



179
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 11

Ordinance/Resolution# 16-010

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 HABANEROS FRESH MEX, LLC D/B/A HABANEROS FRESH MEX AT 600 EAST AMADOR AVENUE, 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.

Habaneros Fresh Mex, LLC d/b/a Habaneros Fresh Mex 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 600 East Amador Avenue, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval by letter dated June 19, 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? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____.
	<input type="checkbox"/>	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	<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 <u>FY16</u> .
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

(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. 16-010

A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE) TO HABANEROS FRESH MEX, LLC D/B/A HABANEROS FRESH MEX LOCATED AT 600 EAST AMADOR AVENUE, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, Habaneros Fresh Mex, LLC d/b/a Habaneros Fresh Mex, located at 600 East Amador Avenue, 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 19, 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 Habaneros Fresh Mex, LLC d/b/a Habaneros Fresh Mex, located at 600 East Amador Avenue, 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



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 19, 2015

Certified Mail No.: 7013 2250 0001 5426 6833

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

Re: Lic. No. /Appl. No.: Appl. No. 955704
Name of Applicant: Habaneros Fresh Mex, LLC
Doing Business As: Habaneros Fresh Mex
Proposed Location: 600 E. Amador Avenue
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.

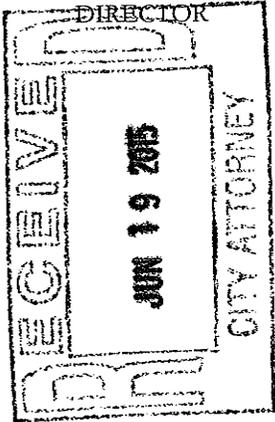
THE APPLICANT IS SEEKING A RESTAURANT (BEER & WINE) LICENSE WITH PATIO SERVICE FOR ON PREMISE CONSUMPTION.

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Tania Maestas
ACTING CHIEF GENERAL
COUNSEL

Mary Kay Root
DIRECTOR



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
 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



RESTAURANT LIQUOR LICENSE APPLICATION

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

AGD USE ONLY - APPLICATION # 965704 LOD RECEIVED

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

MAY 15 2015

NAME OF APPLICANT (company or individual) HABANEROS fresh MEX LLC
 ADDRESS (including city, state, zip) 1000 E. AMADOR AVE. LAS CRUCES NM 88001
 TELEPHONE NUMBER OWNER 575 621-1442 EMAIL felixalfred@yahoo.com

D/B/A name to be used: HABANEROS fresh MEX Phone number for licensed premises: 575 524-1829

Physical location where license is to be used: 1000 E. AMADOR AVE. LAS CRUCES NM 88001
 (include street number / highway number / state road, city and county, state, and zip code)
 Mailing address: 1000 E. AMADOR AVE. LAS CRUCES NM 88001

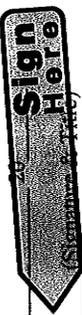
Are alcoholic beverages currently being dispensed at the proposed location? Yes No If yes, give license number and type _____
 I, (print name) Alfredo Felix as (title) OWNER being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this 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 Applicant Alfredo Felix Date 05-08-15 OFFICIAL SEAL
Anna Marie Carriona
 NOTARY PUBLIC
 STATE OF NEW MEXICO
 My commission expires: 12/09/15

SUBSCRIBED AND SWORN TO before me this 8th day of May 20 15 by Alfredo Felix
 Notary Public Anna Marie Carriona My Commission Expires 12/09/2015

Local Governing Body of: _____ (City or County). Hearing held on _____
 Check one: Approved _____ Disapproved _____ City/County Official _____

Approved _____ Disapproved _____ Director Approval _____ Date _____
 For Alcohol and Gaming Division Use Only





RECEIVED

MAY 15 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) _____ Other (provide details) _____

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

A. Owner(s) _____

B. Date and term of lease _____

3. Premises location is zoned (example C-1) C-2 Commercial Medium Intensity
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 100.5 ft Name of church St. Genevieve Catholic Address/location of church 100 S Espina St. Las Cruces NM 88001

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

Miles/feet 1.555 ft Name of school New American School Address/location of school 207 S. Main St. Las Cruces NM 88001

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

* Miles 18.3 miles 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) _____

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. 955704

TRANSFER OF OWNERSHIP & LOCATION
 TRANSFER OF OWNERSHIP ONLY

TRANSFER OF LOCATION ONLY
 NEW LICENSE

TRANSFERRED FROM: _____
CURRENT LOCATION: _____
TRANSFERRED TO;/APPLICANT: _____
PROPOSED LOCATION: 600 E. AMADOR AVE., LAS CRUCES, NM
PROPOSED BUSINESS NAME HABANEROS FRESH MEX, LLC

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: _____
- DISTANCE FROM NEAREST CHURCH IS: 0.25 miles
NAME OF CHURCH IS: ST. Genevieve Roman Catholic Church
- DISTANCE FROM NEAREST SCHOOL IS: 12 miles
NAME OF SCHOOL IS: Lowman Head Street
- DISTANCE FROM NEAREST MILITARY INSTALLATION: n/a
NAME OF INSTALLATION IS _____
- IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
BY PASSABLE ROAD: _____ BY STRAIGHT AIRLINE: _____
- NOTICE POSTED ON:
 BUILDING BILLBOARD
 BUILDING UNDER CONSTRUCTION NO BUILDING
 BUILDING BEING REMODELED

DATE POSTED: 5/22/15
Alfredo Felix
APPLICANT'S SIGNATURE
Alfredo Felix
PRINTED

EXPIRATION DATE: June 11th, 2015
[Signature]
S.I.D. SPECIAL AGENT SIGNATURE
Jimmy Mendez
PRINTED



STATEMENT OF ZONING

The property located at 600 E. Amador Avenue, and having a Map Code Number or Parcel ID Number of 02-06660, in Las Cruces, New Mexico (88001), 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 2, 2015
Date



Lorenzo Vigil
Planning Technician, Sr.

RECEIVED
MAY 15 2015
ALCOHOL & GAMING DIVISION

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.



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: July 3 and 10, 2015

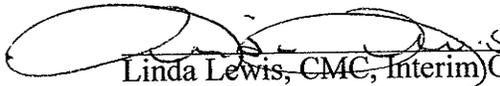
Copy to publish:

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 Habaneros Fresh Mex, LLC d/b/a Habaneros Fresh Mex, located at 600 East Amador Avenue, 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 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 22 day of June 2015.


Linda Lewis, CMC, Interim City Clerk



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: July 5 and 12, 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 Habaneros Fresh Mex, LLC d/b/a Habaneros Fresh Mex, located at 600 East Amador Avenue, 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 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 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 
Street and Traffic Operations Administrator, Transportation Dept.

DATE: July 30, 2015

SUBJECT: Traffic Investigation Report – Liquor License Application
600 E. Amador Avenue – Habaneros Fresh Mex

As requested, Traffic Engineering has completed a traffic investigation for Habaneros Fresh Mex located at 600 E. Amador Avenue in Las Cruces, New Mexico. The following information is submitted for review:

- Habaneros Fresh Mex is located on the corner of Amador Avenue and Tornillo Street. According to the Mesilla Valley MPO 2013 Traffic Flow Map, the most recent traffic volume on Amador Avenue near this location is approximately 17,000 vehicles per day. The traffic volume on Tornillo Street is unknown but expected to be less than 2,000 vehicles per day.
- The Mesilla Valley MPO classified Amador Avenue as a principal arterial near the subject location. Tornillo Street is not classified by the Mesilla Valley MPO and is considered a local road. Both roads primarily serve commercial uses near the property with some residential uses.
- The subject property has a driveway along Tornillo Street and is also accessible through an alley between Esperanza Street and Tornillo Street. No sight distance or operational problems are currently known at the driveway along Tornillo Street.
- The speed limit along Amador Avenue is 35 mph and 25 mph along Tornillo Street 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. 0955704
(Beer and Wine Only)

600 E. Amador Ave.
Habaneros Fresh Mex

June 22, 2015

LIQUOR LICENSE IMPACT REPORT
Restaurant Liquor License
Habaneros Fresh Mex
600 E. Amador Ave.

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: 600 E. Amador Ave.
 Applicant: Habaneros Fresh Mex, LLC
 Business Name: Habaneros Fresh Mex

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-2	Commercial
South	C-2	Commercial
West	C-2	Commercial
East	C-2	Commercial

DISTANCE REQUIREMENTS:

Greater than 300 feet to a school: YES
 Greater than 300 feet to a church: YES
 Greater than 300 feet to a military installation: YES

TRAFFIC COUNT AND ACCESS INFORMATION:

Roadway: E. Amador Avenue
 Classification: Principal Arterial
 Number of Lanes: 4
 Site Access: 1
 Nearest Intersections: E. Amador Ave. & S. Tornillo St.

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 business currently exists, there is no apparent change in land use and parking is not an issue.

IMPACT ANALYSIS:

The subject property is located on E. Amador Avenue, a designated principal arterial roadway, which is designed to accommodate heavy traffic and land uses such as restaurants. The subject property is zoned C-2 (Commercial Medium Intensity) 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.



STATEMENT OF ZONING

The property located at 600 E. Amador Ave., in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-06660 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 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.

Zoning / Vicinity Map



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

600 E. AMADOR AVE.
 ZONING C-2
 DISTANCE TO THE NEAREST SCHOOL: 1555 FEET
 DISTANCE TO THE NEAREST CHURCH: 1065 FEET



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

BUSINESS REGISTRATION REPORT – HABANEROS FRESH MEX

From: Eloy Jimenez
Subject: RE: Liquor license report request

Habaneros Fresh Mex LLC located at 600 E Amador Ave has a current business license which expires in March of 2016.

Eloy O. Jimenez
City of Las Cruces
Community Development
Permit Technician
700 N. Main St
Las Cruces, NM 88001
1st Floor Ste 1100
main line: (575) 528-3222 opt 2
ext: (575) 528-3206
fax: (575) 528-3155
ejimenez@las-cruces.org

From: Monica Campbell
Sent: Monday, June 22, 2015 8:20 AM
To: Permitting Development Technicians; Lorenzo Vigil
Subject: Liquor license report request

Attached is Alcohol & Gaming's preliminary approval about a Restaurant (beer and wine) Liquor License for Habaneros Fresh Mex at 600 East Amador Avenue.

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 25, 2015
To: Rusty Babington, City Attorney
From: Jaime Montoya, Chief of Police
Subject: Habaneros Fresh Mex, LLC

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Habaneros Fresh Mex located at 600 E. Amador Avenue Las Cruces, NM 88001.

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

A handwritten signature in black ink, appearing to be 'JM'.

Jaime Montoya
Chief of Police

JUN 25 2015

FIRE SAFETY COMPLIANCE REPORT – HABANEROS FRESH MEX

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

Habaneros Fresh Mex is compliant with the 2009 International Fire Code. 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*

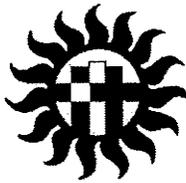
From: Monica Campbell
Sent: Monday, June 22, 2015 8:20 AM
To: Travis Brown; Ted Sweetser; Michael Danner
Subject: Liquor license report request

Attached is Alcohol & Gaming's preliminary approval about a Restaurant (beer and wine) Liquor License for Habaneros Fresh Mex at 600 East Amador Avenue.

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



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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 20, 2015
(Adoption Date)

TITLE:

A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE) TO HABANEROS FRESH MEX, LLC D/B/A HABANEROS FRESH MEX LOCATED AT 600 EAST AMADOR, LAS CRUCES, NEW MEXICO.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Yvonne Campbell</i>	541-2128	7/1/15
Department Director	<i>[Signature]</i>	541-2128	2 July 2015
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2100 541-2106	7/6/15 7/2/15
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	7/8/15
City Attorney	<i>[Signature]</i>	541-2128	2 July 2015
City Clerk		541-2115	