City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 15 **Ordinance/Resolution#** 15-244

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 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 or disapprove the issuance of a liquor license.

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, an application for the issuance of a restaurant 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.

Santorini Restaurant 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 liquor license (beer and wine) at 1001 East University Avenue, Suite E3, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval by letter dated June 5, 2015.

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, July 6, 2015, 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 June 19 and 26, 2015 and in the *Las Cruces Sun-News* on June 21 and 28, 2015.

(Continue on additional sheets as required)

Council may approve or disapprove the issuance of the license. However, Council's disapproval must be based on substantial evidence that the issuance of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.

Council may also fail to either approve or disapprove the license. If Council fails to approve or disapprove the license within 30 days after the public hearing, the Director of Alcohol and Gaming may give final approval of the license.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Alcohol and Gaming's letter with the application.
3. Attachment "1", Notice of Intent to Adopt published in the *Las Cruces Bulletin*.
4. Attachment "2", Notice of Intent to Adopt published in the *Las Cruces Sun-News*.
5. Attachment "3", Traffic Impact Report from Traffic Operations.
6. Attachment "4", Liquor License Impact Report (zoning) from Development Services.
7. Attachment "5", Business Registration Report from Development Services.
8. Attachment "6", Criminal Activity Report from the Las Cruces Police Department.
9. Attachment "7", Fire Safety Compliance Report from the Las Cruces Fire Department.

SOURCE OF FUNDING:

Is this action already budgeted?			
N/A	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
	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: 1000-10180010-520002 in the amount of $300.00 for FY16.
	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

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

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

REFERENCE INFORMATION:

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

N/A

(Continue on additional sheets as required)

RESOLUTION NO. 15-244

A RESOLUTION APPROVING THE ISSUANCE OF 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, Santorini Restaurant, located at 1001 East University Avenue, Suite E3, 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 liquor license (beer and wine); and

WHEREAS, Alcohol and Gaming granted preliminary approval for the issuance of the license by letter dated June 5, 2015; 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 liquor license (beer and wine) to Santorini Restaurant, located at 1001 East University Avenue, Suite E3, 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 _____ 20___.

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

206

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 will give Final Approval to the issuance or transfer of the license.**

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

Sincerely,

Brenda 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

SHIDS
200
1707581

Rev. 01/14

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

954121

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

Applicant is: Individual [X] / 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)

208

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 [signature] 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 [signature] 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 ____ 20__

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

Sign Here

For Alcohol and Gaming Division Use Only

Approved ____ Disapproved ____ Director Approval ____ Date ____

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: NMSU 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

S.I.D. SPECIAL AGENT SIGNATURE

Charles Abboud
PRINTED

Jimmy Marrillo
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, 541-2128

Account No. 977669 (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 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 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 Alcohol and Gaming Division of the State of New Mexico Regulation & Licensing Department may approve the issuance.

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

Linda Lewis, CMC, Interim City Clerk

Attachment 2

City of Las Cruces®
PEOPLE HELPING PEOPLE

AD FORM
LAS CRUCES SUN NEWS
LEGAL CLASSIFIED

City contact: Monica Campbell, 541-2128

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

Dates to Publish: June 21 and 28, 2015

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 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 Alcohol and Gaming Division of the State of New Mexico Regulation & Licensing Department may approve the issuance.

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

Linda Lewis, CMC, Interim City Clerk

City of Las Cruces®
PEOPLE HELPING PEOPLE

INTER-DEPARTMENTAL MEMORANDUM

TO: William "Rusty" Babington, City Attorney

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

DATE: June 18, 2015

SUBJECT: **Traffic Investigation Report – Liquor License Application**
1001 E. University Suite E3 – Santorini Restaurant

As requested, Traffic Engineering has completed a traffic investigation for Santorini Restaurant located at 1001 E. University, Suite E3 in Las Cruces, New Mexico. The following information is submitted for review:

- Santorini Restaurant is located in a commercial complex at the northeast corner of University Avenue and Espina Street. According to the Mesilla Valley MPO 2013 Traffic Flow Map the most recent traffic volume on University Avenue near this location is approximately 22,700 vehicles per day. The traffic volume on Espina Street near this location is approximately 5,400 vehicles per day.

- The Mesilla Valley MPO classifies University Avenue as a principal arterial roadway and Espina Street as a collector roadway near the subject location. Both roadways primarily serve commercial, institutional, and high-density residential uses near the property.

- The subject property has a driveway along University Avenue, along Hagerty Road and Ease Mesa Ave (local roads), and access to Espina Street through an adjacent property. The driveway along Espina Street, through which the subject property has access, is located in close proximity to the University Avenue/Espina Street signalized intersection and does not have a raised median to control access. No other sight distance or operational problems are currently known at the driveways.

- The speed limit along University Avenue and Espina Street is 35 mph near the subject property.

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

City of Las Cruces
Community Development Department

LIQUOR LICENSE IMPACT REPORT

Restaurant Liquor License Application No. 954121
(Beer and Wine Only)

1001 E. University Avenue Ste. E3
Santorini Restaurant

June 10, 2015

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

Santorini Restaurant
1001 E. University Avenue Ste. E3

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:	1001 E. University Avenue Ste. E3
Applicant:	Charles Abboud
Business Name:	Santorini Restaurant

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: UD-UAZ (University District-University Avenue Zone)
(See attached Statement of Zoning and Vicinity Map)

Subject Property Current Land Use:

Adjacent Land Uses	Zoning	Land Use
North	UD-UAZ	Commercial
South	NMSU	Institutional
West	UD-UAZ	Commercial
East	UD-UAZ	Multi-Dwelling Residential/Commercial

DISTANCE REQUIREMENTS:

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

TRAFFIC COUNT AND ACCESS INFORMATION:

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

PARKING REQUIREMENTS:

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

IMPACT ANALYSIS:

The subject property is located on University Avenue, a designated principal arterial roadway that is designed to accommodate moderate to heavy traffic and land uses such as eating and drinking establishments. The subject property is zoned UD-UAZ (University District-University Avenue Zone) which permits this use and uses related to it. The applicant is requesting a new restaurant liquor license (beer & wine only) for this location. In terms of a transportation and land use perspective, this seems to be an appropriate location and request.

There is a question, however, concerning the required distance between liquor establishments and military installations, churches, and schools. New Mexico State Statutes read that a liquor establishment must be 300 feet from the property line of military installations, churches and schools. The shopping center in which the subject business is located in is approximately 75 feet from the property line of New Mexico State University. The nearest building where classes are held is approximately 95 feet from the subject business. According to New Mexico State Law, a local governing district may grant a waiver to allow such a business within 300 feet of a church or school. Thus the local governing district may determine whether or not the location of the restaurant license request is appropriate. The law does not set parameters to assist in determining applicability. Therefore, Planning Staff assumes the local government district may use traditional guidelines, such as, health, safety, and welfare to make this decision.

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.

June 10, 2015
Date

Lorenzo Vigil
Planning Technician Senior

Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.

BUSINESS REGISTRATION REPORT - SANTORINI

To: Monica Campbell
From: Sara Gonzales

Santorini, which is located at 1001 E. University, Suite D2, has a current business registration as of August 29, 2008 and will expire August 31, 2015.

From: Monica Campbell
Sent: Tuesday, June 09, 2015 4:09 PM
To: Permitting Development Technicians; Lorenzo Vigil
Subject: Liquor license report request - Santorini

Attached is Alcohol & Gaming's preliminary approval about a Restaurant (beer and wine) Liquor License for Santorini Restaurant at 1001 E. University Ave., Suite E3.

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 **June 18, 2015** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the July 6, 2015 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: **June 11, 2015**

To: **Rusty Babington, City Attorney**

From: **Jaime Montoya, Chief of Police**

Subject: **Santorini Restaurant**

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Santorini Restaurant located at 1001 East University Ave. Suite E3 Las Cruces, NM 88001.

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

Jaime Montoya
Chief of Police

FIRE SAFETY COMPLIANCE REPORT - SANTORINI

From: Michael Danner
Subject: RE: Liquor license report request - Santorini

Ms. Campbell,
The Santorini Restaurant at 1001 E. University is compliant with the 2009 International Fire Code and is approved by LCFD for their Restaurant (beer and wine) Liquor License. Please let me know if there is anything else you need.

Michael Danner
Fire Inspector/Investigator
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, June 09, 2015 4:10 PM
To: Travis Brown; Ted Sweetser; Michael Danner
Cc: Mary Helen Sarabia
Subject: Liquor license report request - Santorini

Attached is Alcohol & Gaming's preliminary approval about a Restaurant (beer and wine) Liquor License for Santorini Restaurant at 1001 E. University Ave., Suite E3.

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

The report is due to the City Attorney on or before **June 18, 2015** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the July 6, 2015 City Council Meeting.

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

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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 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		541-2107	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