City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 14 **Ordinance/Resolution#** 15-243

For Meeting of _____ (Ordinance First Reading Date)

For Meeting of July 6, 2015 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☐ LEGISLATIVE ☒ ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE) TO SANTORINI RESTAURANT, LOCATED AT 1001 EAST UNIVERSITY AVENUE, SUITE E3, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve a waiver of the church/school distance restriction.

COUNCIL DISTRICT: 2		
Drafter/Staff Contact: Monica Campbell	**Department/Section:** Legal/City Attorney	**Phone:** 541-2128
City Manager Signature: for RG		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to New Mexico Statutes, no license for the sale of alcoholic beverages shall be issued to a premises that is within 300 feet of a church or school unless the governing body of the local option district grants a waiver of the distance restriction.

Santorini Restaurant is approximately 75 feet from New Mexico State University. The property owners within 300 feet of 1001 East University Avenue, Suite E3, were notified by U. S. Mail of the City Council meeting to approve or disapprove the waiver and the issuance of the liquor license.

The approval or disapproval of the issuance of the restaurant liquor license is presented as a separate agenda item and its approval is contingent upon approval of a waiver of the distance restriction. Granting a waiver of the church/school distance restriction will allow Santorini Restaurant to proceed to the next step of the application process.

SUPPORT INFORMATION:

1. Resolution.

(Continue on additional sheets as required)

2. Exhibit "A", Alcohol and Gaming's letter with the application.
3. Attachment "1", Notice of Intent to Issue Waiver published in the *Las Cruces Bulletin*.
4. Attachment "2", Notice of Intent to Issue Waiver published in the *Las Cruces Sun-News*.
5. Attachment "3", Map showing the distance between 1001 East University Avenue, Suite E3 and New Mexico State University.
6. Attachment "4", List of property owners within 300 feet of 1001 East University Avenue, Suite E3.
7. Attachment "5", Form of letter sent to the property owners.

SOURCE OF FUNDING:

Is this action already budgeted?			
	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
N/A	*Budget Adjustment Attached*	☐	Expense reallocated from: _____.
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
	Yes	☐	Funds will be deposited into this fund: _____ in the amount of $____for FY__.
	No	☒	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 a waiver of the church/school distance restriction. Approval will allow Santorini Restaurant to continue with the application process.
2. Vote "No"; if the Council does not approve the waiver, Alcohol & Gaming will be notified of the reason(s) the waiver was not approved and the Director of Alcohol & Gaming shall not approve the issuance of the Restaurant Liquor License.

(Continue on additional sheets as required)

3. Vote to "Amend"; any amendments must comply with state statute and/or the requirements of Alcohol & Gaming.
4. Vote to "Table"; if the Council fails to either approve or disapprove the issuance of a waiver, the matter will be submitted to Alcohol & Gaming for further proceedings.

REFERENCE INFORMATION:

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

N/A

(Continue on additional sheets as required)

RESOLUTION NO. 15-243

A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE) TO SANTORINI RESTAURANT, LOCATED AT 1001 EAST UNIVERSITY AVENUE, SUITE E3, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, according to NMSA 1978, Section 60-6B-10, no license shall be issued for the sale of alcoholic beverages at a licensed premises that is within 300 feet of a church or school; however, in 1997, Section 60-6B-10 was amended to allow for the granting of a waiver of the distance restriction by the local option district governing body for the proposed licensed premises; and

WHEREAS, the location of Santorini Restaurant at 1001 East University Avenue, Suite E3, is approximately 75 feet from a functional area of New Mexico State University; and

WHEREAS, a waiver of the distance restriction is required prior to the approval of the issuance of the restaurant liquor license; and

WHEREAS, approving this resolution will allow the applicant to continue with the application process.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the issuance of a waiver of the church/school distance restriction to Santorini Restaurant, located at 1001 East University Avenue, Suite E3, Las Cruces, New Mexico, as noted in the letter from Alcohol and Gaming, 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 _____ 2015.

APPROVED:

ATTEST:

_____
Mayor

_____
Interim 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

Exhibit A

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

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Tania Maestas
ACTING CHIEF GENERAL COUNSEL

Mary Kay Root
DIRECTOR

RECEIVED
JUN - 9 2015
CITY ATTORNEY

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

June 5, 2015

Certified Mail No.: 7013 2250 0001 5426 6666

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

Re: Lic. No. /Appl. No.: Appl. No. 954121
Name of Applicant: Charles Abboud
Doing Business As: Santorini Restaurant
Proposed Location: 1001 East University Ave. Suite E3
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.

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 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 <u>will</u> 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 Mares

Brenda Mares
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4548
Fax: 505-476-4595
Email: brenda.mares2@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

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
PO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

RESTAURANT LIQUOR LICENSE APPLICATION

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

RECEIVED
MAY 01 2015
ALCOHOL & GAMING DIVISION

[redacted] 954121 [redacted]

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) CHARLES ABBOUD

ADDRESS (including city, state, zip) 1001 EAST UNIVERSITY AVE, Ste D2, LAS CRUCES, NM, 88001

TELEPHONE NUMBER OWNER 575-521-9270 **EMAIL** SEAN_KHOURY1@MSN.COM

D/B/A name to be used: SANTORINI RESTAURANT Phone number for licensed premises: 575-521-9270

Physical location where license is to be used: 1001 EAST UNIVERSITY AVE, Ste E3, LAS CRUCES, NM, 88001
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 1001 EAST UNIVERSITY AVE Ste E3, LAS CRUCES, NM, 88001

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

I, (print name) Charles Abboud, as (title) OWNER 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 Appplicant _____ Date 4-25-2015

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 25 day of April, 20 15 by Charles M. Abboud

Notary Public _____ My Commission Expires Sept. 5, 2016

OFFICIAL SEAL
REBECCA A VALTIERRA
NOTARY PUBLIC-State of New Mexico
My Commission Expires Sept. 5, 2016

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

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

Sign Here

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____

190

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
PO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

RECEIVED
MAY 01 2015
ALCOHOL & GAMING DIVISION

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) X Other (provide details) _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) GRECO

B. Date and term of lease 10-1-2015 TO 10-1-2020. (COPY OF LEASE ATTACHED)

3. Premises location is zoned (example C-1) UD-UAZ
If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

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

Miles/feet 1025 ft Name of church ST ALBERT THE GREAT NEWMAN CENTER Address/location of church 2615 SOUTH SOLANO DRIVE, LAS CRUCES NM 88001.

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

Miles/feet 1.1 MILES Name of school LAS CRUCES HIGH SCHOOL Address/location of school 1750 EL PASEO RD, LAS CRUCES, NM, 88001

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

Miles ~~N/A~~ 70.6 MILES Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), 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 ½ 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 X Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____

Return this form to the Alcohol and Gaming Division, PO Box 25101, Santa Fe, New Mexico 87505-5101.

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

POSTING CERTIFICATE

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

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

LICENSE NUMBER /APPLICATION NUMBER: **APPL. NO. 954121**

___ TRANSFER OF OWNERSHIP & LOCATION
___ TRANSFER OF OWNERSHIP ONLY
___ TRANSFER OF LOCATION ONLY
✓ NEW LICENSE

TRANSFERRED FROM: _____
CURRENT LOCATION: _____
TRANSFERRED TO:/APPLICANT: _____
PROPOSED LOCATION: **1001 E. UNINVERSITY AVE., SUITE E3**
PROPOSED BUSINESS NAME **CHARLES ABBOUD DBA SANTORINI RESTAURANT**

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

1. LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: Las Cruces, N.M
2. LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: _____
3. DISTANCE FROM NEAREST CHURCH IS: 0.18 miles
   NAME OF CHURCH IS: Amson Christian challenge
4. DISTANCE FROM NEAREST SCHOOL IS: 0.81 miles
   NAME OF SCHOOL IS: Las Cruces High School
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: n/a
   NAME OF INSTALLATION IS _____
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
   BY PASSABLE ROAD: _____ BY STRAIGHT AIRLINE: _____
7. NOTICE POSTED ON:
   ✓ BUILDING
   __ BUILDING UNDER CONSTRUCTION
   __ BUILDING BEING REMODELED
   __ BILLBOARD
   __ NO BUILDING

DATE POSTED: 5/08/15
EXPIRATION DATE: 5/28/15

APPLICANT'S SIGNATURE
Charles Abboud
PRINTED

S.I.D. SPECIAL AGENT SIGNATURE
Jimmy Marillo
PRINTED

City of Las Cruces®

STATEMENT OF ZONING

The property located at 1001 E. University Avenue, Ste. E3 in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-26375 is zoned as follows:

UD-UAZ (University District-University Avenue Zone)

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

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

April 8, 2015
Date

RECEIVED
MAY 01 2015
ALCOHOL & GAMING DIVISION

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.

Attachment 1

City of Las Cruces®
PEOPLE HELPING PEOPLE

AD FORM
LAS CRUCES BULLETIN
LEGAL CLASSIFIED

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

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

Dates to Publish: June 19 and 26, 2015

Copy to publish:

NOTICE OF INTENT TO ISSUE WAIVER

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss the issuance of a waiver of the church/school distance restriction for a Restaurant Liquor License (beer and wine) to Santorini Restaurant, located at 1001 East University Avenue, Suite E3, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council on Monday, July 6, 2015, beginning 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 waiver.

Witness my hand and seal of the City of Las Cruces on this the 10 day of June 2015.

Linda Lewis, CMC, Interim City Clerk

City of Las Cruces®
PEOPLE HELPING PEOPLE

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: June 21 and 28, 2015

Copy to publish:

NOTICE OF INTENT TO ISSUE WAIVER

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss the issuance of a waiver of the church/school distance restriction for a Restaurant Liquor License (beer and wine) to Santorini Restaurant at 1001 East University Avenue, Suite E3, Las Cruces, New Mexico.

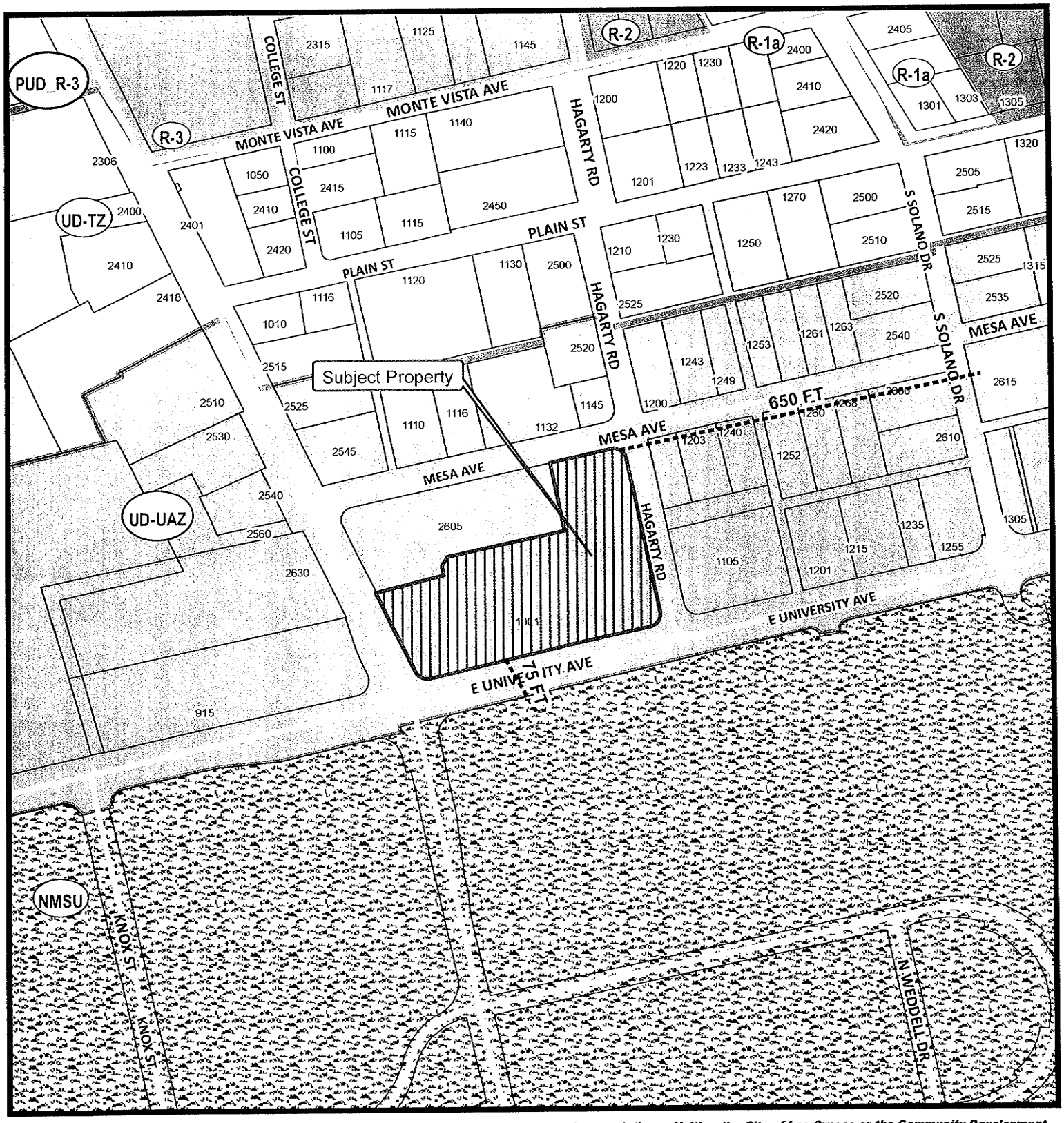
The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council on Monday, July 6, 2015, beginning at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the waiver.

Witness my hand and seal of the City of Las Cruces on this the 10 day of June 2015.

Linda Lewis, CMC, Interim City Clerk

Zoning / Vicinity Map

Attachment 3



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

1001 E. University Ave. Ste. E3
Zoning UD-UAZ
Distance to the nearest School: 75 Feet
Distance to the nearest Church: 650 Feet

150 75 0 150 300 Feet

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

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1250 VISTA DEL MONTE
LAS CRUCES, NM. 88007

BCF PROPERTIES LP
5 HAPPY TRAILS DR
LAS CRUCES, NM. 88005-3972

CERVANTES III LTD CO
PO BOX 158
LA MESA, NM. 88044

CERVANTES INVESTMENTS &
2610 S ESPINA
LAS CRUCES, NM. 88001

CUMMINGS BYRON KEVIN
1904 CRUSE AVE
LAS CRUCES, NM. 88005-1631

DICKERSON HOLDING LLC
PO BOX 161
FAIRACRES, NM. 88033

ESTRADA JOAN FKA
5841 VIEWMONT
EL PASO, TX. 79912

FALLCREEK STEPHANIE J
2525 HAGERTY
LAS CRUCES, NM. 88001-5619

HADDAD IVA LOO & PATRICIA K
COOPER
2615 CALLE DE SALUD
LAS CRUCES, NM. 88011

J & E REAL ESTATE LLC
PO BOX 3172
LAS CRUCES, NM. 88003

LAULES LODGE LLC
2223 MISSOURI AVE
LAS CRUCES, NM. 88001

LJ RENTAL PROPERTIES LLC
1500 SNOW RD
LAS CRUCES, NM. 88005

MITCHELL ROBERT T
12 SAVANNAH TRL
HILTON HEAD ISL, SC. 29926-2693

N M ALPHA GAMMA RHO BUILDING
ASSN
PO BOX 3031
LAS CRUCES, NM. 88003

NEW MEXICO STATE UNIVERSITY
PO BOX 30001
LAS CRUCES, NM. 880038001

ORTIZ GRISELDA
1327 E 22ND ST
LOS ANGELES, CA. 90011

PETERSON JEAN S & RONALD H
4297 S 3760 WEST
SALT LAKE CITY, UT. 84120

PHILIPPOU LLC
PO BOX 6190
LAS CRUCES, NM. 88006

RIMI FILIPPO
PO BOX 271
LAS CRUCES, NM. 88004

SAYED-SULEIMAN ABDEL & SALLY
8040 MURANO CT
LAS CRUCES, NM. 88007

SHERVANICK REGINA C
2432 LA FONDA CIRCLE
LAS CRUCES, NM. 88001

SMITH WILLIAM B
PO BOX 1000
MESILLA PARK, NM. 88047

TEMPLE PATRICIA REED
1257 E MESA AVE
LAS CRUCES, NM. 88001

LIZBETH ELLIS, Gen'l Counsel
MSC 3UGC
PO BOX 30001
LAS CRUCES, NM 88003

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Attachment 5

City of Las Cruces®

June 17, 2015

Dear Property Owner:

Santorini Restaurant (the "applicant") located at 1001 East University, Suite E3, Las Cruces, New Mexico, has applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico for a restaurant license to sell, serve and allow the consumption of beer and wine on the restaurant premises. As part of the approval process, the Liquor Control Act (the "LCA") requires that the applicant obtain approval for the issuance of a restaurant license from the governing body of the City of Las Cruces.

A public hearing is scheduled before City Council on Monday, July 6, 2015, in the City Council Chambers located at City Hall, 700 North Main Street, Las Cruces, New Mexico, to approve or disapprove the issuance of a restaurant license to the applicant. Because the applicant's restaurant is located approximately 75 feet from New Mexico State University, a waiver of the distance restriction is also on the agenda for approval or disapproval. The LCA prohibits the sale and consumption of alcoholic beverages within 300 feet of a church or school unless a waiver has been granted to the applicant.

If you wish to share your views concerning the impact of a restaurant license at 1001 East University, Suite E3, please attend the City Council meeting on July 6, 2015, or you may submit your concerns in writing to the City Attorney's Office, Post Office Box 20000, Las Cruces, New Mexico, 88004. Letters must be received before noon on Wednesday, July 1, 2015.

If you have any questions or need additional information, please contact Monica Campbell at 541-2128.

Sincerely,

CITY OF LAS CRUCES

William R. Babington Jr.
City Attorney

City of Las Cruces®
PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____ (Ordinance First Reading Date)

For Meeting of July 6, 2015 (Adoption Date)

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE) TO SANTORINI RESTAURANT, LOCATED AT 1001 EAST UNIVERSITY AVENUE, SUITE E3, LAS CRUCES, NEW MEXICO.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes ☐ No ☒

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	Monica Campbell	541-2128	6/18/15
Department Director		541-2128	18 JUNE 2015
Other			
Assistant City Manager /CAO		541-2100	6/19/15
Management & Budget Manager		541-2300	6/19/15
Assistant City Manager/COO	for Daniel Avila	541-2271	6/23/15
City Attorney		541-2128	18 JUNE 2015
City Clerk - Interim		541-2115	6/26/15

Rev. 8/2011