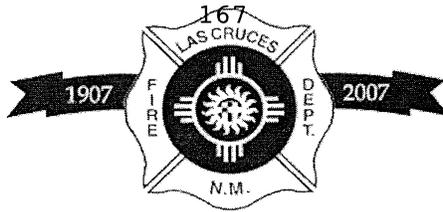
LAS CRUCES POLICE DEPARTMENT
PO BOX 20000
217 E. Picacho
Las Cruces, New Mexico 88004

DATE: August 6, 2009
TO: Fermin A. Rubio, City Attorney
From: Harry Romero, Chief of Police
Subject: Amaro Winery, LLC

I have reviewed all available statistical information obtained from the Las Cruces Police Department Crime Analyst in reference to the attached liquor license application for Amaro Winery, LLC 601 W Amador Avenue, Las Cruces, NM 88005

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

Harry Romero
Chief of Police



Interdepartmental Memorandum

TO: Fermin A. Rubio, City Attorney
FROM: Travis A. Brown, Deputy Chief *TAB*
SUBJECT: Liquor License Review
DATE: August 10, 2009 **FILE #:**

Our department has reviewed the liquor license application for Amaro Winery, LLC, d/b/a Amaro Winery, located at 601 W. Amador Avenue, Las Cruces, New Mexico.

The location is an existing facility that is currently being remodeled. Construction plans associated with the remodel were reviewed for conformance with the 2006 International Fire Code (IFC). Construction has not been completed at this time, but a final inspection will be conducted prior to issuance of a Certificate of Occupancy for the facility to ensure all applicable fire code requirements have been met.

Please contact me if you have questions or desire additional information.

Attachment 7

