

156
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 10 Ordinance/Resolution# 16-009

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of July 20, 2015
 (Adoption Date)

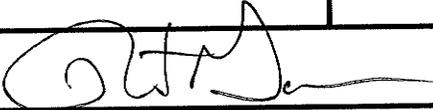
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE) TO SPACELAKE, LLC D/B/A K-BOB'S STEAKHOUSE AT 1660 SOUTH VALLEY DRIVE, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve or disapprove the issuance of a liquor license.

COUNCIL DISTRICT: 4		
<u>Drafter/Staff Contact:</u> Monica Campbell	<u>Department/Section:</u> Legal/City Attorney	<u>Phone:</u> 541-2128
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to New Mexico Statutes, an application for the issuance of a restaurant 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.

Spacelake, LLC d/b/a K-Bob's Steakhouse 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 1660 South Valley Drive, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval by letter dated June 12, 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 20, 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 July 3 and 10, 2015 and in the *Las Cruces Sun-News* on July 5 and 12, 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?	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____.
	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)	
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>1000-10180010-520002</u> in the amount of <u>\$300.00</u> for FY16.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve of and consent to the issuance of the restaurant 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. 16-009**A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE) TO SPACELAKE, LLC D/B/A K-BOB'S STEAKHOUSE LOCATED AT 1660 SOUTH VALLEY DRIVE, LAS CRUCES, NEW MEXICO.**

The City Council is informed that:

WHEREAS, Spacelake, LLC d/b/a K-Bob's Steakhouse, located at 1660 South Valley Drive, 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 12, 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 Spacelake, LLC d/b/a K-Bob's Steakhouse, located at 1660 South Valley Drive, 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: _____

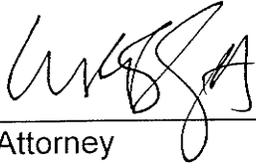
Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Levatino: _____

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to be 'W. B. A.', written over a horizontal line.

City Attorney



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

June 12, 2015

Susana Martinez
 GOVERNOR

Certified Mail No.: 7013 2250 0001 5426 6673

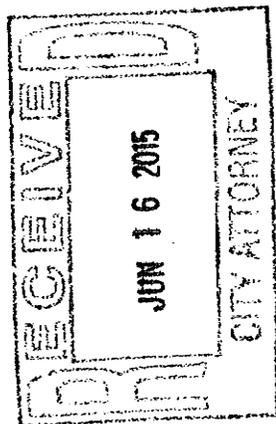
Robert "Mike" Unthank
 SUPERINTENDENT

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

Tania Maestas
 ACTING CHIEF GENERAL
 COUNSEL

Re: Lic. No. /Appl. No.: Appl. No. 954952
 Name of Applicant: Spacelake, LLC
 Doing Business As: K-Bob's Steakhouse
 Proposed Location: 1660 S. Valley Drive
 Las Cruces, New Mexico 88005

Mary Kay Root
 DIRECTOR



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

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body **shall** hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the Public Hearing required by the Liquor Control Act **shall** be given by the governing body by publishing a notice of the date, time, and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, **which requires that two weeks of publication must be satisfied before a hearing can be conducted.** The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record **shall** be made of the hearing.

THE APPLICANT IS SEEKING A RESTAURANT (BEER & WINE) LICENSE FOR ON PREMISE CONSUMPTION.

Alcohol and Gaming Division
 (505) 476-4875

Boards and Commissions Division
 (505) 476-4600

Construction Industries Division
 (505) 476-4700

Financial Institutions Division
 (505) 476-4885

Manufactured Housing Division
 (505) 476-4770

Securities Division
 (505) 476-4580

Administrative Services Division
 (505) 476-4800

The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). **If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director will give Final Approval to the issuance or transfer of the license.**

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

Sincerely,

Brenda 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

Page 1
Rev. 01/14

RESTAURANT LIQUOR LICENSE APPLICATION

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

AGD USE ONLY - APPLICATION # 954952 LOD _____

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

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

NAME OF APPLICANT (company or individual) Space Lake LLC

ADDRESS (including city, state, zip) 135 W Palala Ave Suite 300 Santa Fe NM 87501

TELEPHONE NUMBER OWNER 505 982 3438 505 819 0032 EMAIL ed.tinsley@k-bobs.com

D/B/A name to be used: K-Bob's Steakhovse Phone number for licensed premises: 575 525 2525

Physical location where license is to be used: 1660 S Valley Drive Las Cruces NM 88005
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 135 W Palala Ave Suite 300 Santa Fe NM 87501

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If yes, give license number and type 30515 Restaurant

I, (print name) Edward Tinsley III, as (title) Managing Member, being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Applicant [Signature], Edward Tinsley III Date 4/24/15

SUBSCRIBED AND SWORN TO before me this 24 day of April, 2015 by Joyce Rodriguez

Notary Public Joyce Rodriguez My Commission Expires: 8/22/2016

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

Check one: Approved Disapproved City/County Official _____

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____

5-41-15
190997
200



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) Mesilla Valley Business Park, LLC

B. Date and term of lease May 1, 2015 - January 31, 2029

3. Premises location is zoned (example C-1) C-2
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).

¹⁵ Miles/feet 528 ft. Name of church Heart for the World Address/location of church 1605 S. Valley Dr Las Cruces NM

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

¹⁴ Miles/feet 1.2 miles Name of school Las Cruces High School Address/location of school 1750 El Paseo Rd Las Cruces NM 8800

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

Miles 2.9. 0 Name of Military Installation, circle one: White Sands Missile Range (Las Cruces),
Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge _____ Restaurant Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____



STATEMENT OF ZONING

The property located at 1660 S. Valley Dr., and having a Map Code Number or Parcel ID Number of 02-29440, in Las Cruces, New Mexico (88005), is zoned as follows:

C-2 (Commercial Medium Intensity)

Comments: The C-2 district facilitates and encourages development of those uses which provide retail and service activities as a convenience to adjacent neighborhoods and whose use generally serves a population of 5,000 to 30,000. A restaurant with a beer and wine dispenser's license is a permitted use in the C-2 zoning district, 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 24, 2015
Date

A handwritten signature in black ink, appearing to read "L. Vigil", written over a white background.

Lorenzo Vigil
Planning Technician, Sr.

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

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

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

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

LICENSE NUMBER /APPLICATION NUMBER:

APPL. NO. 954952

TRANSFER OF OWNERSHIP & LOCATION
 TRANSFER OF OWNERSHIP ONLY

TRANSFER OF LOCATION ONLY
 NEW LICENSE

TRANSFERRED FROM: _____
CURRENT LOCATION: _____
TRANSFERRED TO/APPLICANT: _____
PROPOSED LOCATION: 1660 S. VALLEY DRIVE, LAS CRUCES, NM
PROPOSED BUSINESS NAME: SPACELAKE, LLC DBA K-BOB'S STEAKHOUSE

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

- LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: City of Las Cruces
- LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: N/A
- DISTANCE FROM NEAREST CHURCH IS: Approx. 792 Feet
NAME OF CHURCH IS: Heart of The World Church
- DISTANCE FROM NEAREST SCHOOL IS: Approx. 1 mile
NAME OF SCHOOL IS: Zia Middle School
- DISTANCE FROM NEAREST MILITARY INSTALLATION: N/A
NAME OF INSTALLATION IS: N/A
- IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
BY PASSABLE ROAD: N/A BY STRAIGHT AIRLINE: N/A
- NOTICE POSTED ON:
 BUILDING BILLBOARD
 BUILDING UNDER CONSTRUCTION NO BUILDING
 BUILDING BEING REMODELED

DATE POSTED: 05/13/2015

EXPIRATION DATE: 06/02/2015 (midnight)

APPLICANT'S SIGNATURE
[Signature]
PRINTED Grand Mayor

S.I.D. SPECIAL AGENT SIGNATURE
[Signature]
PRINTED Douglas Slavens



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: July 3 and 10, 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 K-Bob's Steakhouse, located at 1660 South Valley Drive, 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 20, 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 22 day of June 2015.


Linda Lewis, CMC, Interim City Clerk



AD FORM
LAS CRUCES SUN NEWS
LEGAL CLASSIFIED

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

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

Dates to Publish: July 5 and 12, 2015

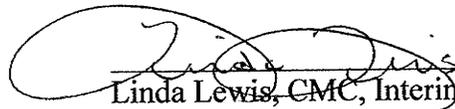
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Witness my hand and seal of the City of Las Cruces on this the 22 day of June 2015.


Linda Lewis, CMC, Interim City Clerk



INTER-DEPARTMENTAL MEMORANDUM

TO: William "Rusty" Babington, City Attorney

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

DATE: July 30, 2015

SUBJECT: **Traffic Investigation Report – Liquor License Application
1660 S. Valley Drive - K-Bob's Steakhouse**

As requested, Traffic Engineering has completed a traffic investigation for K-Bob's Steakhouse located at 1660 S. Valley Drive in Las Cruces, New Mexico. The following information is submitted for review:

- K-Bob's Steakhouse is located within a business park along Valley Drive. According to the Mesilla Valley MPO 2013 Traffic Flow Map the most recent traffic volume on Valley Drive near this location is approximately 16,300 vehicles per day.
- The Mesilla Valley MPO classifies Valley Drive as a principal arterial near the subject location. Valley Drive primarily serve commercial and institutional uses near the property.
- The subject property is accessed from a private road network that serve the business park. Direct access to K-Bob's from a public road does not exist. The business park can be accessed from Valley Drive and Hickory Drive. No sight distance or operational problems are currently known at the access points.
- The speed limit along Valley Drive is 40 mph near the subject property.

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

City of Las Cruces
Community Development Department

LIQUOR LICENSE IMPACT REPORT

Restaurant Liquor License Application No. 954952
(Beer and Wine Only)

K-Bob's Steakhouse
1660 S. Valley Drive

June 22, 2015

LIQUOR LICENSE IMPACT REPORT
Restaurant Liquor License (Beer and Wine On-Premise Consumption Only)

K-Bob's Steakhouse
1660 S. Valley Drive

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: 1660 S. Valley Drive
 Applicant: Spacelake, LLC
 Business Name: K-Bob's Steakhouse

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: C-2 (Commercial Medium Intensity)
 (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	C-3	Commercial
South	M-1/M-2/C-3C	Industrial/Commercial
East	M-1/M-2/C-2	Industrial/Commercial
West	C-3C	Commercial

DISTANCE REQUIREMENTS:

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

TRAFFIC COUNT AND ACCESS INFORMATION:

Roadway: South Valley Drive
 Classification: Principal Arterial
 Number of Lanes: 4
 Site Access: 2
 Nearest Intersection: S. Valley Dr. & Barker Rd.

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires restaurants to provide one (1) automobile parking space for every 2-5 seats and one (1) bicycle parking space per one thousand (1,000) square feet of gross floor area. As the restaurant is already in existence and there is no change in land use, parking for the business is not an issue. The parking issue may be reinvestigated if any additions or modifications are done to the business.

IMPACT ANALYSIS:

The applicant is requesting a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) for this establishment. The subject property is located on S. Valley Drive which is designated as a principal arterial and is designed to accommodate moderate to heavy traffic and land uses such as restaurants. Zoning for this property is C-2 (Commercial Medium Intensity) which permits this use and uses related to it. In terms of a transportation and land use perspective, this seems to be an appropriate location and request.

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 location in which the subject business is located in is approximately 195 feet from the property line of Heart for the World Vineyard Church. 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.



STATEMENT OF ZONING

The property located at 1660 S. Valley Dr., and having a Map Code Number or Parcel ID Number of 02-29440, in Las Cruces, New Mexico (88005), is zoned as follows:

C-2 (Commercial Medium Intensity)

Comments: The C-2 district facilitates and encourages development of those uses which provide retail and service activities as a convenience to adjacent neighborhoods and whose use generally serves a population of 5,000 to 30,000. A restaurant with a beer and wine dispenser's license is a permitted use in the C-2 zoning district, 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 22, 2015
Date



Lorenzo Vigil
Planning Technician, Sr.

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

BUSINESS REGISTRATION REPORT – K-BOB’S

To: Monica Campbell
From: Sara Gonzales

K-Bob’s Steakhouse located at 1660 S Valley received a business license on April 3, 2014 and they are current through March 31, 2016.

From: Monica Campbell
Sent: Wednesday, June 17, 2015 10:08 AM
To: Permitting Development Technicians; Lorenzo Vigil
Subject: Liquor license report request - K-Bob's

Attached is Alcohol & Gaming’s preliminary approval about a Restaurant (beer and wine) Liquor License for K-Bob’s Steakhouse at 1660 South Valley Drive.

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 **July 1, 2015** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the July 20, 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 17, 2015
To: Rusty Babington, City Attorney
From: Jaime Montoya, Chief of Police
Subject: K-Bob's Steakhouse

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for K-Bob's Steakhouse located at 1660 S. Valley Drive Las Cruces, NM 88005.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for K-Bob's Steakhouse be approved.

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

Jaime Montoya
Chief of Police

JUN 17 2015

FIRE SAFETY COMPLIANCE REPORT – K-BOB'S STEAKHOUSE

From: Michael Danner
Subject: RE: Liquor license report request - K-Bob's

Ms. Campbell,

The K-Bob's Steakhouse at 1660 South Valley Dr. 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

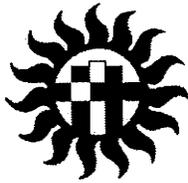
From: Monica Campbell
Sent: Wednesday, June 17, 2015 10:08 AM
To: Travis Brown; Ted Sweetser; Michael Danner
Cc: Mary Helen Sarabia
Subject: Liquor license report request - K-Bob's

Attached is Alcohol & Gaming's preliminary approval about a Restaurant (beer and wine) Liquor License for K-Bob's Steakhouse at 1660 South Valley Drive.

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

The report is due to the City Attorney on or before **July 1, 2015** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the July 20, 2015 City Council Meeting.

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



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

3

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of July 20, 2015
(Adoption Date)

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE) TO SPACELAKE, LLC D/B/A K-BOB'S STEAKHOUSE LOCATED AT 1660 SOUTH VALLEY DRIVE, LAS CRUCES, NEW MEXICO.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Yanica Campbell</i>	541-2128	7/1/15
Department Director	<i>[Signature]</i>	541-2128	2 July 2015
Other			
Assistant City Manager /CAO	<i>[Signature]</i>	541-2100	7/6/15
Management & Budget Manager	<i>[Signature]</i>	541-2107	7/2/15
Assistant City Manager/COO	<i>Daniel Arula</i>	541-2271	7/8/15
City Attorney	<i>[Signature]</i>	541-2128	2 July 2015
City Clerk		541-2115	